

Report: Kosovo Specialist Chambers

Step Towards Justice

or

Potential Timebomb?

By Aidan Hehir

Introduction

This project was launched to determine how existing ‘best practice’ principles – informed by both expert academic thinking and local/regional experience – relating to transitional justice can be applied to prevent the proceedings of the Kosovo Specialist Chambers (KSC) causing inter-community tensions, political instability and civil unrest in Kosovo. Comprising a series of interviews and workshops, this project focused on establishing;

- how transitional justice initiatives *should* be presented to their subject populations to maximise both understanding and popular support,
- how the KSC *is* actually engaging in outreach,
- how civil society and the general public in Kosovo and Serbia view the efforts made to date by both the KSC and the Government of Kosovo in explaining the working methods of the KSC and bolstering its popular legitimacy.

The research comprised a series of interviews and workshops, and it is hoped that the recommendations made below will guide future policy.

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Background to the Specialist Chambers

In 2011 the Council of Europe published the '[Marty Report](#)', which alleged that before, during and after NATO's intervention in 1999, crimes against humanity were perpetrated by the KLA against Serbs but also Albanians. As a result, the US and the EU established a 'Special Investigative Task Force', which recommended in [July 2014](#) that criminal proceedings be initiated. There followed an international campaign to persuade the government of Kosovo to establish a special court; after [a series of failed attempts](#), the KSC was established by the Kosovo Assembly in August 2015. The KSC has jurisdiction over crimes committed between January 1, 1998 and December 31, 2000.

The KSC is described as a '[hybrid](#)' court because, although established by the Assembly of Kosovo and based on Kosovo's constitution and laws, it is located in The Hague, paid for by the EU, and staffed by non-Kosovo citizens. The choice of location and personnel was justified as necessary to ensure the court's impartiality and guard against intimidation. The KSC became fully operational in 2017, although it has [yet to issue any indictments](#).

The KSC has been the subject of significant controversy within Kosovo, particularly among the majority [Albanian population](#). In December 2017, [a group of Albanian MPs](#) in the Kosovo Assembly attempted to revoke the KSC; the effort was abandoned following international pressure, particularly from the 'Quint' states (the US, Britain, France, Italy and Germany), which warned of "[severe negative consequences](#)".

Lessons of Transitional Justice

Since the end of the Cold War, transitional justice has achieved [increased prominence](#), such that it is [described by the EU](#) as “an integral part of state- and peace-building [that] should also be embedded in the wider crisis response, conflict prevention, security and development efforts of the EU”.

What is Transitional Justice?

Transitional Justice takes [many forms](#), from truth and reconciliation initiatives to punitive criminal proceedings. Arguably the most widely used definition of transitional justice – and that employed by the EU in its [most recent policy statement](#) – is the [UN's](#), as advanced by the then Secretary-General Kofi Annan in 2004, namely,

...the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (and none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.

At the core of transitional justice, therefore, are three key principles; accountability, justice and reconciliation. In the longer term, transitional justice is seen as a means by which post-conflict societies can establish effective domestic judicial systems. These elements are reflected in the EU's four “[essential elements of transitional justice](#)”, namely criminal justice; truth; reparations; and guarantees of non-recurrence/institutional reform.

Why is Transitional Justice Necessary?

The normative basis for transitional justice rests on two key claims; first, determining the truth about past crimes and identifying – and punishing – perpetrators is a *moral imperative*. Those who have committed crimes, it is argued, must be held to account so that their victims can achieve justice. Second, transitional justice is presented as necessary on the grounds of *security*; proponents argue that unresolved grievances and unpunished criminality will inevitably generate future tension and instability. Indeed, [Kofi Annan argued](#) that long-term peace “cannot be achieved” without redress for past grievances. This sentiment is echoed by the [EU’s own prescriptions](#) which claim “there cannot be lasting peace without justice”.

