ANNUAL REPORT 2019

HUMANITARIAN LAW CENTER 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 2019 was made possible by a team of 13 staff, of which 1 new in 2019, bringing change and human capacity to the organization.

This progress also took place in the context of significant socio-political developments in Kosovo impacting our programmes.

On July the 19th Kosovo's Prime Minister Ramush Haradinaj announced his resignation from office. This came as a consequence from being summoned by the Special Prosecutors Office and the Kosovo Specialist Chambers (KSC) in The Hague to be questioned about his involvement in the war 1998-99 in Kosovo. President Hashim Thaci set the 6th of October as the day for early Parliamentary election. The elections result marked a notable change in the political landscape in Kosovo – with the highest voter turnout in the country's history and Vetevendosje party set to lead the new government, in a coalition with LDK. At the end of the year however, coalition parties had not settled for a deal, and Kosovo remained without a formed government.

Serbia-Kosovo relations remained tense in 2019 as parties continued having opposing claims and making political moves fueling divisions. Kosovo's negotiation team suggestion of a new tribunal to be set up to try Serbia's crimes in Kosovo was ill-received by its Serbian counterpart. Vucic's denial of Kosovo war time massacre created public outcry in Kosovo. In May, a Kosovo parliamentary commission approved a draft resolution accusing Serbia of committing genocide against ethnic Albanians during the 1998-99 war. This bid was questioned to have any practical purpose by civil society, while Serbian officials received it as a sign of noncompliance with the EU-mediated dialogue.

Several Former Kosovo Liberation Army commanders were summoned for hearings by the Specialist Prosecutor's Office of the Kosovo Specialist Chambers, including several close advisors of prominent political elected representatives in Kosovo, and former PM Haradinaj himself. Actual indictments however, are still expected, almost 4 years after the court's creation.

Project: Kosovo Memory Book and database (KMB) In 2019, 904 forms of verification of data where completed, collecting additional information on 1262 existing victims from the Albanian (1237 forms), Ashkali (21), Bosnian (1) and Roma community (3).	The organised activities contributed to build a fact-based historical memory about the armed conflict in Kosovo (1998- 2000) .
Research for information about new potential victims resulted in 149 cases, 250 interviews conducted and 149 verifications forms filled out. Each of these cases was thoroughly investigated by our researchers. Out of them, it was found that 15 potential victims are in fact still alive, 25 are not war related victims (natural death), 9 were found to be in connection with the war as indirect war victims and 10 were killed but not because of war (suicide, revenge, traffic accident etc.). Further 90 of them were victims for which we could not find any information or already evidenced victims (with names wrongly written in other sources).	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 2019, whose analysis has taken longer than planned, the publication of the second volume of KMB is not
This documentation work resulted in HLC Kosovo collecting a total of 481 different types of evidences: certificates of death, identification and exhumation (125), photos of memorials (54), photos of victims (99) and others, as well 203 other types of documents. These data have been entered into the KMB database.	yet ready to be published at the desired standard of evidence.
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 4 public presentations of the KMB findings and creating an exhibition about children victims in the Documentation Centre Kosovo.	
 Project: Monitoring War Crimes Trials and Trials for Ethnic and Political Crimes 40 days of monitoring trials sessions were conducted by the staff of HLC Kosovo leading to the collecting of 265 documents (from investigation phases, evidence, testimony of witnesses and decisions) amounting to 1707 pages from pre-trial proceedings and investigations of 9 cases in total. HLC Kosovo hosted 9 legal interns, shaping young legal students to monitoring cases by following each trial session 	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 annual report published in 2019, continued to prove our long- standing practice of building evidence on the judiciary's ability to
and drafting reports on them. In total 82 such reports were submitted and 16 meetings held with interns to guide, feedback and discuss legal issues arising in the trials.	carry out war crimes trials. 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 2019.
Following on a long tradition of annual reporting, the results of our 2018 investigations were published in our report "War	The recommendations provided in our publications, and our

Progress towards HLCK Strategic Objectives

Activities organised in 2019

Monitoring

Crimes: A discouraging transition" launched to the public on March 29th 2019 during a roundtable gathering 50 relevant judicial stakeholders, representatives of victims and the media. This report gathers our inputs to 11 cases analysis carried out in 2018.

