

**Humanitarian Law Center Kosovo**

**Subject:** Annual report

***Period covered in report:*** January 1<sup>st</sup> 2017 –December 31<sup>th</sup> 2017

---

***Prishtinë/Pristina, January 2017***

## **I. Organizations background**

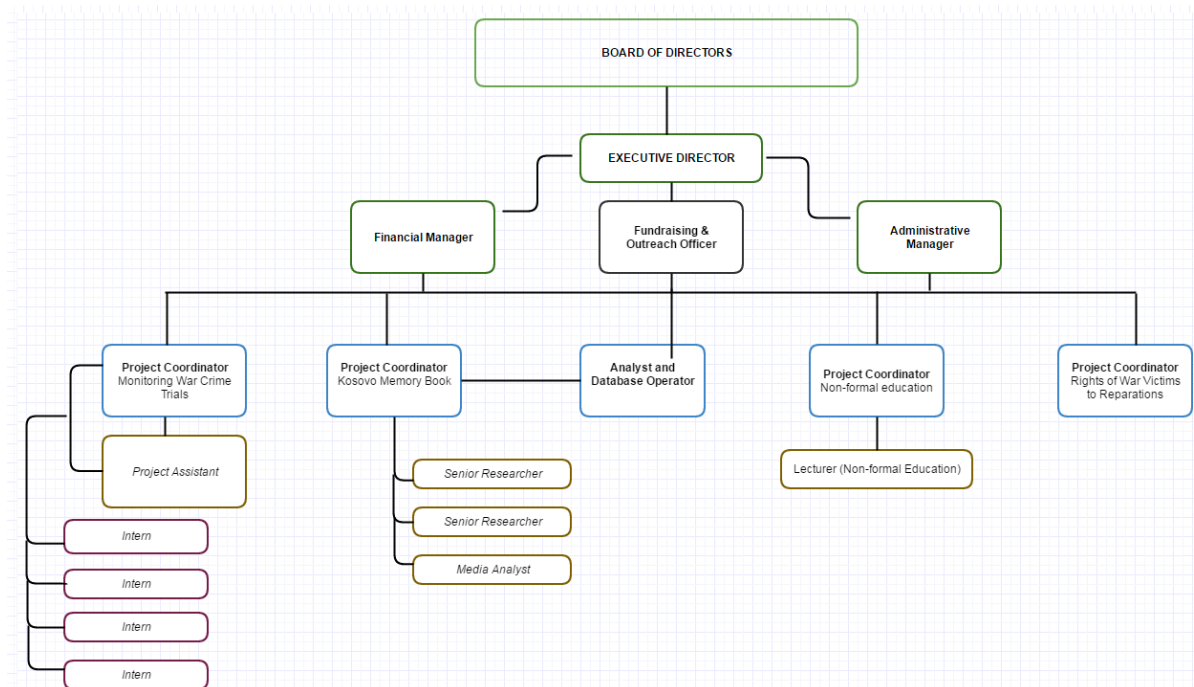
The Humanitarian Law Center (HLC) Kosovo was established in Prishtinë/Pristina in May 1997, by a well-known human rights activist, Mrs. Nataša Kandić, as a branch office of the Humanitarian Law Center. Until the outbreak of hostilities between Serbian security forces and the Kosovo Liberation Army in 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 (under number 5200236-2). 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.



**HLC Kosovo's fifth board meeting** took place on 17th of June 2016. All Board members were physically present at the meeting, along with the administrative manager and the financial manager.

## II. 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.

## III. Strategic planning HLC Kosovo 2015-2017

From 27<sup>th</sup> – 29<sup>th</sup> 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.

The year 2017 continued implementing 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 year of implementation. A new strategic framing is foreseen in the early 2018 for the next period.

HLC Kosovo currently employs **12** permanent staff members, **1** associates and **5** interns.

#### **IV. Socio-political context in Kosovo in 2017**

Some political development in late 2016 and 2017 had several implications on the socio-political context at large present in Kosovo in 2017, and hereby on dealing with the past in Kosovo.

##### **➤ Political context: snap elections and continued political instability**

The end of 2016 was marked by political polarisation between the government and the oppositions, namely the Alliance for the Future of Kosovo (AAK), the Initiative for Kosovo (NISMA) and Vetëvendosje.<sup>1</sup> At the end of April rumours about possible snap elections in the country started, due to the fact that the alliance in place did not have enough votes in parliament to ensure the adoption of the border agreement with Montenegro.<sup>2</sup> On the 11th of June 2017 early legislative elections were held. The elections failed in bringing relief to Kosovo's now protracted political instability. Vetëvendosje, with 27.5% and 32 seats, became the biggest single political party, while the PAN coalition formed by the former leaders of the Kosovo Liberation Army, AAK, NISMA and 9 other smaller parties, took 34% of the votes and 39 seats of the 120 of the Kosovo Assembly.<sup>3</sup> Although the pre-election coalition PAN won the most votes and this

---

<sup>1</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_kosovo.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_kosovo.pdf)

<sup>2</sup> <http://www.balkaninsight.com/en/article/kosovo-ruling-officials-hint-possible-snap-polls-04-25-2017>

<sup>3</sup> <http://www.balkaninsight.com/en/article/kosovo-faces-dilemma-if-ex-warriors-cannot-form-govt-06-13-2017>

had the right to nominate an Assembly speaker, Kosovo remained in a political deadlock for weeks, because the coalition would not secure a majority of elected MPs to vote for their candidate.

Indeed, all attempts to hold consultative meeting on forming a government by the prime ministerial candidate from the coalition, Ramush Haradinaj, were rejected by the acting PM's Democratic League of Kosovo and the Vetëvendosje party.<sup>4</sup> The stalemate lasted all summer, punctuated by heated and fruitless assembly session trying to resolve the dead-end. That only became possible after AKR leader Behgjet Pacolli split his initial coalition with the LDK, in order to make a deal with the PAN. Thanks to this support, and to that of MPs from the Serbian List, Kadri Veseli (PDK) was elected as assembly speaker on the 7<sup>th</sup> of September. Soon after, Kosovo president Hashim Thaci gave the mandate to form Kosovo's new government to Ramush Haradinaj.<sup>5</sup>

The new Prime Minister's government was formed amidst serious political division in Kosovo. During the Kosovo War, Haradinaj was the commander of the Kosovo Liberation Army's, KLA, Dukagjin region, earning him the nickname "Rambo.". He was twice tried by the ICTY for committing war crimes during the 1998-99 Kosovo conflict, and both times has been acquitted. With 21 ministers and around 50 deputy ministers, the new government is the largest in Kosovo's history. The large number of ministerial post is explained by the need of Haradinaj's government to satisfy his various coalition's partners. Based on the Agreement, the AKR took five ministries (the Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Environment and Spatial Planning, Ministry of Agriculture, and Ministry of Economic Development) and the position of the first deputy minister.<sup>6</sup> Moreover, the former government has a very limited legitimacy, as it was ushered by the parliament with only a very thin majority (63 out of 120 seats).

The political stalemate that lasted during most of the reporting period paralysed most of our activities. As new ministers had not been appointed, old ones were reluctant to engage in any meaningful steps with civil society. In the field of reparations, the effects of such inertia were felt by HLC Kosovo's staff in the inability to meet with members of the ministry or other relevant stakeholders or get any form of commitment from them. This was further aggravated by the fact that the TRC presidential gathered all supports for reparations initiatives in Kosovo.

Furthermore, local elections were held on 22<sup>nd</sup> of October, causing further political instability, campaign-like behaviours from our partners in the local governments, and consequent delays in our actions. Vetevendosje won in three key municipalities -the capital, Pristina, the second largest city of Prizren and Kamenica.

Despite these successes, towards the end of the year 2017 Vetevendosje seemed unable to overcome its internal divisions, as parties factions were splitting behind different personalities, looming for internal elections to come.<sup>7</sup>

During the period remaining tensions were recorded in the northern part of Kosovo. At the end of 2016, the Serb authorities started building a wall on their side of the bridge, in the ethnically divided town

---

<sup>4</sup> <http://www.balkaninsight.com/en/article/kosovo-parties-resist-haradinaj-bid-to-form-govt-07-11-2017>

<sup>5</sup> <http://prishtinainsight.com/kosovo-forms-new-government-haradinaj-pm/>

<sup>6</sup> [http://www.gazetaexpress.com/en/news/kosovo-parties-sign-deal-to-form-new-government-172933/?utm\\_source=referral&utm\\_medium=web&utm\\_campaign=copyright](http://www.gazetaexpress.com/en/news/kosovo-parties-sign-deal-to-form-new-government-172933/?utm_source=referral&utm_medium=web&utm_campaign=copyright)

<sup>7</sup> <http://www.balkaninsight.com/en/article/split-threatens-main-kosovo-opposition-party-s-success-12-18-2017>

of Mitrovica. Its construction was soon stopped for contradiction to Kosovo laws.<sup>8</sup> In January 2017, a train coming from Belgrade to the Northern part of Kosovo created tensions as it was painted with the Serbian flag and religious Christian Orthodox scenes along with the words “Kosovo is Serbia”.<sup>9</sup> There have been boycotts and continuous violent obstructions of parliamentary work until March, when Slavko Simic, the leader of Srpska List, ended its parliamentary boycott in order to prevent Pristina from making decisions “that contradict the interests of Kosovo's Serb community”.<sup>10</sup> They were especially concerned with the question of the Association of Serb Municipalities and wanted to oppose the transformation of the Kosovo Security Force into the Army of Kosovo. Furthermore, during local elections in October, the campaign environment in Serb-majority municipalities was marred by intimidation that were ultimately denounced as worrisome by EU observers.<sup>11</sup>

## ➤ **Developments in the field of TJ**

### *National strategy on TJ and TRC*

At the beginning of 2017, the process of developing a National Strategy on Transitional Justice for Kosovo reached a critical juncture. The Inter-Ministerial Working Group on Dealing with the Past and Reconciliation (IMWG) had been established in 2012 to deal with gross human rights violations and serious violations of international humanitarian law in the past, including the last war and the transition period, and to produce a National Strategy on Transitional Justice. In order to take into consideration the views of all the communities in Kosovo, representatives of 12 public institutions and 8 civil society organizations, including HLC Kosovo, with public agencies, international organizations participated, as well as diplomatic missions observing in an advisory capacity. During the reporting period the IMWG held 6 plenary meetings, as well as a workshop with members of the group in charge of drafting a national strategy on dealing with the past. Additionally, a two-days training was held to discuss the organization of national consultations for the purpose of this strategy. Ultimately, the group failed to deliver the strategy, triggering an independent assessment carried out to understand the reasons of the failure. This assessment's conclusions were produced of a report presented in April.<sup>12</sup>

In the beginning of the year, Kosovo's President, Hashim Thaci's committed to establishing a national Truth and Reconciliation Commission. On the 28th of July took place a Coordination Meeting on Dealing with the Past in Kosovo, organized by the Swiss Embassy with the participation of the civil society members and representatives of the Council of Europe, Switzerland, USA and German Embassies. Mr Ardian Arifaj, advisor to the president, explained the goal of the TRC: to realize the right to know, acknowledge the existence of the conflicting narratives within Kosovo society, learn to live with them and accept them. TRC would also fulfil victims' right to reparations and secure non-repetition. A few weeks later, CSOs received a draft statute for the creation of the TRC preparation team, though to pave the way for the TRC's work by agreeing on all the organizational, technical and functional details, such as: the organigram, the archive system, the trainings needed, the board etc. HLC Kosovo sent its comments, and attended another 2 consultative meetings held by Mr Arifaj on 4/8 and 4/11 where the final draft was

---

<sup>8</sup> <http://www.balkaninsight.com/en/article/kosovo-serbs-build-a-wall-in-northern-divided-city-12-08-2016>

<sup>9</sup> <https://www.nytimes.com/2017/01/14/world/europe/kosovo-serbia-train.html>

<sup>10</sup> <http://www.balkaninsight.com/en/article/srpska-lista-ends-boycott-to-push-municipalities-deal-in-kosovo-03-27-2017>

<sup>11</sup> <http://prishtinainsight.com/eu-observers-deeply-concerned-local-elections-kosovo-serb-municipalities/>

<sup>12</sup> Nora Ahmetaj and Thomas Unger. Kosovo's Framework for Dealing with the Past at a Turing Point: Civil society review of progress toward a National Strategy on Transitional Justice. (April 2017).

discussed. On 14<sup>th</sup> of December, the preparatory team to the TRC was officially established by the president. The team will consist of nine members —two from the Office of the President, one from the Government, one from the Assembly, and five from civil society.<sup>13</sup> The reparations component announced as part of this initiative proved to be detrimental to our activities on reparations for the presidential initiative, along with the upcoming commission on victims of sexual violence, gather all public attention, making it difficult for our actions to gather the required level of attention.

This proposition remains controversial within civil society: while it can encourage mutual forgiveness among Kosovo's Albanians and Serbs, some safeguards and strict working standards have yet to be adopted.<sup>14</sup> Moreover, HLC Kosovo finds it crucial to recall the limits of a national approach to the search for truth and missing persons. Incomplete regional cooperation has already been acknowledged as the main impediment to the establishment of the fate of the disappeared by many different stakeholders, including the ICRC, the EU, and the Council of Europe.<sup>15</sup> Since 2008 the Coalition for RECOM has been advocating for the formation of a regional-wide commission for the establishment of facts about the war crimes in the former-Yugoslav countries. Only RECOM can provide the platform under which the regional cooperation needed to identify remaining missing victims can take place.

### *Criminal prosecutions in Kosovo*

Criminal justice is often considered as a successful transitional justice enterprise in Kosovo. They are undertaken under the international supervision of EULEX. However the pace is slow and the share of victims realizing their right to justice remains small, in particular considering the scale of the crimes committed. Moreover, growing dissatisfaction with the international mission is recorded, due to:<sup>16</sup>

- a general negative perception of foreign interference in Kosovo's internal affairs
- the lengthiness of the proceedings
- EULEX's failure to resolve the issue of witness protection that carries on plaguing the cases
- the lack of capacity-building undertaken: the progressive transfer of EULEX competences to local prosecutors and judges remains incomplete.

Furthermore, political interference continues to be a serious matter hindering proper investigations of war crimes cases. On the one hand, Kosovo courts are often unable to prosecute Serb suspects of the most pending cases due to them residing in Serbia, and to Serbia's refusal to cooperate, limiting the Kosovo judiciary to minor cases.<sup>17</sup> In cases involving ethnic Albanian ex-KLA fighters on the other hand, there is limited political will to properly investigate and prosecute.