This latter point was repeatedly emphasised by people working for organisations that are supportive of transitional justice in the former Yugoslavia; as Marijana Toma noted, “we have experienced the effects of sweeping everything under the carpet, especially after the Second World War...[this] was one of the main causes of the conflicts in the 1990s”. The legacy of the animosity generated by the conflicts in the 1990s is, according to Jovana Prusina of the Belgrade-based Youth Initiative for Human Rights, “killing our societies slowly because it is affecting us all”. Likewise, Bekim Blakaj, Executive Director of the Humanitarian Law Center in Kosovo, suggested it was “easy” for each community in the former Yugoslavia to create myths about what happened in the 1990s and without any formal transitional justice process, these myths will have “a damaging effect on society and stability in the region”.

What Makes Transitional Justice Effective?

Within the academic literature on transitional justice and policy prescriptions advanced by international organisations, three recommendations of particular relevance to the KSC stand out. First, there is widespread consensus that for transitional justice to achieve reconciliation – rather than only justice and accountability – *an array of mechanisms* must be employed; while criminal proceedings are a key part of transitional justice, they must be complemented by additional processes designed to enable communities to express grievances, and crucially, engage with – and ultimately understand – the experiences of the other groups involved.

Second, it is widely acknowledged that transitional justice processes can only succeed if they are supported by the national authorities, who must ensure there is a role for, and support from, the [general public and civil society](#). As noted by Anna Myriam Roccattello, Director of Programs of the International Center for Transitional Justice, “If transitional justice is to work it needs civil society to undertake constant and relentless work”. This engagement should ensure that the working methods of the particular process are explained to all communities to prevent misunderstandings, challenge negative propaganda, and manage expectations.

Third, transitional justice mechanisms cannot be effective if they are externally imposed and controlled. As noted [by the EU](#), “Transitional justice can only reach its goals if the process of its design and implementation is nationally and locally-owned...It is essential that the process is initiated and driven by government authorities and local civil society”. Naturally, criminal proceedings necessitate the cooperation of both the affected societies and their national governments; likewise, reconciliation cannot be achieved by external imposition, and by definition requires cross-community support and leadership.

In summation, therefore, there is widespread consensus on the following;

- transitional justice is a vital part of post-conflict recovery,
- transitional justice is necessary on both moral and security grounds,
- transitional justice aims to achieve justice, accountability, reconciliation and robust domestic judicial mechanisms,
- the efficacy of transitional justice is dependent on a range of processes being employed simultaneously, an inclusive approach, and local ownership.

The Specialist Chambers' Outreach

Since its inception, the KSC has sought to mobilise an effective outreach programme; as Avis Beneš, Head of Public Information and Communication Unit at the KSC, noted, when the court was established, “there was a lot of suspicion and scepticism in advance, and because of that this court has to put extra effort in being perceived as credible and legitimate”. Beneš emphasised that the KSC immediately established the Public Information and Communication Unit that coordinates outreach, while noting that both the KSC’s President and its Registrar are very involved in communication and outreach activities. The KSC website has a specific outreach section in which [factsheets](#) – in Albanian, Serbian and English – are available. Representatives from the KSC have organised [public meetings](#) about the court in Kosovo, and held information events in The Hague. Throughout 2017, KSC representatives engaged in “a lot of stakeholder mapping, and intensifying cooperation with civil society” in Kosovo’s main urban centres, as well as in Serb-majority towns such as Gracinica and North Mitrovica. According to Guido Acquaviva, Deputy Registrar at the KSC, the various initiatives launched by the KSC – including innovative outreach projects like a [YouTube channel](#) – are indicative of its “commitment to enhance outreach to a much higher extent than ordinary domestic courts and tribunals”. In January 2018, the [Swiss government](#) provided the KSC with a grant specifically for outreach and as a result, according to Beneš, “There will be an intensification of activities in next two years”.

