

ANNUAL REPORT 2018

HUMANITARIAN LAW CENTRE KOSOVO



INTRODUCTION

Over the last year, HLC Kosovo has worked towards supporting its theory of change and overall Strategic Framework (2018-2020). The following report is aligned with this strategy and measures progress made towards our multiannual objectives in promoting a **holistic, inclusive and victims centred transitional justice framework in Kosovo**. Progress achieved in 2018 was made possible by a team of 15 staff, of which 4 new ones in 2018, bringing change and human capacity to the organisation.

This progress also took place in the context of significant socio-political developments in Kosovo impacting our programmes. In the summer 2018, the prospect of land swaps between Kosovo and Serbia as part of a border correction deal, part of the Brussel mediated dialogue, led to heightened tensions in and around Kosovo, while also sending a very dangerous message to citizens of both countries and the whole region that propaganda of ethnic ownership over territory could be accepted and legitimized.¹ More than 30 civil society organizations from both Kosovo and Serbia send an open letter to the EU's foreign policy chief, Federica Mogherini, urging her to unambiguously condemn the division of Kosovo, and the idea of ethnically divided territories at large, idea that has previously pushed the region into conflict.² Resistance against the border correction deal also came from the vast majority of political parties and politicians in Kosovo, criticizing the President's office for 'dividing' Kosovo.³ Since, there has been little information about what this deal would practically entail. The uncertainty resulting from this situation has created a feeling of vulnerability and insecurity in Kosovo among the majority and non-majority communities, directly affecting our work – in particular our ability to mobilize non-majority participants to our activities.

This insecure atmosphere was further aggravated by the announcement of Kosovo's failure to join the International Criminal Police Organization, Interpol in November 2018, despite long efforts from Kosovo politicians to lobby for membership. Inside Kosovo, the resulting frustrations were directly directed at Serbia who had been lobbying against, damaging further relations between the two states and their citizens living inside Kosovo.⁴ As a response, Kosovo authorities

¹ <https://prishtinainsight.com/thaci-no-partition-no-swaps-no-autonomy-for-north-kosovo/>

² <http://www.balkaninsight.com/en/article/eu-urged-to-speak-up-against-kosovo-partition-08-07-2018>

³ <http://rs.n1info.com/a426822/English/NEWS/Kosovo-s-Thaci-insists-on-border-correction-with-Belgrade-despite-opposition-at-home.html>

⁴ <https://www.euronews.com/2018/11/20/kosovo-denied-entry-to-interpol>

declared a tax increase on imported goods from Serbia and Bosnia & Herzegovina, leading to huge international condemnation.⁵

Just weeks later Kosovo assembly voted to in favor of legally expanding the mandate of the Kosovo Security Force. This was done despite strong warnings from international community such as NATO, EU and other states, but also from Lista Srpska, that the vote is not for the good of peace and stability in the region.⁶ On the following day, the first signs of possible indictment by the Kosovo Special Chambers (KSC) loomed as the first interviews with former KLA members were announced by The Hague. All these have resulted in a tense and even worrying atmosphere in Kosovo, as demonstrated by, for instance, the reluctance of non-majority participants to travel to parts of Kosovo inhabited by majority communities to attend our activities.

Finally, the veteran list scandal - after allegations of it containing more than 20.000 'fake' veterans - resulted in an indictment in July 2018.⁷ Soon after, the State Prosecutor in charge stepped down and fled to the US due to threats received while carrying out his duties.⁸ The Prime Minister of Kosovo immediately publicly questioned the integrity of the prosecutor – with insulting comments -, in turn himself criticized for interfering in the work of an independent institution, including by HLC Kosovo. This constitutes a dangerous precedent, which, if not reacted to and withdrawn, makes space for further direct interference and pressure on the prosecutorial system from the political spheres, which must be avoided to maintain sound division of power in Kosovo and the independence of the Judiciary.⁹

⁵ <http://www.balkaninsight.com/en/article/serbian-kosovo-media-wage-war-over-tax-hike-11-22-2018>

⁶ <http://www.balkaninsight.com/en/article/kosovo-votes-ksf-transformation-into-army-12-14-2018>

⁷ <http://zeri.info/aktuale/216754/veteranet-qe-perfituan-kunderligishem-pensione-ne-zonen-e-shales-sipas-prokurorise-emrat/>