The establishment of the Kosovo Specialist Chambers and Specialist Prosecutor's Office in The Hague, triggered by a 2011 Council of Europe Assembly report identifying grave crimes against international humanitarian law committed by top-cadre members of the KLA has raised a very high interest of the public

---

<sup>13</sup> <http://prishtinainsight.com/kosovo-president-establishes-truth-reconciliation-commission-preparatory-team/>

<sup>14</sup> <http://www.balkaninsight.com/en/article/kosovo-s-president-with-an-initiative-of-reconciliation-02-13-2017>

<sup>15</sup> Commissioner for Human Rights. *Memorandum following the Commissioner's mission to Kosovo\* from 5 to 9 February 2017*. (10 April 2017). 3.

<sup>16</sup> European Commission, *Kosovo\* 2016 Report*, p.30

<sup>17</sup> <http://www.balkaninsight.com/en/article/kosovo-and-serbia-non-cooperation-perpetuates-injustice-01-10-2017#sthash.260t8tis.dpuf>

in Kosovo. If fact, their controversial mandate has divided communities, for some perceive it as undue international interference, potentially questioning the righteousness of Kosovo's liberation war. There are risks that the work of the Chambers will be hindered by conflicting political agendas and sensationalistic media coverage, diffusing inaccurate information, creating tensions within the communities and between them, and weakening the popularity of the court. Distancing itself from the criticism, HLC Kosovo has welcomed this new element in the pursuance of justice for victims of the war, and ambitions to position itself as the main watchdog for the activities of the Special Court.

At the end of June 2017, Kosovo Specialist Chambers and Specialist Prosecutor's Office in The Hague's rules of procedures and evidence have been finally approved. The Chamber is therefore now ready to issue its first indictments of former KLA fighters. The president of the court made her first visit to Kosovo in November 2017, while the outreach department representatives held several meetings with CSO representatives.<sup>18</sup>

Towards the end of the year, Kosovo MPs attempted to revoke the law that allows the Specialist Chambers to operate, but, under strong pressure from Kosovo's Western allies, their bid to put the motion to a vote was unsuccessful. The initiative, that came after veterans of the war of independence from Serbia launched a petition calling the new court "discriminatory", as it aims to try only former Kosovo Albanian guerrillas, was supported by the ruling coalition parties – the Democratic Party of Kosovo, PDK, the Alliance for the Future of Kosovo, AAK and the Initiative for Kosovo, NISMA.<sup>19</sup>

### *The knowledge deficit of the Kosovar society*

Despite judicially established facts about war time atrocities, the public information about trials is sparse and rarely takes prime-time space in the mainstream media. When it is reported on, information is often poorly documented and partial, leaving much space for denial and political manipulation. This lack of accurate information is the main cause of knowledge deficit in Kosovo, as the general public has a very limited awareness and understanding of the importance of TJ initiatives, damaging prospects of reconciliation. The division along ethnic lines in public education is of particular concern. A large number of textbooks and teaching material used in both Albanian and Serbian systems contain elements of nationalism and prejudice. Efforts to introduce new teaching methods promoting intercultural understanding, including history, must be intensified.<sup>20</sup>

In September 2017, HLC Kosovo established the Documentation centre – Kosovo (DCK), a unique transitional justice space located in the very center of city, in the municipal library, where everyone and in particular the youth can seek information about transitional justice and dealing with the past. The DCK features a nice video exhibition on court established facts about the war as per established by the ICTY,<sup>22</sup> two temporary exhibitions promoting reconciliation through art, and a collection of reports and data

---

<sup>18</sup> <http://www.balkaninsight.com/en/article/no-indictments-yet-from-kosovo-special-court-11-23-2017>

<sup>19</sup> <http://www.balkaninsight.com/en/article/joint-german-french-visit-to-pristina-over-special-court-01-10-2018>

<sup>20</sup> Commissioner for Human Rights. *Memorandum following the Commissioner's mission to Kosovo\* from 5 to 9 February 2017*. (10 April 2017). 3.

<sup>22</sup> <http://kosovo.sense-agency.com/>



about selected aspects of transitional justice. The DCK is to become a central part of HLC Kosovo's outreach and information activities, and a sanctuary for court-established facts providing the opportunity for a collective memory based on facts and victims centred to be developed in Kosovo.

## **V. Completed project's and activities January, 1<sup>st</sup> 2015 –December, 31<sup>th</sup> 2015**

During 2017, HLC Kosovo has implemented the following projects:

- 1- Kosovo Memory Book;
- 2- Monitoring War Crime Trials;
- 3- Non-formal education for youth in Kosovo on Dealing with the Past;
- 4- Promoting the Realization of Victims' Rights to Reparations (Phase 2)
- 5- Establishing a Documentation Centre in Pristina
- 6- Developing a Documentation Centres Network

In the meantime, HLC Kosovo has taken part to the following projects led by its partners:

- 7- **Representing Victims in War Crimes Trials (Agron)**
- 8- RECOM initiative
- 9- Victim's participation in hybrid war crimes trials
- 10- Enhancing the search for missing persons through regional cooperation
- 11- Iraqi Human Rights Documentation

### **1- Kosovo Memory Book**

Within this project HLC Kosovo was focused in the field research. Research was focused in in two direction, verification of data for early evidenced victims and amendment narratives about circumstances of death or disappearances of those victims. The second direction of the research involves searching for information about potential victims, for which HLC Kosovo doesn't possess any information from the field research but whose names were mentioned in other sources, like "What Happens in Kosovo" by Joseph Martensen, "Serbian Crimes in Kosovo" by Kosovo Archive etc. The field research in reporting period was focused in the following regions of Kosovo: Gjakovë/Đakovica, Gjilan/Gnjilane and Glogoc/Glogovac, Istog/Istok, Malishevë/Mališevo, Kosovska Mitrovica/Mitrovicë, Kačanik/Kaçanik, KPZ Dubrava.

### **Verifying information for already evidenced victims**

In the reporting period, HLC Kosovo's methods of collecting information were simplified with the use of a unified questionnaire for all field research. That means that the staff, when carrying out both formal interviews or verification of information with family members of victims, is using the same **form for verification of data**. In total, **985** of those forms were completed during the reporting period, allowing to collect information on **1400** existing victims. While most of these forms concerns victims of Albanian nationality, 5 concerned victims of Serb nationality, 12 concerned victims of Ashkali nationality and 3 concerned victims of Bosnian nationality.

## Collecting information about potential victims

When it comes to potential victims, HLC Kosovo's researchers have searched for information about **345** new potential victims during the reporting period. They have conducted **67** interviews and filled out **278** forms for verification.

Through this process HLC Kosovo came to the conclusion that out of these 345 potential victims, **75** were indeed direct war victim, while **40** are in fact still alive, **44** are not war related victims (natural death), and **31** were killed but not because of war (suicide, revenge, traffic accident etc.). Further, **155** of them were victims for which we could not find any information or already evidenced victims (with names wrongly written in other sources). It must be noted that HLC Kosovo staff is not counting as direct war victims also what were formally counted as indirect war victims (die due to the lack of food or access to medicine and health support).

## Collecting evidences, documents and photos

During reporting period HLC Kosovo has collected a total of **2126 different types of evidences**. **719** of them are certificates of death, identification and exhumation. Researchers have made **658** photos of memorials. **486** photos of victims were collected, as well as **263** other types of documents. All those evidences were entered on KMB database.

### 4.1. Monitoring War Crime Trials and Politically and Ethnically Motivated Crimes in Kosovo for the period of January – December 2016

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

HLC Kosovo is still the only organization to systematically cover, monitor and analyse all war crime trials and most of trials for ethnically and/or politically motivated crimes at the national level. Thus, professional and general audience relies on the HLC Kosovo's reporting in order to receive unbiased information about the trials. The practice of writing reports on each court sessions, and of publishing analysis following final verdicts and comprehensive annual reports, additionally strengthened HLC Kosovo's position as the main source to provide recommendations on improving the performance of the judiciary and the legislation and procedures applied in trials for war crimes and ethnically and/or politically motivated crimes. This has led to a continuation of the good relationship that HLC Kosovo has with both local and international legal bodies present in Kosovo.

Since it has no competitor in this field, HLC Kosovo is serving as a watchdog to both local and international legal presence in Kosovo, by having its experts watch over the judiciary's work and acting to improve its performances. 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 produced an annual report, which contains important recommendations for the judiciary and for the legislation and procedures in use in Kosovo. Although HLC Kosovo maintains a very good relationship with the EU Rule of Law Mission in Kosovo (EULEX), it does not hold back on constructively criticizing their work, which also strengthens HLC Kosovo's credibility amongst media and the wider audience.

HLC Kosovo has also given a great importance to informing the public by increasing the amount of information available in relation to important developments in war crimes trials, and ethnically or politically motivated trials. All of our reports are widely distributed to the general public and the professional audience in Kosovo, as well as being available on our website and facebook page. Without being specifically targeted, they aim to monitor and report on existing practices in the field of criminal justice in Kosovo, discuss the implementation or existing regulations, and raise awareness of the public to these themes. The recommendations provided, while communicating our opinion on current issues, do not intend to change the laws but rather to discuss practices and initiate public debate. In 2017, HLC Kosovo established a Documentation Centre on Court-Established facts before the ICTY (thereafter, the DCK – Documentation Centre – Kosovo), giving a new width to public information and outreach about criminal justice and the prosecution of war crimes. In the future, we intend that the DCK becomes a central part of our activities, including in monitoring war crimes trials.

## **Court Monitoring**

During the period of January 1<sup>st</sup> 2017 – December 31<sup>st</sup> 2017, HLC Kosovo conducted a total of **82** 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's staff collected **402** documents - from investigation phase, evidences, testimony of witnesses and decisions – amounting to **6785** pages of court documents in pre-trial proceedings and investigations, from the **15** following cases:

### At the basic court in Mitrovica

- Oliver Ivanovic et al (war crime)
- Zoran Vukotic I (war crime)
- Zoran Vukotic II (war crime)
- Zoran Vukotic III (war crime)

### At the basic court in Prizren

- Remzi Shala (war crime)
- Bogdan Mitrovic (war crime –investigation procedure)

#### At the basic court in Gjakovo

- Fatmir Limaj (war crime)

#### At the basic court in Gjilan

- Zarko Cvetanovic (war crime)
- Valon Jashari et al (terrorism-ethnic)

#### At the basic court in Prishtina

- Skender Bislimi (war crime)
- Emrush Thaqi et al (escaping & impact on the witnesses of Drenica cases)
- Fatmir Limaj (corruption)

#### At the appeal court

- Gani Konjuhi et al (ethnic)
- Xhemshit Krasniqi (war crime)
- Sabit Geci et al "Drenica I" (war crime)

### **Internships**

During the reporting period, HLC Kosovo hosted **11** interns (one was an international intern) to monitor war crime trials and ethnically and politically motivated crimes in Kosovo. The students followed each trial session, and drafted reports on them. In total **109** 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 had monitored.

### **Analysing finished War Crime Cases**

During the reporting period HLC Kosovo, prepared 14 case analyses as follows:

1. Remzi Shala (war crime)
2. Slavoljub Velickovic (Endangering United Nations or Associated Personnel and other criminal offences)
3. Xhemshit Krasniqi (war crime)
4. Faruk Korenica & Dejan Vasic (Obstruction of Criminal Proceeding or Evidence)
5. Oliver Ivanovic (war crime)
6. Milaim Zeka & Rustem Rukolli (Violation of Secrecy of Criminal Proceedings)
7. Klečka (war crime)
8. Drenica I (war crime)
9. Drenica II (war crime)
10. Radomir Kasalovic & Slobodan Sovrlic (Aggravated Murder and other ethnically motivated criminal offences)
11. Boban Janicijevic (Endangering United Nations or Associated Personnel and other criminal offences)
12. Radic & Vlaskovic (Aggravated Murder and other ethnically motivated criminal offences)
13. Ismet Haxha et al (war crime)

#### 14. Valon Jashari et al (Terrorism)

##### **Round Table and publication of our annual report – “As Time Passes, Justice for WAR CRIMES fades” - March 27<sup>th</sup> 2017**

On March 27, 2017 HLC Kosovo hosted a Roundtable during the publication of the report from the monitoring trials during 2016, called “As Time Passes, Justice for WAR CRIMES fades”. The purpose of the roundtable was to present the report prepared by HLC Kosovo on court proceeding for war crime trials and trials for politically and ethnically motivated crimes in 2016. The report gave in-depth analyses of 12 cases which came before the Basic and Appeal Court of Kosovo, and focused on EULEX competences, transfer of competences to the local staff, local staff willingness to deal with this crimes, increasing of the judicial capacity and cooperation between local and regional institutions. It also presented HLC Kosovo’s recommendations and views about what is necessary for Kosovo’s judiciary in the future.

The roundtable debate focused on following issues: (1) Cooperation between local and regional institutions; (2) Increasing of the judicial capacity; and (3) Legal reforms. The focused on to topics:

- Findings and challenges regarding war crime trials proceedings; and

- A way forward: increasing of judicial capacity and cooperation between local regional institutions.

Over 60 participants attended the round table including representatives from Kosovo’s judicial and governmental institutions, EU representatives, EULEX, local and international non-government organizations, embassies present in Kosovo. The panelists came from international and local communities, thus they offered varied opinions on the issues discussed. Many stated that analyses, recommendations and findings made in the report were welcomed as helpful for Kosovo Judicial and EULEX Kosovo mission. While the interest recorded for participating to this event was very high, we also received dozens of emails afterwards thanking us for the event, especially from EULEX representatives.