On December 6th 2019, a conference was held with the topic "War Crimes – Providing Evidence, Challenges and Experiences with the Witnesses". The conference gathered more than 35 different stakeholders and media as well as 15 young professionals from the region who attended HLCK regional workshop on TJ.

2 public statements were made in 2019 one in relation to <u>The</u> resolution on <u>Serb Genocide committed in Kosovo by the</u> <u>Kosovo Government</u> and an open letter to <u>Judge Carmel</u> <u>Agius, President of the International Residual Mechanism for</u> <u>Criminal Tribunals</u> together with 32 other organizations from the region.

During 2019 HLC Kosovo staff initiated more than **50** 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. Furthermore, this year the HLC Kosovo successfully signed a new MOU with Kosovo Judicial Council extending the cooperation for two more years.

During the year 2019 our legal analyst organized two trainings for the War Crimes Department of the Special Prosecution of the Republic of Kosovo and the Governmental Commission for the Verification and Recognition of Sexually Abused during the war. These trainings were focused on the use of the ICTY database; how to search the database, how to identify documents and findings from the database related to specific cases etc. More than 20 prosecutors, investigative police, administrative staff and others attended these trainings. 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.**

In 2019, relevant authorities have implemented or are processing more than 80 % of the recommendations put forward in our annual report. A great step forward has been the proper selection of judges in the special war crimes department, which was put forward in the report, while six more recommendations are in the process of being implemented. These implemented recommendations that HLCK had robustly lobbied for, will play a large role in enhancing the professionalism and effectiveness of war crimes trials.

The 2018 annual report has been well received from the public and relevant stakeholders, HLCK WCT monitors have on several occasions received positive comments and feedback while monitoring WCT sessions. There was also a great demand from different stakeholders to be provided with copies of the report. In addition to Kosovo, we have had the opportunity to hear positive comments from representatives of the International Residual Mechanism for Criminal Tribunals.

Putting the Victims First and assisting in reparations

HLC Kosovo has continued assisting its partner HLC in supporting family members while traveling to Serbia for **9** sessions of war crimes cases, by taking on information, transport logistics, support in filling and requesting legal

Support given to families of victims in their criminal prosecutions in Serbia, and the position of advocate for a functional, nondiscriminatory reparations law and for access for all victims and their families to just reparation, is centered on the objective of

 documents, translation and general support. This support has resulted in 17 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. With the assisting of HLC and HLCK 17 individual were granted the right for reparation from Serbia for their and their families suffering during the conflict in 1998-1999. Continuing its advocacy campaign to improve the legal framework on reparations for civilian victims, started in 2016, HLCK recommendations in this regard were taken up in different meetings, interviews and media statement where visibility to the topic was given. 	empowering the victims of the conflict in Kosovo.
 Documentation Centre – Kosovo (DCK) Throughout the year, over 2000 visitors set foot in the DCK, among which 400 young people. 5 remembrance narratives - in the frame of our "Today 20 years ago" programme – were developed, out of the analysis of 442 documents/news articles and other sources as well as fact-checking with 12 families of victims to verify the events and the circumstances of the death and/or disappearance of their loved ones. In total more than 2500 pages of documents were consulted and analysed and presented during the public lectures in the DCK. These lectures featured the following cases: Rogova Case (29th of January 2019, 26 participants), Skenderaj Case (20th of March 2019, 29 participants), Beleg case (29th of March 2019, 28 participants), Bala case (12th of June 2019, 26 participants) and The disappearance of two school directors (29th of September 2019, 20 participants). Continuing the program "Today 20 years ago" HLCK started during the year 2019 to transform the public lectures into visual lectures. The preparation for these lectures was made late 2019 together with an animation company. HLCK decided that it's important that the stories get shortened to fit the duration of 3 to 5 minutes making them interesting to watch and respectful visual identity that complement the sensitive nature of the stories. The short animation video will be completed by a narration voice in Serbian and Albanian, while English subtitles will be added to all of them 	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 . The year 2019 has continued to marked the 20 th anniversary of the conflict, thus giving space to revaluate 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.