⁸ <https://prishtinainsight.com/the-veterans-coup/>

⁹ <https://www.hlc-kosovo.org/reaction-of-the-hlc-kosovo-to-the-vocabulary-used-by-the-prime-minister-of-kosovo-regarding-the-resignation-of-prosecutor-blakaj/>

	Activities organised in 2018	Progress towards HLCK Strategic Objectives
Documenting	<p>Project: Kosovo Memory Book and database (KMB) In 2018, 479 forms of verification of data were completed, collecting additional information on 900 existing victims from the Albanian (893 forms), Serb (1), Ashkali (3) and Roma community (3).</p> <p>Research for information about new potential victims resulted in 65 cases, 80 interviews conducted and 62 verifications forms filled out. Each of these cases was thoroughly investigated by our researchers. Out of them, it was found that 11 potential victims are in fact still alive, 9 are not war related victims (natural death), 5 were found to be in connection with the war as indirect war victims and 8 were killed but not because of war (suicide, revenge, traffic accident etc.). Further 32 of them were victims for which we could not find any information or already evidenced victims (with names wrongly written in other sources).</p> <p>This documentation work resulted in HLC Kosovo collecting a total of 828 different types of evidences: certificates of death, identification and exhumation (155), photos of memorials (530), photos of victims (73) and others. These data have been entered into the KMB database.</p> <p>These, and previously gathered data in the KMB, have served as a strong basis on which narratives commemorating losses have been drafted and presented in the Documentation Centre – Kosovo (DCK), through the Map of Human Losses, and became advocacy tools to promote fact-based narratives of the past in 15 public presentations of the KMB findings.</p>	<p>The organised activities contributed to build a fact-based historical memory about the armed conflict in Kosovo (1998-2000).</p> <p>The data collected, building on several years of field investigation, verification and collaborative work between HLC and HLC Kosovo, continued to be checked and solidified. The intricacy of the verification task of our researchers, that cannot be speeded up for adequate standards of evidence – that which makes the reliability and reputation of the KMB – to be preserved. Central to our methodology is the scrutiny given to new potential victims requiring very careful attention to avoid duplicating already existing data and avoiding misinformation are entered into the database. Verification process for each victim can take up to 1 entire week of intensive research and work. Due to the large amount of data collection in 2018, whose analysis has taken longer than planned, the publication of the second volume of KMB is not yet ready to be published at the desired standard of evidence.</p> <p>Individual investigations carried out has often led to very powerful stories of families discovering the fate of their missing loved ones. During this period, one such case marked our team, as a father looking for his missing son was able to obtain information through our research, after 20 years of complete uncertainty.</p>
	<p>Project: Monitoring War Crimes Trials and Trials for Ethnic and Political Crimes 78 days of monitoring trials sessions were conducted by the staff of HLC Kosovo leading to the collecting of 1,924 documents (from investigation phases, evidence, testimony of witnesses and decisions) amounting to 15,016 pages from pre-trial proceedings and investigations of 11 cases in total.</p> <p>HLC Kosovo hosted 15 legal interns, shaping young legal students to monitoring cases by following each trial session and drafting reports on them. In total 70 such reports were submitted and 17 meetings held with interns to guide, feedback and discuss legal issues arising in the trials.</p> <p>Following on a long tradition of annual reporting, the results of our 2017 investigations were published in our report <u>“War Crimes Trials – What Comes Next?”</u> launched to the public on March 26th 2018 during a roundtable gathering 50 relevant judicial stakeholders, representatives of victims and the media. This report gathers our inputs to 18 cases analysis carried out in 2017.</p>	<p>HLCK’s role of a legal watchdog contributed to the fight against impunity and to justice for victims by ensuring the transparency of court sessions on war crimes and crimes of ethnic and political background. By making available to the public quantity of legal documents, commentaries and assessments, our work is providing free and easy access to war crimes cases related documents, breaking down the heavy technical language of such cases down in an understandable and informative way. The two reports published in 2018, solidifying our long-standing practice of building evidence on the judiciary’s ability to carry out war crimes trials, has also brought new light to how this ability has evolved through time and the different legal missions in Kosovo. The visibility given by theses, along with the public statements taken by our team, have all contributed to HLCK being on the forefront of the judicial discussions at play in Kosovo in 2018.</p> <p>In particular, the 1999-2018 Overview received a warm welcome from different stakeholders involved in the field of war crime trials in Kosovo, among other the office of Special prosecution of the Republic of Kosovo, the Kosovo Specialist Chamber (KSC) and EULEX. KSC representatives expressed their admiration of the</p>