Moreover, media report of the roundtable and of the publication of HLC Kosovo’s annual report was large:

##### **Media:**

KTV <https://www.youtube.com/watch?v=nH0xTKOvdK4>

RTK <https://www.youtube.com/watch?v=aStvooVodAw>

RROKUM <https://www.youtube.com/watch?v=mU7dfvFEP8Y>

Klan Kosova [https://www.youtube.com/watch?v=tpla\\_kP44Ag](https://www.youtube.com/watch?v=tpla_kP44Ag)

Dukagjini <https://www.youtube.com/watch?v=VqiKqkt4jq8>

RTV21 <https://www.youtube.com/watch?v=Dd9OjqQd9TM&list=PLf6ullvSRTb2uvWzT9yNuSbbFxQZpdDH4&index=2>

[The news from the publication of the report is broadcast in several hourly news.](#)

## Portals:

Kosovapress: <http://www.kosovapress.com/sq/lajme/drejtesia-per-krimet-e-luftes-pzbehet-107494/>

Gazetabolic: <http://gazetabolic.com/koha-kalon-drejtesia-per-krike-lufte-zbehet/>

Kosovainfo: <http://www.kosova.info/drejtesia-per-krimet-e-luftes-po-zbehet/>

Kosova Sot: <http://kosova-sot.info/lajme/181303/gjate-viti-2016-me-se-paku-gjykime-per-krike-lufte/>

Anadoly Agency: <http://aa.com.tr/sq/balkan/fdh-2016-ta-viti-me-numrin-m%C3%AB-t%C3%AB-vog%C3%AB-t%C3%AB-gjykimeve-p%C3%ABr-krike-lufte-n%C3%AB-kosov%C3%AB/780590>

Time al: <http://time.ikub.al/17-03-27-O-Connell-i-shqetesuar-ge-kriminelet-e-luftes-levizin-lirshem-/O-Connell-Jam-i-shqetesuar-se-kriminelet-e-luftes-jane-akoma-te-lire733752.aspx>

Media press:

[http://www.mediapress.al/lajme/25094/oconnell\\_nuk\\_mjaftojne\\_vetem\\_tete\\_serb\\_te\\_akuzuar](http://www.mediapress.al/lajme/25094/oconnell_nuk_mjaftojne_vetem_tete_serb_te_akuzuar)

radiokosova e lire <http://www.radiokosovaelire.com/koha-po-kalon-e-drejtesia-per-krimet-e-luftes-po-zbehet/>

British Embassy: <https://www.gov.uk/government/world-location-news/british-embassy-supports-the-publication-of-the-humanitarian-law-center-annual-report-on-war-crimes-in-kosovo.sq>

Zeri info: <http://zeri.info/aktuale/136455/koha-kalon-drejtesia-per-krike-lufte-zbehet/>

Telegrafi: <http://telegrafi.com/%E2%80%8Bdrejtesia-per-krimet-e-luftes-po-zbehet/>

<http://telegrafi.com/kosoves-e-serbise-u-kerkohet-marreveshje-ekstradimi-per-krimet-e-luftes/>

<http://telegrafi.com/kosoves-e-serbise-u-kerkohet-marreveshje-ekstradimi-per-krimet-e-luftes/>

AAB (gazetaKNN): <http://aab-edu.net/media/gazetaknn/eulex-vitin-e-kaluar-nuk-ngriti-asnje-aktakuze-per-krike-lufte/>

Gazetaexpress: <http://www.gazetaexpress.com/lajme/ambasadori-o-connell-mbeshtet-ministren-hoxha-per-zbardhjen-e-krikeve-te-luftes-347100/>

Koha.net: <http://www.koha.net/arberi/8276/hoxha-e-dhimshme-ge-edhe-18-vite-pas-nuk-i-kemi-fajtohet-per-krimet-e-luftes/>

Infokusi.com: <http://infokusi.com/kosoves-e-serbise-u-kerkohet-marreveshje-ekstradimi-per-krimet-e-luftes/>

Fix.al: <http://fax.al/read/news/8873636/14293573/shtohen-rastet-e-raportimeve-te-krikeve-seksuale-te-luftes>

RROKUM.TV: <http://fax.al/read/news/8873636/14293573/shtohen-rastet-e-raportimeve-te-krikeve-seksuale-te-luftes>

Tashsheshi: <http://fax.al/read/news/8873636/14293573/shtohen-rastet-e-raportimeve-te-krikeve-seksuale-te-luftes>

RTK2: <http://www.rtklive.com/rtk2/?id=2&r=10375>

Balkaninsight: <http://www.balkaninsight.com/rs/article/amnesti-eu-da-izvr%C5%A1i-pritisak-na-srbiju-zbog-ratnih-zlo%C4%8Dina>

<http://www.balkaninsight.com/en/article/kosovo-scores-decrease-in-the-number-of-war-crimes-trials-03-30-2017>

EULEX: <http://www.eulex-kosovo.eu/?page=2,27,605>

Insajder: <http://www.insajderi.com/nderkombetaret-kane-bere-pak-ne-trajtimin-e-lendeve-kriminale-te-luftes-ne-kosove/amp/>

<http://www.insajderi.com/oconell-ndjehet-shqetesuar-per-kriminelet-qe-nuk-kane-dale-ende-para-drejtise/amp/>

### **Meeting with officials**

The cooperation between HLC Kosovo and the judicial institutions is becoming stronger and deeper, as the recognition of our legitimacy and serious work grows in the professional field in Kosovo. During this period HLC Kosovo had a meeting with Judges, Prosecutors and lawyers of the cases, were processed during this period, representative of the Special Chambers which and noticed an increasing willingness of these stakeholders to cooperate with us and communicate data.

In particular, HLC Kosovo held meetings with:

- (1) the President of the Judicial Council, Nehat Idrizi, after which was memoranda for cooperation, where HLC Kosovo is allowed access to judicial documentation.
- (2) Mrs. Max Marcus (former prosecutor in ICTY) and Mrs. Kathy Roberts (Legal Director at The Centre for Justice and Accountability). Both are engaged at the Special Prosecution Office of Kosovo as mentors and Consultants of the local Prosecutors.
- (3) The Minister of Justice, Abelard Tahiri, regarding the recommendation of HLC Kosovo which have emerged in the 2016 report that should be applied during the change of the penal code.<sup>23</sup>

In addition, meetings were held with the Kosovo court presidents of all instances and chief state prosecutor Aleksander Lumezi, while HLC staff was in daily contact with lawyers and legal officers. As they are the main persons who supply us with judicial documentation, it is crucial to maintain frequent and transparent communication with them. During the reporting period, HLC Kosovo managed to obtain court documents about all major trials and to make them accessible to the general public.

### **Public statements and press releases published:**

- Prosecutor against Remzi Shala - "The son testifies on the abduction of his father by KLA soldiers" - 12th of May 2017 - (<http://hlc-kosovo.org/?p=5214>);
- Prosecutor against Skender Bislimi "Initial hearing held against Skender Bislimi accused for war crimes in Fushë Kosovë/Kosovo Polje" - 28th of April 2017 - (<http://hlc-kosovo.org/?p=5194>);
- Prosecutor against Xhemshit Krasniqi - "The Court of Appeals has decided upon the Defence's appeal against the first instance judgement against Xhemshit Krasniqi" - 10th of May 2017 - (<http://hlc-kosovo.org/?p=5205>);
- Prosecutor against Zoran Vukotić - "A trial began against Zoran Vukotić, a former reservist of the police station in Vučitrn/Vushtri, for war crimes against Albanian civilians" (<https://www.facebook.com/HLCKosovo/>)- 29th of May 2017.

---

<sup>23</sup> <https://md.rks-gov.net/page.aspx?id=1,39,1807&id=1,39,1807>

-Prosecutor against Bogdan Mitrovic – “The Court’s decision on detention on remand against Bogdan Mitrović”

-Prosecutor against Oliver Ivanovic “A site visit conducted in the case the Prosecutor v. Oliver Ivanović”. (Both press releases were published in the official Facebook page of the HLC Kosovo <https://www.facebook.com/HLCKosovo/>).

-Prosecutor against Valon Jashari et al - The persons suspected of the attack in Dobrosin acquitted of charges - the analyse was sent by electronic post to media, NGO-s, Institutions ect.

### **Seminar/conference on criminal justice**

During 22 - 24 June 2017 in Sarajevo - Bosna and Hercegovina, ICTY held a conference called ICTY Legacy Dialogue (<http://www.icty.org/en/in-focus/icty-legacy-dialogues>). HLC Kosovo was the only organization from Kosovo which take part to the conference, and a staff member was present as panelist on the topic of The Witness Experience. During this conference it was visible that Kosovo institutions were not so interested to participate and to discuss about war crime trials which are judged by ICTY.

### **Kosovo Specialist Chambers**

As will be explained at the end of this report, our work regarding monitoring sessions in front of the new Special Court has not started in the reporting period due to the fact that no indictment has been filed yet. However our preliminary work of establishing contacts and seeking to preserve a good public image of the court begun

- On 17<sup>th</sup> of May 2017, HLC Kosovo has had a meeting with the Outreach Coordinator of the Kosovo Specialist Chambers, Thomas Riviere - subject of the meeting was the possibility to establish a regular cooperation with Outreach Office of Kosovo Specialist Court. Mr. Riviere ensured us that the Court will hand over the main Court documents to HLC Kosovo, and enable HLC Kosovo to get video records of main sessions from trials. The video records cannot be given in real-time, but several days after the sessions. Another verbal agreement was made, and it has to do with distribution of brochures from Kosovo Special Chambers by HLC Kosovo.
- October 2017, Specialist Chambers’ representatives held a consultative meeting with members of civil society in Kosovo. The meeting took place at the Documentation Centre in Kosovo in Pristina, managed by the Humanitarian Law Centre Kosovo, with a participation of a number of Non-Governmental Organizations from Kosovo. The representatives of the Specialist Chambers included Deputy Registrar Dr. Guido Acquaviva, Head of Victims Participation Office Ms. Silke Studzinsky, Defence Office Coordinator Mr. David Hein, and Ms. Avis Beneš, Head of Public Information and Communication Unit. The meeting provided an informal Forum for continued dialogue between the Specialist Chambers and the civil society organisations in Kosovo. (<https://www.scp-ks.org/en/specialist-chambers-holds-consultative-meeting-civil-society-kosovo>)
- On 09 October 2017, several organisations (Center for Peace and Tolerance; Integra; Impunity Watch and PAX ) published a report on the Special Court called "Public Perception of the Special Court of Kosovo: Risks and Opportunities". This ground-based report assessed the public perception of the KSC prior to the start of its work. Following the presentation of this report, the panelist were invited to discuss the findings of this report. The invited were: Kosovo President Hashim Thaci; Nora Ahmetaj - co-founder of the Center for Research, Documentation and Publication; Jan Braathu (did not come) -



Head of OSCE Mission in Kosovo; and Nataliya Apostolova (did not come) - EU Special Representative Head of EU Office in Kosovo. HLC Kosovo attended the presentation. During the presentation of the report, President Hashim Thaqi said: "The establishment of the Special Court has been an international imposition to fulfill the needs of international actors such as those of Serbia and Russia in order to maintain strategic partnership with America and the EU, despite public opinion. With the establishment of the Court Kosovo has received several promises from the EU such as: admission to UNESCO, visa liberalization, transformation of KSF into the Armed Forces of Kosovo, and new recognitions, although Kosovo kept its word, the EU did not keep it".

- Following up on this statement, supporting initiatives to change the law of the Special Chambers developed, with several attempts by Kosovo MPs to revoke the law establishing the Special Court. The international community and civil society have been very critical of this initiative, asking for this to be prevented, in particular HLC Kosovo. Just at the end of the project period, on January 8<sup>th</sup>, 2018, HLC published the follow statement:

*Special Court's Repeal Equals Denial of Justice for Victims:*

The mission of the Humanitarian Law Center Kosovo (HLC Kosovo) is to assist the Kosovar society in consolidating the rule of law, in dealing with the past and in restoring the dignity of victims. Therefore, HLC Kosovo welcomes all trials of cases of war crimes and crimes against humanity by all courts, and in 2015 it supported the adoption of constitutional changes and the adoption of the law that enabled the establishment of the Specialist Chambers and the Kosovo Specialist Prosecutor's Office. At the time, HLC Kosovo estimated that by adopting the necessary laws for the establishment of the Specialist Chambers, Kosovo had finally demonstrated the necessary political maturity to fulfill the obligations imposed by the international community, thus proving that the rule of law is one of the priorities of the Kosovar society. The recent push of institutional leaders to adopt, without any valid argument, a new law that would repeal the Special Court, is a reckless and disappointing act, which, if implemented, will brutally undermine the process of establishment of the rule of law in Kosovo. This action will rightfully be perceived as an obstruction to the investigations, as it is aimed at preventing the punishment of perpetrators of war crimes and crimes against humanity and at debilitating the process of transitional justice in Kosovo, as it indirectly promotes a culture of impunity. HLC Kosovo demands from the heads of the institutions to put an end to the efforts to repeal the Special Court, because the justice for the victims should not remain hostage to Kosovo's political immaturity. The eventual repeal of the Special Court would significantly obstruct the trials of all other cases of war crimes before any court, while the search for accountability for war crimes would degrade.

- On 22<sup>nd</sup> of November, there was a conference organized by the KSC's outreach department
- On 23 November 2017, as part of her first visit to Kosovo as President of the Specialist Chambers, Judge Ekaterina Trendafilova, together with the Registrar, Dr Fidelma Donlon, as part of the Specialist Chambers' outreach activities, held an information session with the representatives of Kosovo civil. HLC Kosovo took part to the conference. Judge Ekaterina Trendafilova then participated in the RUBIKON (KTV) show where she spoke about the special court. (<https://www.youtube.com/watch?v=f8FEo8KXvwk>)

*HLC Kosovo directly appeared in media regarding the Specialist Chambers:*

Three (3) TV Programs were broadcasted in relation with war crimes and the Specialist Chambers: 1) [www.youtube.com/watch?v=V8mriG-ryPI](http://www.youtube.com/watch?v=V8mriG-ryPI) - Krimet dhe Kriminelet e luftes - 6th of April 2017 - RTV 21;

2) [www.youtube.com/watch?v=DhgkwDiah2s](http://www.youtube.com/watch?v=DhgkwDiah2s) - Krimet e pa ndeshkuara te luftes - 5th of April 2017 - RTK;  
3) [www.rts.ch/play/tv/12h45/video/elections-aux-kosovo-crimes-de-guerre-en-toile-de-fond?id=8694454](http://www.rts.ch/play/tv/12h45/video/elections-aux-kosovo-crimes-de-guerre-en-toile-de-fond?id=8694454) - Elections aux Kosovo: crimes de guerre en toile de fond - Radio television of Suisse - 11th of June 2017.

Other media reports about the KSC:

An entire e-book was published about it by BIRN: <http://birnsource.com/en/folder/256>

Many English speaking articles were drafted, often after having consulted/interviewed our staff.<sup>24</sup>

Albanian language media was also largely covering the topic.