Once Upon a Time and Never Again

On 13th of May 2019, HLC Kosovo launched a new exhibition in its Documentation Centre - Kosovo. This space, opened in September 2017, is a unique hub for raising awareness of the Kosovo public about its past, remember victims of the war and build a common memory based on court-established facts.

"Once Upon a Time and Never Again" was thought as an exhibition dedicated to 1133 children killed and missing in the Kosovo war. More than an exhibition this is a memorial to their fate, commemorating and honoring the victims and their families. Glass boxes holding different objects that belonged to children victims of the war transform into personal histories and tell of these children's lives and misfortune, and in the way their family remembers them. More than an exhibition this is also an invitation for facing and reflecting, an invitation to dialog and heal by initiating a collective memory.

The exhibition presents the list of all the children killed and missing according to the KMB research, through a wall of names, birth/death dates. Though all personal information where presented, around 350 photos of children are printed in glasslike material and installed in a wall. A selection of 28 killed or missing children whose families could preserve their belonging was made and a close collaboration with 11 different families started, where ultimately 24 belongings and stories were collected. The exhibition also presents 7 photos from different local and international artists which portrays the children's experience of war. And in a silent corner, 9 monitors only show still images of different crime scenes where children have lost their lives, without showing any graphic content. The exhibition is filled with the voice of Gramos Berisha, who recollects the day he lost his father, sister and brother but he and his mother managed to escape the massacre of Berisha family in Suhareka.

170 persons attended the opening, and over 2000 visited since. The event and its content was widely shared in over 30 local, regional and international media, scaling up its reach beyond the physical visits and the borders of Kosovo.

expressed the relief they feel at the fate of their loved ones being more known to the general public in Kosovo and the supportive messages they received and expressed that they felt it was right to organize the event in Prishtina after noticing the people and media attending the event.

Converting the lectures into video presentations and publishing them on online platforms is a right step toward making the memorialization and awareness of these events accessible to a wider audience, not only reaching out to Pristina but as well out to the region. In this way, in addition to a wider reach, we can guarantee the sustainability of the lectures to be used in future lectures and activities, and create a base for remembrance for future generations

The opening exhibition was marked by very intense amounts of emotion and a really powerful moment of sharing between families, outside visitors, and our staff. Families that have travelled for hours to come and see the photos of their sisters/daughters in the wall of portraits among 320 other faces mentioned that "it is very well thought how you did not put names on the photos, and how you did not put brothers/sisters near each other, that makes us look for them among hundreds of other eyes that were shut and we share that grief with all the other families"

The greatest impact reached is visible when listening to the stories of the families of the children missing or Killed that have visited the exhibition. Parents of one of the children, told HLCK that it was very important for them that their children are commemorated together with all the other children that shared the same gruesome fate. A father to four killed children, told the HLCK staff that "it is the first time I could have a good night sleep since the incident, as now I feel that I have done something to preserve their memory". The families kept visiting whenever they had the chance and were in Prishtina, alone or bringing other visitors with them, as the exhibition, as they explained, became a peaceful space for them to remember their loves ones in a different light.

Scaling up the outreach of this exhibition HLCK together with its partners in Belgrade and Sarajevo, HLC and TJAR, are planning the travelling of some part of the exhibition to Belgrade to extend the impact of this exhibition on the youth in Kosovo and in the wider region. By exposing the youth from Kosovo, Serbia and BiH to the same exhibition, and further encouraging them to critically rethink the way that remembrance takes place in their countries, hopes to highlight alternative and innovative ways of creating a joint culture of memorialization in the region across ethnic lines.