Responding to criticisms of the KSC’s outreach strategy, representatives of the KSC pointed to a number of factors beyond their control. First, the KSC was established before its working methods had been fully clarified; Guido Acquaviva explained that until the KSC’s rules of procedure had entered into force there was a limit to what they could say about how the proceedings would operate and this impacted on outreach; since these have been clarified, “we can more confidently explain to people how our proceedings will unfold”. Secondly, Avis Beneš noted that most public interest in the KSC has focused on indictments; given that none have been issued yet – and the KSC is naturally unwilling to discuss who may or may not be charged – the

outreach team simply cannot address this issue and yet, according to Beneš, such questions “count for about 70% of our media queries”. Finally, much of the outreach activities undertaken are not public and thus go unnoticed. Beneš noted that when assessing outreach, people tend to look for “KSC representatives giving interviews and being constantly present in the media”, but, she noted, other types of communication such as consultations, information sessions, bilateral meetings, and background briefings, are also very important. Acquaviva echoes these sentiments, noting that “one should not expect these meetings to always result in us issuing press statements or being more visible to the public at large... Building trust with victims and other groups is often not a public endeavour.”

Finally, representatives from the KSC were keen to emphasise that while the KSC *does* want to – in the words of Acquaviva – “establish ourselves as *the* reliable source of information about ourselves”, it is not the exclusive or primary task of the KSC to explain itself or bolster its legitimacy. The KSC is a judicial body “established by the Kosovo Assembly with a two-thirds majority of the elected representatives” and it derives its legitimacy from this fact. Thus, those who question its necessity or remit should direct their concerns to the government that established it, rather than just the KSC itself.

Perceptions of the Specialist Chambers

In the course of the interviews and workshops conducted in Kosovo and Serbia about the KSC, a number of issues and concerns were repeatedly raised. They can be organised into four broad themes.

The necessity/legitimacy of the KSC

Unsurprisingly, organisations dedicated to promoting transitional justice in the former Yugoslavia agreed that the KSC was vital to ensuring that the communities involved understand what happened during the period under consideration; by identifying and imprisoning those responsible for criminality, the process would help foster reconciliation between Kosovo's Serbian and Albanian communities, and ultimately improve relations between Serbia and Kosovo. In particular, many emphasised that the recent history of the Balkans testifies to the damaging impact *not* addressing the past can have; the conflicts in the 1990s were, many argued, a direct result of the lack of any inclusive reflections on the nature of the violence perpetrated during the Second World War.

Those not involved in promoting transitional justice, however, were far less convinced of the need for the KSC. While few denied that the KLA had committed crimes, some argued that the scale had been greatly exaggerated and didn't warrant this effort. Others were more critical; the Marty Report was described by some as "sponsored by Russia", with Marty himself portrayed by another as "anti-American and anti-Albanian". Such sentiments were, however, the minority view.

The more prominent objections to the KSC were orientated around three key issues. First, that the KSC was *imposed* upon Kosovo by the international community – particularly the US and the EU – either to appease Serbia and/or create an image of

the international community as “just and not complicit in what happened”. One participant noted, “There is little local ownership of the court and as a result people do not believe in it.” Another suggested that while the KSC is formally a Kosovo court, Kosovo’s people and politicians did not voluntarily choose to establish it, rather, “The court was established by force; like in *The Godfather*, the internationals said ‘I will make you an offer you can’t refuse’.” The court was established, according to Sonja Biserko of the Belgrade based Helsinki Committee for Human Rights, “as an appeasement to Belgrade”. Second, many argued that the KSC is unfairly focused on Albanians despite the fact that Serbia bears the greatest responsibility for the violence. As Bekim Blakaj noted, “[The KSC] is not supported by most of the Albanian community because they consider it to be biased and unfair. There is a feeling that it should not be just focused on the wrongdoings of the Albanians during the war.” Third, many wondered why another court was required given the fact that UNMIK, the ICTY, EULEX and Kosovo’s own courts had jurisdiction over these allegations, and had in many cases held trials.