	<p>Further, a media conference was organised to launch a second report published this year: <u>“An Overview of the War Crime Trials in Kosovo in the period 1999-2018”</u>. This unprecedented retrospective on judicial efforts in Kosovo’s post-conflict period, collecting a unique amount of trial elements and legal analysis over 48 cases in total, was reported in the media by 18 media outlets and portals, and widely disseminated. A conference closed to public was also organised to discuss the findings of the report on 30th of October 2018 where more than 25 participants from different stakeholders, local as well as international legal missions, attended the debate.</p> <p>On 12th December, a regionally sponsored conference on “Processing war crimes: regional cooperation – experience and challenges” was organised together with our long standing partner Dokumenta (Croatia) and gathered 50 participants (CSO, embassies, governmental institutions, media, international, regional and domestic organisations).</p> <p>8 public statements were made in relation to war crime cases and other legal related themes such as on the Special Prosecution Office of Kosovo or EULEX mandate extension.</p> <p>During 2018 HLC Kosovo staff initiated more than 19 meetings with relevant stakeholders in the judiciary to present its recommendations. Among many, the president of the Supreme court, the Prosecutor of the Special Prosecution Office of Kosovo, EULEX officials, judges, etc. These were held to follow up on previous recommendations made to the judiciary and keep our partners accountable to the commitments made and continue tracking Kosovo’s Judiciary’s progress.</p>	<p>report and conviction that the lessons learnt evidenced will be useful for their work, both now and in the future.</p> <p>The recommendations provided in our publications, and our monitoring work at large, also led to improving the efficiency and professionalism of the judiciary for war crimes and crimes of ethnic and political background.</p> <p>In 2018, relevant authorities have implemented more than 50% of the recommendations put forward in our annual report, a number raising to 70% since the beginning of HLCK’s work in supporting the judiciary with such (over 100 recommendations). A great step forward has been the increase to 3 war crimes prosecutors, the introduction of mandatory verbatim records in war crimes cases and the use of audio and video recording of witness testimony during pre-trial proceedings. These implemented recommendations that HLCK had robustly lobbied for, will play a large role in enhancing the professionalism and effectiveness of war crimes trials.</p>
Supporting	<p>Putting the Victims First</p> <p>HLC Kosovo has continued assisting its partner HLC in supporting family members while traveling to Serbia for 7 sessions of war crimes cases, by taking on information, transport logistics, support in filling and requesting legal documents, translation and general support. This support has resulted in 14 days of traveling to Serbia, and several post-travel meetings held to deliver the damages and compensation granted. In reparations cases held in Serbia, HLCK led the informing of family members about the decisions made by the court and when applicable the administrative execution of court’s decision.</p> <p>Continuing its advocacy campaign to improve the legal framework on reparations for civilian victims, started in 2016,</p>	<p>Support given to families of victims in their criminal prosecutions in Serbia, and the position of advocate for a functional, non-discriminatory reparations law and for access for all victims and their families to just reparation, is centered on the objective of empowering the victims of the conflict in Kosovo.</p>