### 3- Dealing with the past: innovative non-formal education opportunities for youth in Kosovo

The objective of the project is to make and keep Kosovo's youth 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 from its recent violent past. 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 the wider Kosovo audience. The final aim of the project is to include Transitional Justice in civic education official curricula. Indeed today the formal teaching material in Kosovo ignores facts about war crimes committed established in court and focuses instead on the suffering of a specific community.

#### Workshops in high schools

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, reaching out to **427** pupils.

Each workshop 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

---

<sup>24</sup> Some of them include:

<http://prishtinainsight.com/bulgarian-judge-appointed-head-kosovo-specialist-chambers/>

<http://prishtinainsight.com/kosovo-president-specialist-court-will-not-result-justice/>

<http://prishtinainsight.com/four-myths-kosovo-specialist-court/>

<http://kosovotwopointzero.com/en/specialist-chambers-learn-past-experiences-witness-testimonies/>

<http://kosovotwopointzero.com/en/between-court-models/>

<http://kosovotwopointzero.com/en/understanding-kosovos-special-court/>

<http://kosovotwopointzero.com/en/unconstitutional-rules-specialist-chambers/>

<https://www.rtklive.com/en/news-single.php?ID=9995>

<http://www.balkaninsight.com/en/article/eu-appoints-19-judges-for-the-new-kosovo-court-02-07-2017>

presented to the students, together with facts and findings, students are presented with 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.

During the reporting period HLC Kosovo organized the following workshops in secondary schools, universities and elsewhere:

1. **Loyola Gymnasium:** Prizren, 16.03.2017, 30 participants
2. **Xhelal Hajda Toni Gymnasium:** Rahovec, 21.03.2017, 27 participants
3. **Jeta e Re Gymnasium:** Suhareka, 30.03.2017, 23 participants
4. **Kadri Kusari Gymnasium:** Gjakova, 06.04.2017, 30 participants
5. **Eqrem Çabej Gymnasium:** Vushtrri, 20.04.2017, 30 participants
6. **Sami Frashëri Gymnasium:** Prishtinë, 02.10.2017, 33 participants
7. **Hivzi Sylejmani Gymnasium:** Fushë Kosovë, 03.10.2017, 33 participants
8. **Gjin Gazulli Gymnasium:** Pristina, 01.11.2017, 30 participants
9. **Technical High School “Arkitekt Sinani”:** Mitrovica, 07.11.2017, 30 participants
10. **Technical High School “Fehmi Lladrovci”:** Glogovac, 09.11.2017, 34 participants
11. **Technical High School “Nexhmedin Nixha”:** Gjakovë, 15.11.2017, 30 participants
12. **Technical High School of Gjilan:** Gjilan, 16.11.2017, 20 participants
13. **Mileniumi i tretë Gymnasium:** Gjilan, 21.11.2017, 30 participants
14. **Emin Duraku Gymnasium; Albanian language classes:** Dragash, 22.11.2017, 30 participants
15. **Technical High School of Vitija:** 06.12.2017, 27 participants
16. **Emin Duraku Gymnasium; Bosnian language classes:** Dragash, 14.12.2017, 17 participants

Overall, HLC Kosovo was very satisfied with the organization and student participation and interest shown during the lectures especially when compared their perception in the beginning of the workshops with their perception at the end of the workshop. While students were more likely to use hate speech and be more judging towards other communities they expressed that they were very welcoming to the new information presented during the workshop. According to their feedback they learnt new things that need to be included in the official school textbooks and would like to have more of similar activities.

In addition to the interest shown by the students, workshops were occasionally followed by professors and school principals. Having this as an indicator of the importance of the topic to be presented, we required their feedback via e-mail where they expressed that they consider the workshop as very useful way to teach the new generations with the importance of dealing with the past especially having in mind that the new generations lack knowledge compared to the older ones that experienced war.

HLC Kosovo obtained from the MEST renewed permission to carry out the workshops in high school in the next period, despite application procedures for such authorisation having been toughened.

## **Lectures in Universities and trainings for civil society**

In addition to the workshops in high schools, HLC Kosovo extended its educational activities to university students and NGO activities. These lectures occurred on a slightly different format, as the challenge of this variety of audience – both in terms of age and quality – resides in providing a tailor-made programme to each target group.

During this period, HLC Kosovo conducted lectures with 7 groups of students from various study fields. There were 164 students that participated these lectures in total.

1. ***European Inter-University for Human Rights***: Pristina, 21.01.2017, 24 participants
2. ***The Faculty of Political Sciences; University of Belgrade***: Pristina, 17.03.2017, 13 participants
3. ***Faculty of Philosophy-Department of History; University of Pristina***: Pristina, 22.03.2017, 8 participants
4. ***Geneva Academy on Humanitarian Law***: Pristina, 27 participants
5. ***University of Tartu; Estonia***: Pristina, 12.05.2017, 30 participants
6. ***University of Heidelberg & ISPE College***: Pristina, 25.05.2017, 30 participants
7. ***Faculty of Law; University of Prizren***: Pristina, 22.12.2017, 32 participants

HLC Kosovo also provided workshops with NGO representatives, volunteers and other participants from different organizations to keep the public informed with the content that is presented through the workshop.

In total, HLC Kosovo provided 8 workshops with different NGOs in different cities and towns in Kosovo with a summed up number of 141 participants.

1. ***Youth Initiative for Human Rights***: Pristina, 28.01.2017, 10 participants
2. ***Youth Initiative for Human Rights***; A study visit for a Spanish group of students: 21.02.2017, 15 participants
3. ***Municipal Youth Council of Ferizaj***: Ferizaj, 22.02.2017, 30 participants
4. ***Youth Initiative for Human Rights***: Prizren, 15.03.2017, 13 participants
5. ***Municipal Youth Council***: Drenas, 04.07.2017, 25 participants
6. ***Konrad Adenauer Stiftung-KAS***: Prevalac, 28.10.2017, 35 participants
7. ***Human Rights Defender School***: Pristina, 03.11.2017, 24 participants
8. ***Youth Initiative for Human Rights from Belgrade***: Pristina, 21.12. 2017, 11 participants

## ***Making use of HLCK's new educational space: The Documentation Centre - Kosovo***

Additionally, on the 21<sup>st</sup> of September, HLC Kosovo ceremonially opened the Documentation Centre – Kosovo (DCK). The DCK is an unprecedented transitional justice hub in Kosovo, where anyone can be informed about court-established facts about the conflict and other mechanisms to deal with Kosovo's past. The DCK features nine multimedia narratives with the ICTY court-established facts such as: a prologue to the conflict, the pattern of investigations, selected cases against Serbian and Albanian perpetrators.

As this space fits well with the objective of the Non-formal Education project, by the end of the reporting period HLC Kosovo started to include the DCK to the NFE activities. Doing so involved, on the one hand, presenting the DCK to students and participants of our workshops, encouraging them and their relatives to visit, and designing new workshops types within the DCK to bring students directly there.

The first trial workshop where HLC brought students to DCK and presented a lecture on dealing with the past was with the students of Faculty of Law of University of Prizren. The lecture was participated not only by students but also by two professors: Halim Bajraktari, professor of the International Criminal Law and Shefki Shterbani, a teaching assistant on International Law. The activity received a very positive feedback from both professors and students who classified it as very important for remembrance and the fact that it enables students to combine their relevant courses with additional practical lectures and study visits to the DCK.

### **National School on Transitional Justice in the DCK**

For the first time, HLC Kosovo changed the format of its previously called “summer” school. Instead, the National School on Transitional Justice started on the 23rd of October 2017 in the Conference Room of the Municipal Library of Pristina “Hivzi Sylejmani”, where the DCK is also located. The venue was used with the permission from the Municipality of Pristina, and chosen to bring students closer to the DCK’s content while boosting the recently opened space. The National School on Transitional Justice was designed to cover each transitional justice mechanism and was concluded with a roundtable on “Dealing with the Past in history and civic education textbooks”.

This event gathered 18 participants from different parts of Kosovo from two ethnicities: Albanian and Roma. HLC Kosovo attempted to reach to the Serb community with meeting and contacting several Serb NGOs. Even though two participants were interested to participate the School, they withdrew their participation in the last minute.

Students were mainly students of Faculty of Law, Faculty of Political Sciences or NGO activists.

Every day was thematic and went as follows:

#### **1st day: The right to know**

The first day started with the presentation of the participants and with a short introductory lecture on the four basic pillars of transitional justice by the executive director of HLC Kosovo, Bekim Blakaj.

The day continued with a lecture by the executive director of NGO Integra to present the initiative of People and Memories Talk, which is a project ran by NGO Integra. The People and Memories Talk project produces short videos of victims’ stories and screens them in prime-time in a national television. This lecture was followed-up by a lecture of a Kosovo Memory Book project researcher of HLC Kosovo, Sabina

Hasanaj. She presented the aim of the Kosovo Memory Book project, the way the research is conducted and presented the database in an interactive way with participants.

The initiative of Kosovar President, namely the National Truth and Reconciliation Commission was then presented by president's political advisor, Ardian Arifaj, whereas the RECOM Initiative was presented by the Kosovar RECOM advocate, Adriatik Kelmendi.

## **2nd day: The right to justice**

As the second day was designed to elaborate the right to justice, it covered all courts and tribunals that dealt with war crimes in Kosovo.

The day started with a visit to the DCK where participants watched the nine videos from 5 ICTY cases. After seeing the narrative videos, the participants had the chance to follow a lecture by Nemanja Stjepanovic from HLC in Belgrade where he presented his experience on monitoring the work of ICTY based on his work at SENSE agency.

Milica Kostic, the legal director of Humanitarian Law Center further presented the way the Special Chamber of War Crimes in Belgrade was established, what were the main cases that were presided in this court and what are the setbacks of these trials.

The right to justice section was concluded with a lecture by Anka Kurteshi Hajdari, the project coordinator of Monitoring War Crime Trials and crimes ethnically and politically motivated and Amer Alija legal analyst of HLC Kosovo. They first gave an introductory lecture on the conflict's legal classification and then elaborated the way the hybrid courts in Kosovo were established together, the reasons behind the establishment of the Kosovo Specialist Chamber. This lecture was welcomed by participants with many questions related to the Kosovo Specialist Chamber.

As the section of the right to justice was concluded, the National School of Transitional Justice continued with a short informal talk with Saranda Bogujevci where they discussed about her experience as a survivor, witness and as an artist of the Bogujevci: Visual History and the Peace Park in Podujeva as symbolic reparations.

## **3rd day: Symbolic and material reparations**

Bekim Blakaj started the day with a short introductory lecture on the concept of reparations and how they are implemented. With this, he illustrated both symbolic and material reparations. Participants, after getting basic information about the reparations in general were also presented with the flaws of the material reparations in Kosovo. Specifically, they were presented with the findings of the reparations project of HLC Kosovo.

As there were significant achievements on including the sexual violence victims into the reparations scheme, two speakers presented the position of this victim group. Sebahate Pacolli, an experienced neuropsychiatrist on counseling the war victims of sexual violence who works on Kosovo Rehabilitation

Centre for Victims of Torture presented the mental health of the victims and the importance of acknowledgment and inclusion in the law on reparations.

The issue of the Law of Reparations and the procedures that the war victims of sexual violence need to fulfill in order to have reparations was presented by Jeta Krasniqi who is the member of the Commission for the Verification of Sexual Violence victims.

Students also watched “Woman in Gold” which is an artistic movie based on the true story of Maria Atmann, an elderly Jewish refugee living in USA and her case on gaining the rights of Gustav Klimt’s iconic paint of Atmann’s aunt.

#### **4<sup>th</sup> day: Institutional reforms**

The day started with a broader aspect, where Dr. Ismet Hajdari presented about the importance of media on the reconciliation process between two nations. In addition to that, students watched a documentary movie produced by HLC named “General Dikovic and the 37<sup>th</sup> Brigade in Kosovo”. The movie is about General Dikovic who was operational commander of the 37<sup>th</sup> Brigade in Kosovo and who is known to commit crimes in certain areas in Kosovo. The screening of this movie aimed to illustrate the importance of institutional reforms as a way to avoid the recurrence of the crimes by excluding the former perpetrators from public institutions.

Advocacy for textbooks reform being an important component of the NFE project , the fourth day of the NSTJ presented institutional reforms focusing on their educational aspect.

To have all perspectives covered, two speakers were invited. The first one to present was Shkelzen Gashi who elaborated his findings from analyzing both Serbian and Albanian history textbooks. He presented the way both parties present a one-sided narrative, not mentioning the victims of the other party.

A history textbook writer, Arber Salihu, who is also the head of the History Teachers’ Association and the head of the Curricula Division within the Ministry of Education, Science and Technology presented the perspective of a writer. As the previous lecture was on the flaws of textbooks, students were curious to know the perspective of a history textbook writer. Mr. Salihu presented how the textbooks miss accurate data and do not contribute in the peace education component that need to be a part of every school textbook.

This lecture was followed by a presentation by Ramadan Sokoli, a project coordinator from Youth Initiative for Human Rights which is a regional NGO. Mr. Sokoli presented the flaws of not only history and civic education textbooks but from other subjects as well.

The day was concluded with a lecture from Njomza Haxhibeqiri which is the project coordinator of the NFE project within HLC Kosovo. Ms. Haxhibeqiri presented the lack of information on the dealing with the past issues within the youth and presented the work of HLC on promoting more inclusive school textbooks. Doing so, the fourth day of the NSTJ was designed to warm the students up on the roundtable which was planned to conclude the school the following day

#### **5<sup>th</sup> day: Students participation in the roundtable**

On the fifth day, the students participated the roundtable with the topic of “Dealing with the Past in history and civic education textbook”. This event, concluding the school in an interactive and participatory way that many students deemed empowering, also served to make the link between our work with the youth and our advocacy efforts, making students both actors and recipients of this initiative.

### **Student evaluation of the National School on Transitional Justice**

Students gave significantly positive remarks about the NSTJ. Firstly, the participants showed a great interest on being active during the discussions but also had time to discuss and recap the lectures informally during the breaks. Many of them showed interest on participating in other activities organised by HLC Kosovo either as participants or as contributing to the work in different ways.

The interest of the students was also noticeable on their feedback given in the evaluation sheets and e-mails received after the end of the NSTJ. According to the feedback, they were able to see the conflict from different perspectives and follow the lectures of the regional lecturers for the first time. Students classified the school as an experience where they learnt new things and created strong bonds with the other participants.