Some noted, however, that most Kosovo Albanians accepted that certain KLA members *had* committed crimes and, given that these same people had subsequently ‘captured’ the state and engaged in widespread corruption – with the support of the international community – they would welcome their imprisonment; as one former KLA fighter remarked, “I wish there were two courts for these criminals; we have to get rid of them all.” Additionally, while most coverage of the court within Kosovo was negative, some noted that this distorted popular support amongst the people who didn’t engage in the public debate. As Shpetim Gashi – Vice-President of the Centre for Inclusive Governance – noted, “There is more support for the court than it seems. People who support it are not as vocal as those who don’t.” In terms of the proceedings’ impact on Kosovo’s international reputation, Gashi remarked: “The court will most likely show that Albanians did some bad things too, but the idea that Kosovo’s reputation will suffer is not true. Our reputation cannot get any worse. In fact, the court might improve it.”

The KSC's capacity to achieve justice

Very few participants within Kosovo expressed faith in the capacity of the KSC to prosecute those responsible. These arguments centred around two claims; first, given that the crimes happened some 20 years ago, many witnesses will have died or simply forgotten the details, while the perpetrators will also have 'cleaned up' any evidence. Many suggested it is highly unlikely that witnesses will be prepared to testify against KLA members given that these people have become extremely powerful; according to Milica Andric, since 2000, many witnesses "died in mysterious ways or have been intimidated". Additionally, as noted by Miren Spek – spokesman for the Victim and Witness Support Service Croatia – the proceedings at the ICTY demonstrated that witness testimony about events that occurred many years ago can be unreliable; a witness' own memories become blurred over time with other's accounts, thereby rendering their own story inadvertently inaccurate. Second, it was suggested that the KSC would not have been established if the key leaders of the KLA had not received guarantees that they would not be prosecuted. These allegations centred in particular on President Hashim Thaci; there was widespread consensus that Thaci and the other 'big fish' would never be tried given their power within Kosovo and close ties to powerful international actors. As noted by one participant, "everyone knows who was behind the political violence back then, and yet these people have been allowed to become powerful by the internationals". Many argued that Thaci and others were seen by the US and EU as integral to stability within Kosovo and between Kosovo and Serbia; some argued that Thaci will "threaten Brussels with trouble" if he feels he may face trial. This was echoed by another who in fact suggested that the Prime Minister and the President "see the court as a political body that will provide them with more leverage to do deals and engage in corruption".

The latter sentiment was particularly pervasive amongst Kosovo Serbs; the majority suggested that since 1999 the international community had "done nothing to stop the mafia taking over" and it was simply implausible that it would now turn on them. It was

suggested that the KSC might be allowed “to try some low-level figures but they will not go after the ‘big fish’”. According to another, “There is too much corruption here for this to work. The internationals are corrupt too and they allow corruption to take place inside Kosovo.” Milica Andric suggested the KSC is unlikely to prosecute Kosovo Albanians for crimes against Serbs but “will have more success in prosecuting political murders and crimes against Albanians”. Yet, some argued that that targeting direct perpetrators of crimes – rather than their commanders – was not necessarily a flawed strategy; Milan Antonijević, from the Belgrade-based Human Rights House, noted that this was done in Serbia and eventually “helped to reveal bigger truths”.

The KSC’s engagement with civil society/general public

The overwhelming consensus was that people in both Kosovo and Serbia did not know enough about the KSC or transitional justice. According to a representative from the OSCE, “The basic principles of transitional justice haven’t been spoken about enough here.” Much of the KSC’s outreach was, some argued, cosmetic and beyond the reach of many ordinary people in Kosovo; as Marijana Toma argued, “They may have information on their website but how will they explain what they are doing to some elderly guy in Kosovo who doesn’t get that information and will go to a demonstration to throw tear-gas at the assembly?”