	<p>HLCK recommendations in this regard were taken up in different meetings, interviews and media statement where visibility to the topic was given.</p>	
	<p>Documentation Centre – Kosovo (DCK) The DCK celebrated its first anniversary in September 2018. Throughout the year, 1243 visitors set foot in the DCK, among which 400 young people. While the permanent exhibition travelled to Belgrade and Zagreb, this hub for transitional justice and remembrance held a number of new initiatives at this occasion, building of the memorialisation potential offered by the 20th anniversary of the Kosovo war.</p> <p>5 remembrance narratives - in the frame of our “Today 20 years ago” programme – were developed, out of the analysis of 442 documents from the KMB database and fact-checking with 62 families of victims to verify the events and the circumstances of the death of their loved ones. In total more than 2500 pages of documents were consulted and analysed and presented during 3 public lectures in the DCK. These lectures featured the following cases: Likoshan and Qirez (28th of February 2018, 76 participants), Sylmetaj Family, (22nd of October 2018, 24 participants) and Panda Case (14th of December 2018, 27 participants).</p> <p>The “Map of War Victims in the Former SFRJ 1991 – 2001”, in partnership with Humanitarian Law Center, Documenta and the Association Transitional Justice, Accountability and Remembrance in Bosnia & Herzegovina was published. The Map is a shared online resource that provides basic information on the identity and status of the deceased and missing across the former Yugoslavia for which documentation work has been carried out with the same methodology. 19795 confirmed victims and affiliated record were added to the map by the partner organizations.</p> <p>Preparations for the upcoming temporary exhibition commemorating Children of War through a display of their belongings and narratives about their fate, whose opening is planned for Spring 2019, started. Careful selection of 30 killed or missing children from the Kosovo Memory Book database (out of 1200 in total) led to 60 families contacted and interviewed, and ultimately 20 belongings collected from their families. 45 photos from different local artists have been shortlisted for the exhibition. During the first week of November 2018 the curator and our team held several meetings and a work committee was established linking HLC Kosovo and different professionals and service providers to assist with the exhibition planning and curating. Towards the end of the year, The graphic designer developed different</p>	<p>HLCK’s memorialisation activities are geared to keep the memories of the victims alive through memorializing the victims of the conflict in Kosovo from all ethnicities and background.</p> <p>The year 2018 has marked the beginning of the 20th anniversary of the conflict, thus giving space to reevaluate current commemoration and memorialization of civilian victims in Kosovo, leaving little space for certain categories of victims distant the official nationalistic agenda of commemoration, and very ethnic centred and exclusive. HLC Kosovo has seized this opportunity to shed light on ‘forgotten’ cases – through the narratives developed – and victim hoods – through a temporary exhibition. These have in common to have high reconciliation potential due to their distance from political agendas to date. They seek to give names, voice and space to victims across all ethnic lines in Kosovo, and focusing on court established facts.</p> <p>The remembrance narratives and lectures held have gathered great attention from media, different stakeholder and participants. The importance of these lectures for the families was showed during the Sylmetaj family case, after which family members expressed their emotional gratitude for commemorating their loved ones, during a very powerful moment of sharing with our team. They pointed out that what mattered to them was not the scale of the commemoration but just the fact that their story and their names were not forgotten.</p> <p>The choice to focus the DCK’s second temporary exhibition on Children, who have not traditionally occupied much space on the public memory space, will be emphasising the personal identity of these victims and not the gruesome circumstances in which they lost their life in, thereby re-humanising what often remain as just mere numbers on lists. The families of the children victims have equally expressed their satisfaction and willingness to be part of the exhibition.</p> <p>Finally, the first steps towards the online accessibility of the KMB findings through the Map, in an unprecedented collaborative effort, is another stone to the fact-based memory edifice erected step by step by HLC Kosovo and its partners.</p>