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 18 workshops and lectures have been organized in high schools reaching out to more than 400 students and youngsters. 15 lectures 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. 3 of these lectures have been with Serbian youth from North Mitorvica, 2 took place in the DCK and one took place in the premises of our long standing partners premises, AKTIV in North Mitorivica. 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.

Building on the year-long experience on NFE on dealing with the past in December 2019 HLCK organized its first two-day workshop for young professionals from the region on TJ. The brought together 15 young professionals, 12 from Kosovo (among them two Serbs from North Mitrovica, 2 from Serbia (one of them Albanian) and one from North Macedonia where they during the two-day workshop had the opportunity to get in-depth knowledge about the TJ process in Kosovo.

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, during 2019 HLCK drafted 4 educational chapters on TJ for an upcoming educational book to be used for the 12th grade in Kosovo. This book, if approved by the Ministry of Education, will be a mandatory part of civic education for students, thus ensuring a factual based representation of TJ and recent conflict in Kosovo.

Travelling ICTY exhibition

Continuing the awareness raising of the DCK content beyond DCK and the capital of Kosovo, have been the travelling of the ICTY exhibition to other municipalities. In November 2019, HLCK organized for its exhibition "ICTY: The Kosovo Case" to travel to two cities (Kamenica and Gjilane) where the citizens of the respective cities had the chance to watch the 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**.

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.

This educational work is thought 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 how the participants developed during the one-week summer school in relation to their beliefs and misinformation about the past and expressed a sense of responsibility for the future transitional justice process in Kosovo, as one of the youngsters stated: "It is youth's responsibilities to learn about the past, we always need to seek the peaceful solution to conflict, and reconciliation of a society".

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.

Three Kosovo based organizations, HLC Kosovo, Ngo Aktiv and Artpolis with the support of EU based partner in Croatia, Documenta have committed to establishing official cooperation through the Kosovo Coalition for Reconciliation (KCR) in order to strengthen the existing grass root initiative that promotes cultural diversity and reconciliation in Kosovo. exhibition that explains how the crimes committed in Kosovo were investigated, reconstructed and prosecuted by the ICTY. The two exhibition had more than 300 visitors during the five days it was exhibited. HLCK are planning to organize at least three more events in different municipalities in Kosovo in the coming period to show the ICTY exhibition and promoting factual based information throughout the whole of Kosovo.

The RECOM initiative

HLC Kosovo as a partner organisation in the RECOM project has taken part in different meetings and debates organised by the RECOM project. Also, HLC Kosovo has organised the group of the members of the coalition for RECOM from Kosovo to take part in the Assembly of RECOM Coalition and at the 12th International Forum for TJ in Post –Yugoslav countries, which has taken part in Zagreb in December 2019.

Advancing human rights through documentation and Needs Driven Advocacy Iraq (IRAQI HRDI)

Within the project "Iraqi Human Rights Documentation Initiative", HLC Kosovo has contributed to raise awareness and build capacities of Iraqi Civil Society on Documentation of the atrocities during the conflict in Iraqi. The coalition of partners in this project consist of NGO's from different countries: PILPG, Sites of Conscience and AMAR foundation from USA, local organisations from Iraqi as well as HLC. Within this project, during the reporting period, HLC Kosovo has taken active part on preparing and conducting two workshops. One has taken part in March 2019 and it was about advancing HR through documentation and need driven advocacy. The second workshop was organised in July 2019 and it was related to advocacy campaigns. Both workshops were organised in Erbil, the capital of Kurdistan Region in Iraqi.