Another aspect that was pointed out by the participants is the fact that many lectures were inter-related with the DCK narratives.

It is HLC Kosovo’s finding that the new format of the school was very successful and will be replicated next year.

### **Roundtable: Dealing with the Past in history and civic education textbooks**

The NFE project has for final goal updating the data on war casualties of the last war in Kosovo in history textbooks and including transitional justice within the civic education textbooks after publishing the policy paper and presenting the advocated changes in the Council of Experts of Textbooks and Curricula.

Building on previous advocacy efforts, was organised a roundtable with the topic “Dealing with the past in history and civic education textbook” in order to discuss the procedures for textbook review and identify the role of CSOs in this process.

The objective of the event was to bring together all actors of the textbook reform process, in order to understand the relationship between the political staff of MEST, civil staff of MEST, textbook authors, publishing house representatives, international education experts on history and NGO active in the field of education.



The majority of participants were other NGO representatives, the curricula division team from the MEST, participants from the NSTJ. The event was widely covered by the media<sup>25</sup>

The roundtable was divided into three parts:

1. Opening remarks were presented by Bekim Blakaj, the executive director of HLC Kosovo and minister's political advisor from the MEST, Mr. Fatmir Bytyqi. Mr. Bytyqi, who supported the work of HLC on the meetings before the roundtable publicly expressed the importance of having inclusive history textbooks.
2. the first panel aimed at discussing the school textbook review process, featuring Mr. Arber Salihu - co-writer of school textbooks that present the last war in Kosovo - and Mr. Bajram Shatrolli, head of "Libri Shkollor" publishing house.

This panel was designed in this way as according to the Law on Publishing School Textbooks<sup>26</sup> school textbooks are drafted by specialists of educational subjects according to the bid announced by MEST and publishing house order. All registered publishing house that are engaged in with publishing school textbooks have the right to participate for bidding.

Mr. Salihu explained that current history textbooks were written too fast and therefore include many factual and other kind of mistakes. He regreted, for instance, that they fail to encourage critical thinking as history is presented only as a narration. According to him, these textbooks do not need to be reviewed but need to be rewritten using as many sources as possible. Mr. Salihu was openly referring to the data from the Kosovo Memory Book when discussing about the inclusion of sources into history school textbooks.

Mr. Shatri, who in addition to leading the "Libri Shkollor" publishing house was also a writer of Civic Education textbooks in the past, clarified the procedures that derive from the Law on Publishing School

---

<sup>25</sup> RTK- <https://youtu.be/yWZs8HGda70>

KlanKosova: <https://youtu.be/gmt-1GcGGXE>

Zeri i Amerikes: <https://youtu.be/LXCL3CGVjQQ>

TribunaChannel: <https://youtu.be/Sevui-CDWZE>

Rtv21: <https://youtu.be/labfArvchVc>

Rrokum: <https://youtu.be/4w4WDMnchqY>

Ktv: <https://youtu.be/irHwoNRfKUI>

Indeksonline: <http://indeksonline.net/mobile/lajmet/diskutohet-ballafaqimi-me-te-kaluaren-ne-tekstet-shkollore-te-historise-141674/>

Kallxo.com: <http://kallxo.com/gjnk/historia-shkollore-ne-kosove-dhe-serbi-mjegullon-vitet-e-90-ta/>

BalkanInsight: <http://www.balkaninsight.com/en/article/hlc-kosovo-demands-the-inclusion-of-war-crimes-in-schoolbooks-10-27-2017>

Kallxo.com: <http://kallxo.com/fdh-per-gjykimet-e-krimeve-te-luftes-te-mesohet-ne-shkolla/>

KlanKosova portal: <http://klankosova.tv/tekstet-e-historise-me-te-dhena-te-pasakta/>

Arberesh.info: <http://www.arberesh.info/lajmet/diskutohet-ballafaqimi-me-te-kaluaren-ne-tekstet-shkollore-te-historise/>

Kosova.info: <http://www.kosova.info/tekstet-e-historise-me-te-dhena-te-pasakta/>

Telegrafi.com: <https://telegrafi.com/edukimi-te-rinje-per-perballje-te-kaluaren-video/>

Koha.net: <http://www.koha.net/arberi/53557/ka-nevoje-per-tekste-te-reja-te-historise/>

Insajderi: <http://www.insajderi.com/tekstet-e-historise-te-dhena-te-pasakta-kerkohet-qe-nxenesit-te-informohen-per-demet-e-luftes/>

Periskopi: <http://periskopi.com/kerkohet-ndryshimi-teksteve-shkollore-kane-permbajtje-te-pasakte/>

<sup>26</sup> <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2437>

Textbooks and described the difficulties to cooperate with the Ministry and the difficulties on finding qualified and new authors to compile textbooks.

3. the second panel was focused on potential future cooperation between the MEST and CSOs. It started with a presentation from the head of the Council of Experts of School Textbooks and Curricula, Mr. Agim Berdyna. He described how this council could fall prey to political instability in the MEST, explaining why HLC's 2016 presentation was never follow-up upon. Nevertheless he expressed the willingness of the Council to cooperate with civil society.

Other comments related to the involvement of civil society in the school textbook review process were given by other participants such as the Curricula Division of MEST team Ms. Feime Llapashtica and Ms. Shqipe Gashi who expressed that the expertise of different NGOs who deal with human rights is necessary for progressing in this matter. Furthermore, they pointed out that in addition to offering materials, NGOs also should help with capacity building programs such as teacher trainings and similar activities. Similar arguments were presented by other education experts and political activists that participated the roundtable.

Joanna Hanson, founder of NewPerspektiva - an NGO analysing both Serbian and Albanian history textbooks - presented the MultiPerspektiva project which is a web-platform of both textbooks presented. According to her, in addition to the values that the work of NGOs might present, the support of MEST and history teachers is necessary for establishing good history textbooks.

The roundtable was concluded with participants presenting their questions and with closing statements from all parties where all agreed that civil society plays an important role on supporting the review process.

The greatest achievement of the roundtable was to evidence the lack of clarity and blurry nature of the textbook reform process in Kosovo, where many actors come into play in a rather disorganised fashion, and to establish a willingness of the MEST to cooperate with civil society. This conclusion, and the interesting comments that were made and contacts established with some educational actors, as well as the in-depth discussion on how to cooperate directly with the MEST from a greater impact, have led HLCK staff to develop further their advocacy strategy and action for the coming period.

### **Advocacy for school textbook reform: an effort to peace education**

Indeed, during the reporting period, and in particular after the roundtable, HLC Kosovo met with various education experts, NGO activists and representatives of MEST in order to create a network of supporters to reforming curricula to bring about inclusive school textbooks.

Relevant people were contacted via direct meetings and e-mail correspondence. The most relevant meetings that shaped the advocacy were

1. Vincent Lungwitz- 28.02.2017, ForumZFD
2. Maja Nenadovic- 12.04.2017, Anne Frank House
3. Pam Dawes- 29.03.2017, Manchester Aid to Kosovo
4. Arber Salihu and Dren Terziqi, 03.01.2017, Association of History Teachers of Kosovo
5. Blerina Ramaj, 17.07.2017, Democracy for Development
6. Vincent Lungwitz- 15.09.2017, ForumZFD
7. Arber Salihu- 05.10.2017, MEST
8. Agim Berdyna- 05.10.2017, MEST
9. Fatmir Bytyqi- 20.10.2017, MEST
10. Miodrag Milicevic and Marija Stankovic- 13.11.2017, NGO AKTIV
11. Vincent Lungwitz-15.11.2017, ForumZFD
12. Vincent Lungwitz- 01.12.2017, ForumZFD
13. Ramadan Sokoli- 05.12.2017, Youth Initiative for Human Rights
14. Miodrag Milicevic- 20.10.2017, NGO AKTIV
15. Joanna Hanson- 13.11.2017, NewPerspektiva
16. Jule Krueger- 27.11.2017, University of Minnesota
17. Natasa Kandic-28.11.2017, Humanitarian Law Centere (Belgrade)
18. Ann Harrison- 31.11.2017, Freelance Human Rights Researcher
19. Vehbi Kajtazi and Parim Olluri-21.12.2017, Insajderi Newspaper
20. Faith Bailey Vuciterna-22.12.2017, PrishtinaInsight Newspaper

While HLCK's ambition was initially to include transitional justice in civic education textbooks and use the Kosovo Memory Book data on the history textbooks, the feedback and experience from the above-listed persons, coupled with our increasingly exhaustive understanding of the issues at play in the textbook reform process and needs for students in Kosovo, led, towards the end of the period, to a reshaping of our advocacy strategy and goals.

HLC Kosovo took the lead on the Peace education Consortium seeking to unite organisations from the civil society having mandate, and means to positively influence the cross cutting issue of peace education currently included in the core curricula, and willing to partner with the MEST to do so.

More specifically the aim of the consortium is to:

- elaborate the peace education curricula by refining it and including to it various relevant topics, including transitional justice and dealing with the past
- ensuring that materials affiliated with each of the subtopics of peace education them are covering them adequately, adding and developing new material as needed, focusing primarily of what already exists
- design a spreadsheet/matrix for teachers with clear and specific guidelines on how to teach peace education with what material. This spreadsheet would indicate, for each grade and each subject which PE sub-topics must be included, with what learning goals, teaching materials and referenced material.

**Peace Education: Kick-off meeting with NGOs and MEST**

In order to launch the aforementioned consortium, in cooperation with ForumZFD, on 14<sup>th</sup> of December HLC Kosovo organised a kick-off meeting between representatives of organisations that deal with education and with the team of plan programs and curricula in the Ministry of Education.

Prior to the event, bilateral meetings were held with various organisations' representative to present the idea and gather support.

The representatives that participated in the kick-off meeting were:

- Bekim Blakaj, Lorraine Degruson and Njomza Haxhibeqiri- HLC Kosovo
- Fatmir Bytyqi, Shqipe Gashi, Feime Llapashtica and Arber Salihu- Ministry of Education
- Vjollca Hajrullahu and Vincent Lungwitz- ForumZFD
- Adelina Shabani-Council of Europe
- Ramadan Alija-DVV International
- Alexandra Meierhans- UNDP
- Ardita Kabashi- Kosovo Education Centre
- Mirlinda Dehari Zeka- MEST
- Besnik Leka-Care International
- Bujar Fejzullahu and Kadri Gashi- Peer Education Network
- Marigona Shabiu and Ramadan Sokoli- Youth Initiative for Human Rights

The meeting started with opening remarks by Ms. Feime Llapashtica which is a team member of the Plan Program and Curricula Division and by Fatmir Bytyqi, the political advisor of the minister.

Members of the MEST division for Plan Programs and Curricula Arber Salihu and Shqipe Gashi, then presented Peace Education. The core curricula foresees four cross cutting issues: democratic citizenship, peace education, globalization and media education. These are of special interest to individuals and the society in general and are integrated in all curricula fields in order to support students to understand or interpret important social processes.

Peace education means to promote diversity as a social value in society and includes components such as: tolerance, inter-ethnic, religious, cultural and racial harmony and co-habitation, harmony with the nature, anti-terrorism, humanitarian law, human dignity, conflict prevention and resolution.

Seconded by HLCK's partner from ForumZFD, MEST members explained the purpose of the meeting:

- identifying and accrediting available documents and materials that the NGOs can offer as teacher or student materials
- Attach them to the spreadsheet that will be designed by facilitator partners. Develop new material as needed
- seek for ways to provide trainings for teachers

Following these clarifications, each NGO indicated what part of peace education relates with the material that they have at disposal. It was concluded that a Memorandum of Understanding will be signed between all parties where every party has a specific role and contribution to this process in the next year.

### Seeking to reach out to the Serbian youth in Kosovo

In addition to that, a great achievement during the reporting period has been HLC's progress in organising an extension of its activities in the coming period in order to reaching out to Serbian youth. HLC Kosovo met with the representatives with a Serbian NGO which is very active in the northern municipalities with a majority of Serbian population. The meeting concluded with the executive director of NGO Aktiv promising to facilitate communication with the representative of the Serbian Ministry of Education in Kosovo to request permission to carry out workshops in the Serbian municipalities too. They also showed willingness to cooperate on a concept where students from the Serbian minority visit the Documentation Centre Kosovo for educational purposes and follow workshops on dealing with the past.

### Engaging students and receiving feedbacks

From the feedback that we gathered from the students, we noticed a pattern with the most common answers. Students often expressed their wish to attend the workshop again in the future. 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.

The evaluation sheets allowed both to improve our workshop's design to tailor the students' needs and to draw observations from the reactions to our workshops, and pattern of behavior depending on age and region of origin. The findings from these feedbacks, and from our own observations, are the following:

#### Positive impact: student's and school staff good will to work with us:

- **Enthusiasm of the students:** During this reporting period, HLC Kosovo shows a great satisfaction with the way that the project went overall. Students were interested to participate, to be engaged during the discussion and express their thought without hesitation. The part where they mostly showed interest was the truth commissions' part and the discussion on establishing the regional commission for the former Yugoslavian conflicts. 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.
- **Good cooperation with the school staff:** There were plenty of times where the school principals showed great interest in cooperating. This was easily noticed when they participated the workshops themselves, added their own war experiences. Due to this satisfactory co-operation, HLC Kosovo established many good relations with plenty of the school directors, municipality representatives and professors. In many cases, our reputation had even preceded our workshops, showing the positive impact that our educational activities have had through time and how they now help us building amicable relations with schools

### General findings: uninformed and misinformed youth

Our general finding from this project period was one of a **widely misinformed youth**, both in terms of the facts of the war and of transitional justice mechanisms.

- *Students' misconceptions of the facts of the war*

Students in Kosovo have a distorted vision of the events of the war. They grossly overestimate war related casualties: when asked, some students have honestly answered that they thought the conflict resulted in over 300,000 deaths.<sup>27</sup> The HLC Kosovo has also noticed patterns showing student's lack of knowledge as to numbers of casualties from other communities: notably, many ethnically Albanian students believe that there was no ethnically Serbian victim, and were surprised to see that there are victims from the other side. These misconceptions can give way to manipulations and the forming of inaccurate narratives about the past, the deconstruction of which is precisely the goal of transitional justice mechanisms in Kosovo.