	<p>samples of visibility materials (posters, logos etc.), and the interior designer have mapped and presented various options for the physical appearance of the DCK and the exhibition. These progresses were made possible in a new chapter of cooperation between HLC Kosovo and the Municipality of Pristina, bringing additional funding and public support for the exhibition.</p>	
Awareness Raising	<p>Non-Formal Education on Dealing with the Past Due to their unique posture as citizens of today and of tomorrow, and to their large amount in the country's population, most of HLC Kosovo work to raise awareness about transitional justice is focused on the young population of the country. In total 14 workshops and lectures have been organized in high schools reaching out to more than 380 students. 8 have been lectures in cooperation with TrueAktiv and have taken place in different municipality across Kosovo, including 9 workshops/lectures in the premises of the DCK for University and High School from all Kosovo and for a group of Serbian youth from Serbia organized by YIHR Kosovo. A new edition of our summer school was organized in Prizren in August during the annual Dokufest festival. For all our educational work, topic of the lectures cover all pillars of transitional justice and seek to increase knowledge, understanding and acceptance of a common past in Kosovo and ways that have been used to deal with it.</p> <p>Despite the positive results and growing number of young people benefiting from our workshops, the aim of HLCK is that, ultimately, transitional justice be included in formal education curricula. To that avail, 3 advocacy meetings were held with relevant stakeholders in the Ministry of Education.</p> <p>The RECOM initiative Was promoted in January at the 11th Forum for RECOM in Sarajevo, where 26 participants from Kosovo attended. 3 strategic meetings were since held to advocate for the creation of RECOM before the July London summit for RECOM, after which 2 follow up meetings with Kosovo official happened.</p> <p>Advancing human rights through documentation and Needs Driven Advocacy Iraq (IRAQI HRDI) HLC Kosovo promoted the KMB fact-finding methodology and trained partners in Iraq human rights documentation initiative, East Timor (Sites of Conscience) and Rwanda.</p> <p>Work with the Kosovo Specialist Chambers While indictments are still awaited, HLC Kosovo's preliminary work of establishing contacts and seeking to convey a good public image of the court begun. 9 meetings with</p>	<p>The public in Kosovo has very limited knowledge on accurate narratives about Kosovo's recent conflict and its outcomes. In addition to the public events about the KMB and WCT already mentioned, central to HLCK's work has been to raise the awareness of the public about the victims.</p> <p>Our non-formal education program is one of the most successful activity implemented, both due to the amount of people reached (more than 1600 young people reached through our NFE and DCK programs) but most importantly due to the quality of reception provoked. 95% of young people we approach in our workshop declare having learnt something new to them, while 75 wish these would be included in their formal education. This assertion is providing a strong and legitimate basis to our advocacy work and to the continued relevance of our non-formal education activities.</p> <p>This educational work is though to be promoting interaction between the ethnic communities. While directly targeting minority communities is currently impeded by the political climate and reality of interethnic relations in Kosovo, when we have been able to do it has proven rewarding and promising. In the summer school, our team witnessed a very powerful moment of sharing emotions between a Serb and an Albanian girl, both finding out about the others' loss and relating to their own in a new way. HLCK is hoping that the new partnership with Serbian NGO will assist in scaling up cross ethnic interactions in the future.</p> <p>As KSC have begun to its activities, it has become one of the most discussed topics in the media and the general public. To ensure an accurate and fact-based discussion will be of crucial importance to avoid possible manipulation or degradation of KCS's work before it's even started, image, thereby hindering its potential to have a positive role in Kosovo's transitional justice process. HLC Kosovo is also attached to raise awareness of the public about its actual role and mandate at the very early stages of it's the court's intervention in Kosovo.</p>

	<p>representatives from Outreach Office of Kosovo Specialist Court where held to agree on the terms of our partnership. 3 panel discussions were jointly organized (in Pristina, Prizren and Peja) and two of our staff member attending a KSC workshop in The Hague. From December 2018 HLC Kosovo entered into official cooperation with the KSC. This cooperation will mean that in the coming year HLC Kosovo will organize 10 lectures or roundtable discussion in Kosovo with the KSC.</p>	
Capacity Building	<p>Greater visibility was given to HLC Kosovo by the three conferences on WCT and many public events held in the DCK and beyond.</p> <p>Investing in its potential, capacity development of its staff took place in several ways. Our outreach and fundraising manager followed a mentorship program in grant writing and partnership building throughout the year, complemented by training in budget development and planning and monitoring in May and November 2018. These were targeting HLCK's ability to raise funds and evaluate its impact. Further, the same staff member attended a workshop on communication and outreach, for advocacy before EU institutions organised by one of our donors. Finally, our legal analysis attended a legal analysis and monitoring training, with a focus on Digital Security.</p>	<p>As a result of both the visibility effort and capacity development of its staff, 8 new partnerships were concluded in 2018. 15 grants were submitted, of which 10 new applications. While waiting for most results, 8 have already been positively received, among which the great milestone of an EC funded multiannual project.</p> <p>During the training and workshops the staff have expanded their knowledge and capacities to carry out their field of work. This has enabled the above results and empowered our staff in being ever better at what they do.</p>

CONCLUSION

During the year 2018 HLC Kosovo has achieved some important milestones in the six programmes composing our transitional justice work. These have served goals of fighting impunity and supporting the rule of law, documenting human losses and supporting victims, and increasing knowledge about transitional justice. In 2019, a new Civil Coalition formed in Kosovo, the work of the KSC and an exhibition launch in the DCK will prove to be milestones moments for looking at our strategy again, and further efforts will be made to complete our theory of change.