Amongst those working on transitional justice in Serbia and Kosovo, the deficiencies in outreach, and the lack of understanding about the KSC that this has created, is seen as a major failing, though not one that can be attributed solely to the KSC. Rather, the Government of Kosovo was blamed for having done far too little either to explain the KSC to its citizens, or challenge the propaganda surrounding its remit. In particular, the government hasn’t done enough to help civil society organisations cultivate support amongst the public for the KSC. Milan Antonijević noted for the KSC to be successful Kosovo needed “a stronger civil society”, one that was both protected and supported by the government, but noted that “I do not see that kind of readiness in Pristina”. This was not, most claimed, unintentional; many argued that the

Kosovo government, for reasons of self-preservation, have a vested interest in degrading public support for the KSC; as noted by *Anna Myriam Roccatello*, “I don’t think the Government have explained the court’s purpose and procedures to the people. They are playing a double game.”

The majority of Kosovo Serb participants agreed that the KSC has not been adequately explained or discussed. “No-one hear talk about it” was one view, while another participant stated, “We have been given very little information about the court. We don’t understand it; this is especially the case in rural and poorer areas.” This lack of information was compounded by the fact that life for the majority of Serbs in Kosovo simply trying to make a living consumes most of their time; as one remarked, “I have to feed my children; I don’t have time to think about this court.” The view in Belgrade amongst civil society activists was similarly critical; noting that many Kosovo Serbs fled to Serbia, many argued that the KSC needed to engage with the Serbian public and civil society organisations. Jovana Prusina, noting that “if the court is discussed here it’s misinterpreted”, argued, “They should have some kind of presence here in Belgrade. They should communicate with our people here, our journalists, organise workshops in high schools, and cooperate with NGOs... Right now it’s perceived as something happening far away in The Hague.” Those based in Serbia also criticised the Serbian government’s near-complete unwillingness to provide information about the court to the public.

The KSC’s effect on political stability in Kosovo

Kosovo’s current self-image, many noted, is based on a particular narrative with the KLA described as heroic freedom fighters resisting Serbian aggression. The KSC’s trials will challenge this and “blur the line between the victims and the perpetrators”; this will, some argued, spark societal anger. Few participants predicted that the proceedings would cause actual violence, though most warned that it would heighten, rather than lessen, tensions between the Albanian and Serbian communities in Kosovo. Some did warn, however, that the people involved in the trials “will seek

revenge”. Additionally, some argued that the proceedings would bolster “anti-American” sentiments in Kosovo and thereby push people either towards more extreme nationalist parties or Islamic fundamentalism.

While some argued that the KSC could help to clean up Kosovo’s political system by, as Milica Andric noted, “removing powerful and corrupt public figures from their position of power”, others argued that it could have the opposite effect; given that the trials of the key leaders are likely to fail because of intimidation, those acquitted will return to Kosovo with their political capital greatly increased. As one noted, “You can see how Fatmir Limaj and *Ramush Haradinaj* received more support after they were acquitted at the ICTY. They were then seen as heroes.”

It was widely noted that, despite the fact that the Kosovo Assembly voted to create the KSC, no major political party in Kosovo was especially in favour of the KSC’s establishment; given that the current government of Kosovo comprises a so-called ‘war wing’ coalition of three parties with direct ties to the former KLA – each of whom is led by leaders accused by many of complicity in war crimes – the KSC’s proceedings clearly have the potential to cause political instability. Additionally, many noted that because Kosovo has been asked by the international community to make many painful concessions – such as the border deal with Montenegro and the dialogue with Serbia – without having received much in return, there is a sense of ‘betrayal’ that the KSC’s proceedings are likely to exacerbate; this will ultimately “decrease support for the Kosovo-Serbia dialogue” upon which regional stability depends.