- *Students' lack of knowledge of transitional justice*

Beyond the misconceptions about the facts and consequences of the conflict, HLC Kosovo experience proved that children in high schools have close to no knowledge of transitional justice instruments and concepts. For example, when asked which key individuals were on trial for war crimes related to Kosovo, students were unable to respond. When presented with the different transitional justice mechanisms at play in Kosovo (international and local trials, truth-seeking initiatives, reparations and institutional reform), the vast majority of students admitted having learnt something they previously ignored. Most of them had come across a transitional justice tool at some point, but without being aware of what it stood for or what goals it served. More crucially, almost none of them could explain the difference between them.

- *Persistence of wrongly informed negative feelings*

Student's engagement with and approach to transitional justice greatly differ according to their region of origin. In the regions particularly damaged during the war, and where students personally lost someone or knew that there were victims in their community, participants were more willing to talk about the crimes and casualties committed by both sides. In parts of Kosovo where students were not as directly exposed to atrocities on the other hand, students were more inclined to talk about victims from their ethnic community and perpetrators from others. These students generally show somewhat of a lack of empathy for the victims of other ethnic backgrounds and show greater readiness to present justification for the crimes committed by persons of the same ethnic background.

HLC Kosovo findings show that the lack of accurate information on Kosovo's recent past and transitional justice measures and the general gap created by the lack of peace education, in spite of the regional disparities, is generally accompanied by a strong persistence of negative feelings and stereotypes towards other ethnic groups. Such attitudes feed a dangerous 'us versus them' discourse and fuels ethnic divisions.

---

<sup>27</sup> According to HLC Kosovo information, 13,549 persons died, during the conflict, from 1 January 1998 - December 2000, of whom 10,829 were Albanians, 2,199 were Serbs and 529 Roma.

It is the direct consequence of the lack of knowledge observable amongst the youth of Kosovo. It is the direct consequence of the lack of knowledge observable amongst the youth of Kosovo. There were times where Albanian students seemed to have negative approach towards Serbian victims. This may be due to the lack of the empathy towards the victims of the war as the territories less damaged by the war are the ones that are more exposed to the one-sided narratives.

We observed that from these negative feelings and perceptions often fueled a lack of empathy from the students, in particular towards other ethnic groups, and even sometimes the use of hate speech to refer to ethnic communities. Finally, students' critical thinking was impaired by biased preconceptions. For example, while they were very much inclined to criticize the fact that, in the documentary movie, the former perpetrators are welcomed as national heroes, they were unable to show the same critical thinking towards Kosovo and even often protested at the amount of Albanian individuals at trial.

*HLC Kosovo concludes that, short of a formal teaching of TJ and dealing with the past in Kosovo, it is absolutely crucial that our staff carried on its interventions in schools or in other non-formal education ways such as different types of trainings, seminars or involve the minority groups in the future activities, in order to mitigate the negative consequences of the youth lack of knowledge.*

#### 4- Promoting the Realization of Victims' Rights to Reparations (Phase 2)

In Kosovo, the Law providing for war crimes reparations is Law No. 04/L-054 'ON THE STATUS AND THE RIGHTS OF THE MARTYRS, INVALIDS, VETERANS, MEMBERS OF THE KOSOVO LIBERATION ARMY, CIVILIAN VICTIMS OF WAR AND THEIR FAMILIES'.<sup>28</sup> Based on HLC Kosovo's field research with the beneficiaries of the Law in 2016, the following two main shortcomings exist:

**A discriminatory law:** The most important issue is the Law's discriminatory definition of a civilian victim. Namely, the Law defines a civilian victim as "a person who died or got wounded by enemy forces and then died between 27/02/1998 and 20/06/1999." These two conditions exclude all civilian victims of *non-enemy* forces, i.e. of the Kosovo Liberation Army (KLA) or NATO, and all victims who died outside of the set timeframe. Evidently, this law is particularly in disfavour of non-Albanian victims of the war in Kosovo, and in particular Serbian victims. The undefined notion of 'enemy forces' is generally admitted to mean 'Yugoslav authorities' or 'Serb forces', while the timeframe given is excluding many victims, specifically those of the retaliatory killings of Serbs by Albanians' victors. Mainly but not solely however, for some ethnic Albanians also became victims outside of this time frame, as well as many member of the RAE community. Nevertheless, the perceived bias against Serbs that the Law entails perpetuates a wrong 'black and white' narrative about the war, and is detrimental to reconciliation between the two communities, as Serbs have no recognition to their victimhood. It prevents accurate and fact-based narrative of the war. As it currently stands, the Law on reparations is perceived as politically motivated and discriminatory, creating discord amongst victim communities, and resulting in a counterproductive effect of dividing rather than reconciling, exacerbating grievances and furthering the marginalization of

<sup>28</sup> Thereafter referred to as the 'Law on Reparations' – accessible at:

<http://www.kuvendikosoves.org/common/docs/ligjet/Law%20on%20the%20status%20of%20the%20martyrs%20of%20war.pdf>

some victims belonging to minority communities.

**The information deficit:** Another important obstacle for victims to realize their right to reparations is the lack of publicly available information about the Law, the benefits it provides and the eligibility of citizens who can benefit from it. Many victims fall short on enjoying their right to reparations simply because they are misinformed about its features and availability. In this respect, we observe that the Law on Reparations is yet another aspect of public life from which minorities (in particular RAEs) are excluded due to the lack of transparency.

In February 2017, HLC Kosovo published its findings on the current reparation framework in Kosovo, who served as the basis for the proposed project.

The context in 2017 was one of a growing pressure to limit public spending on social benefits in Kosovo, backed by inter alia the IMF, and allowed by an unfortunate confusion between the issue of war reparations and that of regular pensions.<sup>29</sup>

Nevertheless, 2017 brought many other political developments and important initiatives on the reconciliation process.

First of all, snap elections that were held on the 11<sup>th</sup> of June brought about a severe political deadlock<sup>30</sup> due to the lack of coalition agreement between the winning parties. This political instability caused great difficulties on HLC Kosovo's activities and in particular made our attempts to reach to relevant stakeholders in the field of Reparations protracted and cumbersome.

Secondly, a significant development in TJ occurred in 2017. Namely, the President announced a Post-War reconciliation commission (TRC)<sup>31</sup> and organised several consultation meetings with CSOs, including HLC Kosovo. On 14<sup>th</sup> of December, the preparatory team to the TRC was officially established by the president. The team to the TRC was officially established by the president. Their team will consist of nine members- two from the Office of the President, one from the Government, one from the Assembly and five from civil society.<sup>32</sup> The reparations component announced as part of this initiative, coupled with the increasing visibility of the upcoming commission on victims of sexual violence, gathered all public scrutiny on the matter, making it difficult for our actions to gather the required level of attention, and leading us to change our impact strategy to fit in these developments.

After the publication of HLC Kosovo's report in February, listing the shortcomings of the Law on reparations, the following activities were organised, with quite a few changes from the initial plan due to the political realities in Kosovo:

While we had intended, during the project period, to assist families in their applications for reparations and to select and prepare selected cases for strategic litigation, we soon realized that we could only achieve very limited project in this direction, and therefore shifted the project's strategy to account for

---

<sup>29</sup> Complaints about the amount spent for veterans pensions have been frequently heard in the last year, see 'Kosovo Budget Held up by Row over Veteran Benefits' (2016)

<sup>30</sup> <http://www.balkaninsight.com/en/article/kosovo-political-deadlock-concerns-international-community-08-14-2017>

<sup>31</sup> <http://www.balkaninsight.com/en/article/kosovo-s-president-with-an-initiative-of-reconciliation-02-13-2017>

<sup>32</sup> <http://prishtinainsight.com/kosovo-president-establishes-truth-reconciliation-commission-preparatory-team/>



both the reality of the ground situation and the numerous advices received from experienced stakeholders in this field.

### **1. Assisting families in administrative proceedings**

On the one hand, HLC Kosovo could not assist families in administrative proceedings because of the political decision taken in 2011 which disables the beneficiaries to submit applications.

### **2. Preparing strategic litigation cases**

On the other hand, despite 2 staff members having followed an in-house training on strategic litigation on February 2017 that allows us to draft an action-plan, timeframe, pre-selection of cases and research plan, HLC Kosovo's capacities to carry out such extensive legal activity remained weak. While our staff did start the contextual research supposed to form the base of strategic litigation, the lack of a staff member fully dedicated to this activity and the lack of professional legal training limited the progress of this activity. Soon, and in consultation with the human rights lawyer that had initially trained us, we reached the conclusion that someone would have to be working on this component full time, for example a pro bono international lawyer. Short of a proper capacity in the matter, we were indeed advised to delay the preparation of cases as such, and focused on building a strong network of support and advocacy strategy supporting the change.

### **3. Building an advocacy coalition and strategy for amending the Law**

In the meantime, focus was put on the advocacy component of this Project, in which we reached quite some successes. Indeed, HLC Kosovo after minimizing the activities related to strategic litigation intensified its efforts at creating a network of supporters. To do so, the team engaged in robust advocacy and liaison, on the one hand at the institutional level (government, MPs, legislative committees tasked with legal reform and with human rights activists) making use of the elections to push forward our agenda. On the other hand, useful connections were made with a variety of actors on the ground both from international missions in Kosovo and local and international civil society organisations.

During the reporting period, HLC Kosovo met with:

1. **Arpi Avetisyan**, ILGA EUROPE- Human rights lawyer/strategic litigation specialist, 30.01.2017
2. **Timea Stranska**, UNMIK- HR Office, 01.02.2017
3. **Vahagn Muradyan**, Council of Europe- Deputy Head of the Mission, 01.02.2017
4. **Anne Templehahn**, GIZ-German Cooperation Agency, 02.02.2017
5. **Alban Muriqi and Fatmire Haliti**, Kosovo Rehabilitation Centre for Victims of Torture-Project Managers, 22.02.2017
6. **Timea Stranska**, UNMIK-HR Office, 23.02.2017
7. **Vahag Muradyan**, Council of Europe-Deputy Head of the Mission, 24.02.2017
8. **Arpi Avetisyan**, ILGA EUROPE-HR lawyer, strategic litigation specialist, 22.03.2017
9. **Alban Muriqi**, Kosovo Rehabilitation Centre for Victims of Torture, Project Manager, 23.03.2017

10. **Alban Muriqi**, Kosovo Rehabilitation Centre for Victims of Torture- Project Manager, 05.04.2017
11. **Dana Kube**, ECMI- Project Coordinator, 06.04.2017
12. **Timea Stranska**, UNMIK-Human Rights Advisor, 11.04.2017
13. **Timea Stranska**, UNMIK-Human Rights Advisor, 06.05.2017
14. **Selma Korjenic and Adrijana Hanusic**, TRIAL International, 15.08.2017
15. **Jeta Krasniqi**, Member of the Council for War's Sexual Violence Victims Verification, 18.08.2017

These meetings, which helped HLC Kosovo on starting to establish a network of supporters, also resulted with the issue of reparations being mentioned in the Memorandum following the Commissioner's for Human Rights of Council of Europe mission to Kosovo from 5 to 9 February 2017<sup>33</sup> where HLC Kosovo's report was directly cited in the report.

The issue of reparations was also raised during the five consulting meetings for the establishment of the Truth and Reconciliation Commission organised by the office of the President of Kosovo. The first consulting meeting was organised on the 28<sup>th</sup> of July, the second one on the 4<sup>th</sup> of August, the third one on the 4<sup>th</sup> of October, the fourth one on the 10<sup>th</sup> of October and the last one on the 14<sup>th</sup> of December. The Fourth meeting was organised as coordination meeting within Documentation Centre Kosovo and exclusively covered the topic of reparations.

Furthermore, the visibility of this issue in the media was greatly developed via several public interventions on the topic<sup>34</sup>.

## 5- Establishing the Documentation Centre - Kosovo

This project represents HLCK's biggest endeavor and commitment in the last few years. Its development and conception took over two years, under the supervision of the programme officer. In 2017, great breakthroughs were reached, in the completion of the following activities.

### 1) Development of exhibition and internet narrative

- **Journalistic research**

In the first phase of the project realization, started in February 2017, SENSE team has set to collect, classify and select all the material needed for production of Interactive Narrative (Narrative) on war crimes committed in Kosovo that have been investigated, reconstructed and prosecuted at the International Criminal Tribunal for former Yugoslavia (ICTY) trials and beyond. Research process started with reviewing

<sup>33</sup><https://wcd.coe.int/com.intranet.InstraServlet?command=com.intranet.CmdBlobGet&IntranetImage=2967271&SecMode=1&DocId=2400650&Usage=2>

<sup>34</sup> <https://www.youtube.com/watch?v=zBi70AyDrWI>  
<https://www.youtube.com/watch?v=JAj86RkGsW8>  
[https://www.youtube.com/watch?v=gQ\\_UF2mTwtg&t=322s](https://www.youtube.com/watch?v=gQ_UF2mTwtg&t=322s)  
<https://www.youtube.com/watch?v=Sevui-CDWZE&t=753s>  
[https://www.youtube.com/watch?v=GuR\\_Qa2y1kc](https://www.youtube.com/watch?v=GuR_Qa2y1kc)  
<https://www.youtube.com/watch?v=V8mriG-ryPI>

the ICTY trial archive – thousands pages of transcripts and judgments from 5 trials, that involved 14 accused and covered the period of 12 years. Trials included in the research were dealing with the most serious crimes committed against Kosovo Albanians during NATO campaign in the spring of 1999, as well as the crimes committed by the Kosovo Liberation Army against Albanians, Serbs and Roma. SENSE Team identified relevant and most important segments of judgments and witnesses' and experts' testimonies, as well as experts reports, exhibits and documents accepted into evidence to be included in audio-visual presentations within the Narrative. The pre-production phase also included the research of documentary archives and identifying and obtaining video footage and photography relevant to illustrate Kosovo crimes. SENSE encountered enormous problems with obtaining archive material from Kosovo photographers about repression years from Serbia. Sense has brought some photos from AP, but due to budget restrictions several months of intensive negotiations with more than 15 photographers were invested, creating some delays in the project. Beside the video and photo material, we searched for a number of military, police or public administration documents related to Kosovo crimes and admitted into court evidence. Beside collecting archive material SENSE also produced a 2 interviews with persons involved in investigation or prosecution of Kosovo crimes with Louise Arbour, Chief Prosecutor (1996-1999) and Robert Reid, Chief of the OTP operations. Selected parts of the interviews are or will be used both in audio-visual presentations and as additional material in relevant segments of the narrative.