Cooperation with the Kosovo Specialist Chambers

While indictments are still awaited, HLC Kosovo's preliminary work of establishing contacts and assisting in organizing informative events about the courts mandate. Several meetings with representatives from Outreach Office of Kosovo Specialist Court where held to agree on the terms of our partnership. 5 panel discussions were jointly organized, reaching out to around 100 students, journalist and young professionals in Kosovo, and one of our staff member attending a KSC workshop in The Hague and one in Kosovo. The overall objective of KCR is to reduce the ethnic related conflicts through active and inclusive civic and community engagement in transforming prevailing conflict perceptions and eradication of legal and policy deficiencies burdening ethnic relations in Kosovo. The coalition aims to engage the community while dealing with the past, present and the future towards reconciliation and promotion of cultural diversity in Kosovo. During the year 2019 KCR organized more than 15 events/initiatives, promoting genuine ethnic dialogue and cooperation reaching more than 2900 people thus making the Coalition one of the leading actors in Kosovo when it comes grassroots initiatives in the reconciliation process in Kosovo. HLCK, within the KCR, will in the upcoming year concentrate its work to review the transitional justice process and draft a National Strategy on TJ for Kosovo.

Kosovo Coalition for Reconciliation

Starting January 2019 HLCK, as lead, together with NGO AKTIV, ArtPolis and Documenta established the Kosovo Coalition for Reconciliation (KCR). On 11th of July, 2019 at the Europe House in Pristina the Kosovo Coalition for **Reconciliation were officially launched.** The conference was a 2hour long event which was divided in two parts. The first part where the official launching of KCR by the members of the coalition presenting the aim and goals of the coalition, why there was a need to establish such a coalition and the way forward for the members of the coalition. The official launching was followed with a panel discussion "Reconciliation in Kosovo: Past, Present and Future -Discussion about the process of reconciliation in Kosovo, challenges and opportunities from the perspective of Media and Arts". In total, more than 50 attended the conference from different CSO and institutions, both domestic and internationals. Besides a high number of attendees, more than 13 media outlets representatives covered the conference as well, reporting and broadcasting the conference later that day.

Greater **visibility** was given to HLC Kosovo by the two conferences on WCT and the KCR launching conference, confirming HLCK long lasting reputation as the lead actor in the lead actor in the transitional justice field. To that added can be mentioned the increased number of visitors, both to HLCK office and the DCK. During 2019 more than **2500** people were directly reached, either through visits to HLCK or through our outreach activities such as travelling ICTY case and DokuFest.

Investing in its potential, **capacity development of its staff** took place in several ways. Four of our staff members took in two capacity building trainings focusing on advocacy, presentation of best practices in post – Yugoslavia countries activities concerning various advocacy activities, human losses, missing persons, civilian war victims, war crime trials monitoring, culture of remembrance. Further, our outreach and fundraising manager continued following trainings on grant writing, partnership building, budget development and planning and monitoring throughout the year. These were targeting HLCK's ability to raise funds and evaluate its impact. As a result of the visibility effort, during the year 2019 HLCK notice an increased interest in the work of HLCK, not only from the general but as well from high level officials, both nationals and internationals, where among many can be mentioned; The United Kingdom ambassador to Kosovo, the Deputy Assistant Secretary of U.S Department of State Mathew Palmer, The German Ambassador to Kosovo, Minister of Foreign Affairs, Former President of Kosovo Atifete Jahjaga etc. Our activities during 2019 have as well been widely covered by a number of media, both local and international. Another important target group which have come to show greater interest and trust for the work of HLCK and DCK have been family of victims. During this year more than 160 family members have visited the DCK and have expressed their gratitude through wards the work HLCK does for the families.

Following the increase of visibility and capacity development of its staff, 8 new partnerships were concluded in 2018. 9 grants were submitted, of which 6 new applications, out of which 8 have been positively received.

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.

CONCLUSION

During the year 2019 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 2020, the work with the Kosovo Coalition for Reconciliation, the Non-Formal Education program, the continuation of War Crime Trials Monitoring and the travelling of the children exhibition to Belgrade will prove to be milestones moments for looking at our strategy again, and further efforts will be made to complete our theory of change.