Reviewing process was followed by identification and selection procedure for the audio-visual presentations of the nine segments of the Narrative:

1. **Prologue** - Introduction to the conflict: testimonies of the international officials, participants in the diplomatic efforts in 1998 and international and Kosovo Albanian witnesses testimonies about failed negotiations and the beginning of the conflict, breakdown of Rugova's pacifism and emergence of KLA, Holbrooke-Milošević agreement in October 1998, arrival of KVM and non-compliance of Serbian forces, evidence of the crimes committed against Kosovo Albanians before NATO intervention 24 march 1999;
2. **Investigation** - an interview with ex Chief Prosecutor Louise Arbour about the unsuccessful visit to Kosovo crime scene and the work on Milosevic indictment and testimonies of other ICTY officials about investigation on crimes committed against Kosovo Albanians.
3. **The Pattern of Crimes** - (Deportations and attacks on Albanian villages): testimonies of the victims and insiders, artillery attacks, police attacks on villages, door-to-door intimidation in the towns, looting, maltreatment, deportations to Albania and Macedonia (organized transport from towns), ripping off of the documents, burning of the houses, murders;
4. **Mass Murders** - testimonies of the victims and insiders, evidence of the survivors from the killing sites in Suharekë/Suva Reka, Krushë e Vogël/Mala Kruša, Gjakovë/Đakovica, Podujevë/Podujevo, Izbicë/Izbica and other places from Kosovo;
5. **Hiding the Evidence** - evidence of the insiders on digging out the bodies in Kosovo, transport of the bodies to Serbia and burial in mass graves Batajnica, Petrovo Selo and Lake Perućac;
6. **Judicial Epilogue 1** - presentation of the findings of two ICTY judgements (Milutinović et al and Đorđević), particularly those about the role of Slobodan Milošević and Serbian political, army and police leadership in Joint criminal enterprise with the purpose to modify ethnic balance in Kosovo in order to ensure Serbian control over the province (at that time).
7. **Obstructing the Investigation** - problems with (reluctant) witnesses, poor evidence from Serbia, and OTP mistakes during the investigation on the field)

8. **The Missing Link** - Crimes committed in the KLA zones of responsibility: testimonies and other evidence on crimes committed in Llapushnik/Lapušnik, Mount Berisha/Beriša, Jabllanicë/Jablanica and other places among Dukagjin/Dukadjin area, forensic evidence on crimes (Lake of Radoniq/Radonjić).
9. **Judicial Epilogue 2** - presentation of the findings of two ICTY judgements (Limaj et al and Haradinaj et al)

Finally, at the end of this period, the synopses for each of the nine segments that make up the Narrative were written and edited.

- **Layout**

Final layout of the narrative is based on the identical concept for each segment. The segments open with the introductory text followed by documentary film showing archive footage from the time of the attacks, victims and eyewitness descriptions of the events, experts' testimonies about the motives and intent of the perpetrators, as well as the effects on targeted ethnic and religious groups.

Audio-visual presentations are followed by a selection of relevant documents and other material introduced into evidence during the ICTY trials. SENSE Team carefully selected the most relevant investigation evidence, expert reports, numerous photographs, as well as the factual and legal findings from the ICTY Trial and Appeals Chambers Judgments.

Selection of evidence required intensive research during ICTY archives, editing, unifying, transcoding, naming and uploading of material. It is planned to have up to 10 evidence elements per story, which totals as 90 evidence materials multiplied by 3 languages.

- **Video Editing**

In the second phase selected audio-visual material was pre-edited to prepare it for the editing of audio-visual presentations. Each segment included around 5 different pre edited short documentary videos (each up to 10 minutes) before they were ready for final edit and postproduction. 9 stories were produced in documentary style, with total duration of 97 minutes in one language and in 291 minutes in total, as it required production in 3 languages. Postproduction includes directing, editing, graphic editing, colour corrections, sound mastering. Video stories contain statements of 105 witnesses, prosecutors and judges. 80 different persons talk in video stories, which required additional creation of 80 animated signatures in 3 languages. Videos include 69 animated telops and maps, all multiplied in 3 languages. One of the main obstacles was limitation to use of evidence/archive material, which was not intended as documentary material, it was mostly filmed in an amateur way, with low quality which requires very complex editing procedure.

- **Translation and proof-reading**

During the whole process of research, scripts' development and creation of introductory articles, all material was being translated into Albanian, English and Serbian language. Seven translators and proof-readers were coordinated by a SENSE team member in order to achieve highest level of accuracy.

- **Web design and development**

Parallely with the second phase of creation of video material, development of web version of the narrative was on-going. With its modern typography, minimalist layout and linear navigation, the

narrative *The Kosovo Case - 1998-1999, How the Crimes in Kosovo Were Investigated, Reconstructed and Prosecuted* has been designed to capture and convey the narrative's message to wide audience. Readability across all devices and browsers has been achieved with carefully selected typeface and well defined typography styles. Minimalist layout and linear navigation have been designed to ensure best user experience no matter on which device the Narrative has been viewed.

Various types of content, texts - videos, photographs, historic documents - are seamlessly integrated within the narrative's website. Historic photographs used in the narrative have been collected from different sources in various formats, thus all photographs have been processed and prepared for the web use.

Technologies and techniques used for the narrative have been selected to bring the narrative to wide range of devices and browsers and to ensure its availability for extended future use. It has been developed on top of the Silver Stripe framework with a custom theme based on the Bootstrap framework. Content management system has been developed to minimize errors during the upload process and to ease multilingual support.

Videos and other large media content are delivered to end users through the external cloud platform (Amazon Web Services) to ensure fast download and errorless streaming across the globe.

At the end of the development process, the narrative is exported and packaged in a format that can be employed on any server without any adjustments or customization needed.

## **2) Development and opening of Documentation Centre in Pristina**

- **Signing the MoU with the municipality**

The beginning of the year was marked by uncertainty regarding the space where the Centre would be located. With the support of the Swiss Embassy, HLC Kosovo engaged in slow and protracted negotiations with the Municipality of Pristina. Eventually, we reached an agreement on them granting us a space for 15 years, and the MoU was signed on the 16<sup>th</sup> of March. This was in large part thanks to the backing of the Swiss Embassy in this process.

Despite the difficulties and delays in reaching this agreement, due to the fact that the Municipality is closely subjected to changing political context in Kosovo, this was a great success for the project, as the risk of not having a location for the Centre had been looming.

HLC Kosovo satisfied with the Mayor's speech during the ceremony, as he stressed the need to commemorate all victims regardless of ethnicities.

- **Design of the Centre: choice of the designer**

After consulting with our partners on what had been done in the past in Kosovo and in the region, we chose to call in James Walmsey, a British curator whose work we were familiar with due to his previous collaboration with Manchester Aid to Kosovo (MAK) and design of the Bogujevci Visual History.

James visited Pristina from the 19<sup>th</sup> to the 26<sup>th</sup> of June. He introduced us to his local contacts from the artist/artisan community in Kosovo, shared his experience on design cultural/artistic space and met privately with them to consult on specific aspects of the Centre's design requirements. Having experience in both managing exhibitions with sensitive human rights content, and with the local context in Kosovo, James was very helpful; especially considering HLCK team's lack of experience in managing art/cultural spaces.

At the end of his visit we agreed on a design plan for the centre, to be realised by the graphic design company *Karrota* and printed by the printing companies *2b* and *Xhaki*.

During the summer, HLCK staff worked jointly with these various service providers, under the supervision of James, to carry out an impactful branding and design visual of what would soon become the DCK: Documentation Centre – Kosovo.

- **Technical and furniture equipment of the Centre**

The following equipment were purchased for each separate corner of the DCK:

- (1) The exhibition's corner, made to receive SENSE's narrative in 9 different segments:
  - 9 monitors, 36 headphones, 9 sound splitters, 9 long wires, 8 benches
  - Wall paper was printed behind the monitors to display the titles of each segment
  - 27 Flyers were printed on A4 laminated papers to give to visitors an introductory paragraph on each segment, in 3 languages
- (2) A research/library corner was equipped with:
  - A large sofa, 3 tables, 5 tablets and tablet holders with security, 3 book shelves
- (3) An outreach corner:
  - A desk, chair and computer for the DCK management
  - Printer and projector
  - Stool for visitors' book
  - Additional table for the manager and cover table
  - A meeting table and chairs
  - A big forex board displaying partners logos

The recruitment of a manager was delayed due to the complexity of finding a suitable person for this job. Indeed, our requirements were quite strict, as this person should fluently speak English, Albanian and Serbian, have expertise in transitional justice and education, reliable and communicative. We finally found someone but who could only start working from November 1<sup>st</sup>. Until then, other HLCK staff split the tasks between them, while the administrative and development aspects of this project remain in the hands of the programme officer.

- (4) The temporary exhibition corner/temporary exhibition space 1:

Thanks to James' involvement, and to the large dimensions of the room allowing to merge together the research and library corner, we were able to dedicate a whole section of the DCK to temporary exhibitions. The aim is to host at least 4 of them each year, on a rolling basis. This will increase the dynamism of the DCK while stimulating the public interest and curiosity, thereby securing a constant flow of visitors. This will also fuel our outreach strategy, with the need to advertise the DCK's existence and content every 3 months.

- 3 sculptures made with decommissioned ammunition by *Ismet Jonuzi*, a local artist introduced by James.

- A forex panel introducing this work.

#### (5) Temporary exhibition space 2

Thanks to our good working relations with the municipality, and to the availability of extra linear space around the DCK room proper (lobby and corridor room available – refer to the map), we were able to consider more space for temporary exhibitions linked to war and peace, social justice, and/or human rights. During the realisation of the permanent narrative, we had been in touch with photographers that had covered the war in Kosovo from whom we needed photos to elaborate the narrative. One of them, Wade Goddard, also provided us with 8 photos to display in the corridor leading to the DCK main room for the opening. This corridor is a great place for photo exhibitions due to its linear space.

- **Communications with the Municipality of Pristina for equipping the DCK**

We had regular meetings with the municipality of Pristina as they agreed to build a thin wall separating the archive section from the Centre's room's lobby, assist with the installation of monitors and arrange the electricity work during the summer. They also committed to extending the heating system of the library to the centre and taking care of the security of the room. While we were pleased with these commitments, considering the lengthiness of our negotiations in the past, we expected that their realisation would be similarly tedious to complete, and will require a lot of insistence on our side.

### **3) Official opening of the DCK**

These meetings were also the occasion to start discussions on the opening ceremony. Conflicting agendas between partners, donors and the Municipality only left some dates open. HLC Kosovo was wary of avoiding opening during the campaign for the municipal elections, due to start on the 22<sup>nd</sup> of September, to avoid political recuperation of the event and the risk of being associated with a particular party running for elections.

Because of the upcoming municipal elections and the clear links between DCK and Municipality of Pristina, we decided to open the DCK without a debate, as was originally planned. We were fearing that a public discussion on a divisive topic such as the legacy of the Kosovo conflict in a politically edgy moment would be unwise and potentially detrimental to the status of the DCK by dividing public opinion about it and be subjected to manipulative trends.

We therefore chose a more simple opening ceremony that was organized jointly with the Municipal staff. The DCK opened on Thursday 21<sup>st</sup> of September at 7:00. The ceremony was attended by over 80 participants from the diplomatic community, civil society, judicial spheres and victims' communities. In line with our choice to avoid political recuperation, we didn't invite any political representatives or party members, with the exception of those who had been involved in the development of the Centre in their personal capacity.

#### **4) Temporary exhibitions and events illustrating one or several specific aspects of the conflict in Kosovo and the former Yugoslavia, in the form of video/audio presentations, physical exhibitions, lectures, debates, documentary screenings etc.**

As was introduced earlier in this report, James obtained from Ismet Jonuzi, a local sculptor, to exhibit his pieces as part of the exhibition “structures of peace”, DCK’s first temporary exhibition that will be visible until the end of 2017.

Temporary exhibitions will be a central part of DCK’s programme and outreach strategy in 2018 – it is HLC Kosovo’s belief that a dynamic programme will secure the relevance, popularity, and overall contribution of the DCK to reconciliation.

## **5) Promoting and making the DCK visible and visited**

A few official meetings of our partners/supporters were held directly in the DCK:

- On the 4<sup>th</sup> of October, a coordination meeting for the TRC, initiated by the Swiss Embassy, was organised in the DCK premises.
- YIHR Kosovo held the ‘Alternative School’ (Shkolla Alternative) during the Human Rights Week, for three consecutive days 7-9.

In addition, several official visits of the DCK took place:

- UN interns – 6 November 2017
- Council of Europe Head of mission – 9 November
- The Swiss Ambassador to Albanian - 2 December 2017
- YIHR Belgrade - 21 December 2017
- YIHR Kosovo - 7-9 December 2017
- Head of Mission EULEX – 19 Oct 2017
- American Ambassador - 27 December 2017

In addition, from September 21<sup>st</sup> 2017 until end December 2018, 275 persons have visited DCK. The vast majority of visitors were students that were visiting the centre in an organized visit. Mainly the reason of visiting the centre as indicated in the list of visitors was to visit the Centre and see the exhibitions, although there were 4 cases of students that approached for research studies and required further information on War Crime Cases before ICTY.

## **DCK Webpage and Facebook page**

During the reporting period, HLCCK commissioned karotta, our design partner, to elaborate a DCK platform part of our new HLC website. In the meantime, a facebook page was created.

## **6) Developing the strategy**

HLC Staff involved on the DCK has put into practice a periodic coordination pattern on this project to achieve progress regularly.



During the period, they regularly met to discuss the evolution of the DCK in the future, in cooperation with James, consultant curator of the DCK, and making sure to involve the Municipality of Pristina. Central to conceiving the 2018 programme were the following considerations:

- The 2018 is designed based on the target that the DCK becomes a focal point for all HLCK's activities - and more largely, for all TJ initiatives in Kosovo - and a truly living space where the general public and the youth in Kosovo seeks information about their past.
- The 20th anniversary of the war, concurring with the next triennial strategy of HLCK (2018-2020) where the DCK is, will give a specific symbolic dimension to HLCK's efforts to remember all victims of the war and promote a collective memory of the past.
- Temporary exhibitions are important part of DCK's programme and outreach strategy in 2018 – it is HLC Kosovo's belief that a dynamic programme will secure the relevance, popularity, and overall contribution of the DCK to reconciliation
- Commemorating all victims, presenting human losses and educating the public to the past are the pillars of the DCK's vision

In particular, an extensive brainstorming session was held on 28.11 to draft an initial 2018 programme for the DCK, making it central for:

### **1. victims and collective memory based on court-established facts**

HLCK will use the DCK to promote its KMB findings and the evidence that was presented in front of ICTY and national courts in Serbia and Kosovo. In particular, HLCK will:

- (a) organise public lectures presenting narratives on selected events of the war based on court established facts and evidence.

DCK Manager, assisted by HLCK staff, will compile a list of events from 1998 and 1999 that were subjected to ICTY judgments. For each of them, DCK Manager will draft a narrative about what happened based on the ICTY verdicts. Each event narrative will come with a selection of evidence from the ICTY database. When applicable, each narrative will be supplemented by findings from the monitoring of national war crimes trials by HLC Kosovo, and/or findings from further research on criminal justice and impunity carried out by HLCK or HLC. The difference between information coming from ICTY exhibits and HLC research will be made evident, and the language of the narratives will be legal, unemotional, fact-based and inclusive of all victims. These narratives will be presented in the DCK on the day of the event, 20 years later, as part of the remembrance of the anniversary of the war. School groups, scholars, families of victims from that specific event will be invited.

- (b) Collect belonging from victims of the war and develop and exhibition:

As 2018's first temporary exhibition, and in commemoration of the beginning of the anniversary of the war, HLCK wants to display in the DCK various items having belonged to children war victims. The basic idea is to call the families to lend specific items of their loved ones to be exhibited in the DCK - this would be a very powerful remembrance initiative as part of the anniversary of the war.

- c. Missing person's remembrance: at the occasion of the national or international day, HLC Kosovo wants to have a second exhibition on missing persons

### **2. war crimes trials archives and outreach**

The DCK will become a focal point of information on international and national WCT in Kosovo, with:

- a. Presentation of HLCK's findings from the project monitoring war crimes trials, when applicable.

In particular, the annual report on war crimes trial, due to be published in March, will be launched there.

b. Outreach about international and national war crimes trials, in cooperation with the Serbian NGO Aktiv, with whom partnership was established during the period upon an agreement that Serb and Albanian NGOs must start cooperating in informing the public

### **3. high school students and non-formal education**

The DCK is shedding a new light on our NFE activities: while we will continue holding workshops in secondary schools like we did in the past, while advocating to a textbook reform, we will also organise trips to the DCK, a pilot of which was organised during this period (see below). We will also reach out to various faculties in Pristina so that they send their students to the DCK as part of their practical sessions. Students can engage in various research and even contribute to the design of the public lectures.

### **(4) civil society and activists from the region**

Make the DCK a space that is used and owned by the public by providing its space for different events to be organised, as it was already the case in the reporting period (see the list above).

## **7) Bringing students from outside of Pristina: pilot visit**

The first trial workshop where HLC brought students to DCK and presented a lecture on dealing with the past was with the students of Faculty of Law of University of Prizren. The lecture was participated not only by students but also by two professors: Halim Bajraktari, professor of the International Criminal Law and Shefki Shterbani, a teaching assistant on International Law. The activity received a very positive feedback from both professors and students who classified it as very important for remembrance and the fact that it enables students to combine their relevant courses with additional practical lectures and study visits to the DCK.

## **6- Developing a Documentation Centres Network**

The overall objective of this project is to support reconciliation processes in Kosovo and all post-Yugoslav countries – with a major focus on non-EU Balkans states, by establishing a regional platform presenting an inclusive culture of remembrance based on judicially established facts about war crimes and other gross human rights violations committed during the Yugoslav wars. By doing so, it will challenge historical revisionism and enhance the capacity of victims and civil society to resist destabilizing ethno-nationalist politics and political manipulation of the past.

The project will be carried out by HLCK, HLC and Documenta, and will maintain and further expand the information system that supports and coordinates documentation and research work of the applicant and partner organisations with the aim to further develop the system into a platform for public awareness raising, data access, research and non-formal education. Concretely, the system will be expanded to a new partner and updated with a new module aiming at informing and sensitising the public: the Documentation Centers Network. This platform will be a digital hub for dealing with the past in the Balkans, facilitating the interactive character of the exhibition on war crimes in Kosovo and other multimedia exhibitions and the dissemination of the narratives across the region.

In April 2017, along with the agreement on maintenance and servicing of the information system (IS), partners discussed furthering the IS through creation of a new module: the Documentation Centers Network (DCN). The new module integrated in the IS will be composed of 2 ends:

1- an inter-organisational tool for data sharing: The IS currently allows 5 different levels of tagging of partners' documents. However, its data-sharing potential is currently unexploited. Documents can be tagged as "inter-organisational" or "public". The possibility of including SENSE into the IS was discussed, as the easiest (but not only) way to make their data available for other partners and publicly visible on the DCN.

2- a public information platform presenting to the public the documentation work of the partners and other memorialisation items: Completed data will be made available on the DCN from the beginning. This will include:

- A map of human losses, showing data about victims by location, and featuring names, short narratives when they are ready, and court documents linked to the event, etc.
- Existing documentation centres will be pinpointed on the map, with links to their content/webpages/media articles about them. A specific tab should be dedicated to the documentation center in Pristina and narrative on Kosovo.

In the longer term, the platform will be able to host various other content that partners will agree on in the future. Along with the map, the platform should feature different search tools (in the form of tabs, links, interactive boxes, etc.) and a search bar with key words.

During the second meeting in November 2017, some technical questions were answered with regards to:

- Criteria for publishing data
- Codebooks: the organisations have different ones so far
- New website/platform
  - Data will be presented in two ways: through the map and through the list, with 3 levels and a micro-location option
  - Using the current server is possible - no extra costs will be induced for that

Regarding these technical issues and in particular how to 'name' data that is shared it was agreed that everything would have to be put in written and the methodology shared by everything

The initial budget for the design of the DCN was split to account for HLC Kosovo need of a new website for its DCK. In terms of the choice of designer, we agreed to have the DCN done by ABACUS' design company. The design of the DCK website in Kosovo will be done by Karrota.

A final meeting took place in December in Zagreb, by then the map site was agreed. Agreement was yet to be reached on the design.

## **6- Representing victims in war crimes trials - (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, by supporting the work carried out by HLC in Serbia.

This work involved identifying cases suitable for criminal prosecution based on the Kosovo Memory Book database and consulting victims of war crimes and their families, as well as associations of victims in Kosovo, public archives and other sources, in order to gather additional evidence. It also involved meeting with the victims to inform them on how to press charges and explain the relevant procedures to file criminal reports against officers who were officially in charge in the region during that time of war when the crimes occurred.

HLC Kosovo staff member has escorted family members of victims to monitor the war crime trial session in front of Special Chamber for War Crime in Serbia. This has happened twice:

13.01. 2017 with family member Bekim Gashi, to monitor trial on Trnje case.

17.02. 2017 with family member Bekim Gashi, to monitor trial on Trnje case, session was postponed by presiding judge.

## 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 the 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)**.

The 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 establishment of RECOM from governments of former Yugoslav states. The presidents of Bosnia, Croatia, Montenegro, Serbia, Kosovo and Macedonia are expected to present their joint initiative to the public and to their respective national parliaments in the near future, after what RECOM will be established.

During the reporting period, **the following** events held under the RECOM flag were organized:

29.11. 2017 Debate: Reparation in Region and Berlin Process

08.03.2017 meeting with Apostolova, Head of EU delegation to Kosovo

13.05 2017 – 24.05.2017 Coordinating the Campaign of signature collection organized by YIHR on support to RECOM

25.08.2017 Meeting of partners of RECOM Initiative in Belgrade.

29.10.2018 Meeting of Partners Organization on RECOM Initiative in Belgrade

#### **8- Victim's participation in hybrid war crimes trials (partnership with HLC)**

The Global Initiative for Justice, Truth and Reconciliation proposes a 9-month project focused on strengthening participation of CSOs representing victims of gross human rights violations in the process of setting up special criminal tribunals for war crimes committed in four countries: Kosovo, Central African Republic, South Sudan and Sri Lanka. This project will lean on the project partners' expertise and established local networks, as they are currently implementing programs in the four countries.

Based on existing literature pertaining to victims' participation in international and hybrid tribunals, including a desk review and a toolkit for CSOs on victim participation developed by the consortium, the project partners will compile best practice examples applicable to the contexts of these countries. The project partners will then hold in-country focus groups with local victims-based CSOs and other stakeholders to discuss gaps and concerns relating to victims' participation in special war crimes tribunals and to formulate strategies and avenues for advocacy.

A final three-day workshop will gather CSOs representatives from the four countries, as well as other relevant stakeholders and experts, to share and discuss particular findings from the focus groups and compile these in a general model for CSO-tribunal cooperation.

At a final stage, the project partners will develop particular guidelines for victims' participation in the tribunals' processes and strategic plans for the engagement of CSOs from Kosovo (and Serbia), CAR, South Sudan and Sri Lanka with the tribunals. Additionally, the project will encompass victims-based CSOs from Serbia, considering that the majority of the victims of the crimes that are to be addressed by the Kosovo tribunal live in Serbia.

Project started on October 2017. From October until November, a desk research has been conducted and an outline to contact the victims and relevant CSOs.

#### **9- Enhancing Missing Persons Strategy through Regional Cooperation (partnership with Documenta)**

The overall objective of the project *Enhancing Missing Persons Strategy through Regional Cooperation*, that started in January 2017 and until February 2018, is to find a new and appropriate way to deal with the legacy of the past in the region with a long tradition of turbulences, wars and ethnic conflicts. This is to be done via a combination of innovative and trans-organisational research on missing persons and presentation of these to the public during regional events.

In 2017, in support to its partners in this project, HLC Kosovo conducted a desk research analyzing the legal framework applicable to the issue of missing persons in Kosovo and all mechanisms who work with family members of missing persons and their objectives on bringing light to the fate of missing persons.

The paper was integrated in a regional policy paper, which will be published in roundtables in the early 2018.

## **10- Iraqi human rights documentation**

In this project HLC Kosovo supports an Iraqi organization in the documentation of human losses and human rights violations. Weekly Skype meetings are organized to coordinate with other members of the consortium. In addition, the following two trainings were attended by HLC staff:

01.05.2017 – 04.05.2017 Training of Trainers in Erbil on Documenting Casualties

06.08.2017 – 09.05. 2017 Training of Trainers in Erbil on Advocacy for Legislative Changes

## **11- Press releases**

During the reporting period HLC Kosovo has issued 7 press releases on War Crime Trials, 1 on the Fate of Missing Persons/RECOm and 1 on Kosovo Specialist Chamber.

## **12- Deviations, lessons learnt and Breakthroughs**

### **Change in the composition of staff**

In 2017 2 members of the team left, one new started at the end of the year. 1 of our 2 part time was promoted to full time.

### **Deviation of planned activities:**

Firstly, while we were expecting to start establishing and maintaining contact and cooperation with the Special Chambers from October 2015 onwards, this institution has been late in its implementation and nothing has currently started. However we have established contact with the Outreach department of the Court, and steadily taken public statements in favor of its mandate and preventing misinformation.

Secondly, the realization of our activities in the reparations branch of this project have undergone some changes. This is due to the reality on the ground, but also informed by relevant advices and meetings held from experienced stakeholders in this field of action. It is also due to the context of the Truth and Reconciliation Commission who was initiated by the office of the President that gathered the interest from the public was widely covered by the media. Mindful of the limits of our initial attempts at developing strategic litigation cases, we have redirected our efforts towards developing and strengthening a strong advocacy strategy and network of support for the social changes we urged in our report.

## **Success stories**

Some interesting synergies and team building dynamics in the office on the project Reparations. On the one hand, links developed in between our field research on reparations and that on human losses (KMB) were interesting, as our staff members could rely on each other's capacities, experience, and previous results in their own individual research processes. On the other hand, after the departure of the previous employee in charge of the reparations component, in January 2017, two staff members shared the implementation of the project. These circumstances led to a very good cooperation between the staff members where new practices of task distribution occurred. This cooperation resulted with a successful network building campaign where both team members were involved in combining tasks trying to reach both local and international partners.

One of the greatest achievement of the year was the progress made in the relationship with stakeholders during the implementation of the projects. Our publications, analysis, recommendations served as a valuable source of information in the respective field, and as a result of that the trusty cooperation between stakeholders and HLC Kosovo has increased. Specifically, when it comes to the monitoring of war crimes trials, owing to its continuous role in monitoring and following developments in ongoing trials, and the delivery of timely analysis conducted by professionals in the field, that are disseminated amongst media and social media circles, HLC Kosovo has fortified its role as a credible source of analyses and information on such trials. This has also led to a continuation of the good relationship that HLC Kosovo has with both local and international legal bodies present in Kosovo, and to the extension of this recognition towards constitutive bodies of the Specialist Chambers. In the reparations project, by extensively engaging in advocacy for the matter we have greatly increased HLC Kosovo's network of contact within international missions in Kosovo and the visibility of our actions in general.

Finally, in 2017, an unprecedented achievement has been reached: The DCK has been established. It will (1) permanently house an inclusive, victim-centered multimedia exhibit, (2) serve as a dialogue hub on transitional justice, and (3) provide a space for the HLC Kosovo's extensive youth outreach and education activities. The DCK's existence is enabling the public to memorialize crimes committed during the war and to facilitate dialogue on dealing with the past. The narrative produced by SENSE represents 291 minutes of documentary made of the statements of 105 witnesses, prosecutors and judges, recording 80 different persons talk in video stories, which themselves required the additional creation of 80 animated signatures in 3 languages. The 9 Videos include 69 animated telops and maps, all multiplied in 3 languages. This is the result of tremendous investigative and production work, carried out in just 5 months, and concluded during the reporting period. Proud of this achievement, HLCK's team is also aware of the need to use it to its full potential and ensure broad visibility. This is why we intend to implement, in the coming period, a robust public outreach strategy. Reaching out to secluded and rural communities will prove challenging in the future. So far, the visibility of the DCK kicked off with 275 visitors in 3 months, included many high profile ones. Moreover, the path is set for DCK to become a central part of HLCK's educational activities and of our entire vision.

## **13- Audit recommendations and perspectives for 2017**

Our last Audit's recommendations will be given at the end of January 2018.

As this programme's period is coming to an end, we are planning to have a strategic planning session with all staff members in the early 2018.