Challenges

As noted earlier, prescriptions on implementing effective transitional justice – particularly those advanced by the UN and the EU – emphasise three key points; first, an array of mechanisms must be employed as judicial proceedings alone cannot achieve reconciliation; second, the relevant national authorities must support the process and promote its legitimacy among the population; third, transitional justice cannot work if it is – or if it is seen to be – externally imposed and managed. Building on these prescriptions, on the basis of the research conducted, the effectiveness of the KSC is dependent on meeting five key challenges; each are detailed below.

The Legitimacy of the KSC

At present the KSC suffers from both a lack of sufficient domestic support – particularly amongst Kosovo’s Albanian community – as well as very low expectations as to its ability to achieve its aims. The court is seen by the majority of the Kosovo Albanian community as an unwarranted foreign imposition, and unfairly focused on Albanians. Within this community, there remains a clear lack of understanding as to the KSC’s mandate and working methods, there is little acceptance that the court is necessary, and the very idea that KLA fighters committed crimes is widely disputed. While Kosovo Serbs generally support the need for the KSC, there is a widespread lack of understanding as to the KSC’s mandate and working methods, and few expect it to actually prosecute the key players involved in criminality due to domestic and international political interference.

Inter-Community Relations

Few Albanians or Serbs in Kosovo expect the KSC to have a positive impact on inter-community relations. Some indeed warned that when proceedings begin, tensions are likely to increase. While only a minority predicted conflict, this was cited

as a distinct possibility given the fact that – as noted above – the KSC is widely perceived as illegitimate, and an ‘attack’ on the Kosovo Albanian community’s identity. The proceedings, many warned, will inevitably reignite disputes over the causes, and nature, of the violence in the late 1990s and, in the absence of strong cross-community civil society and governmental support for the KSC, nationalists will easily stoke up hostilities.

Witness Participation

Even amongst Kosovo Albanians who support the KSC – and acknowledge that crimes were perpetrated by the KLA – there was a general feeling that the proceedings will falter due to an inability to garner sufficient witnesses. This was cited as due to the passage of time, but more regularly, the fact that those involved have already, and will continue to, intimidate potential witnesses. The collapse of a number of ICTY and EULEX trials of former KLA members was cited as evidence of this; indeed, as one EULEX prosecutor noted, “If we couldn’t protect witnesses, I don’t know how this court will.”

Political and Societal Stability

Many noted that Kosovo continues to suffer from high unemployment and persistent corruption; coupled with recent lukewarm EU statements on [Kosovo’s chances of joining the EU](#), there is [widespread social despair](#). This has manifested itself within the Kosovo Albanian population in increased anger at the international community, and an upsurge in support for ‘anti-establishment’ parties and political Islam. Given this context, the sensitive nature of the KSC’s proceedings pose a significant risk; if the general public does not accept the legitimacy of the KSC, then the proceedings could well inflame the widespread societal anger and ignite unrest targeted at both the international presence in Kosovo and the Serb community.

Kosovo's International Reputation

Kosovo desperately needs to fully integrate into the international system, yet this is being hampered by the widespread perception that it is a '[mafia state](#)'. So long as Kosovo is perceived as beset by endemic corruption and governed by ex-guerrillas with links to the criminal underworld throughout Europe, its prospects of greater international integration suffer. Should the KSC's proceedings be hampered by witness intimidation and/or ignite social unrest and inter-ethnic violence, these pre-existing negative perceptions about Kosovo will continue, if not increase. Kosovo's future international standing is, therefore, significantly – though not exclusively – premised on the smooth functioning of the KSC.

Recommendations

The KSC's working methods and remit remain misunderstood; it is seen as an illegitimate foreign imposition by most of the Kosovo Albanian population; it is deemed likely to be ineffective by the majority of Kosovo Serbs; there is cross-community consensus that the proceedings are likely to inflame nationalist sentiments; and as an isolated judicial mechanism, the KSC cannot on its own foster reconciliation. To redress these potentially dangerous facts, changes should be enacted in three key areas;

KSC Outreach

Few – if indeed any – participants expressed satisfaction with the KSC's outreach; the dominant view is that outreach has been conducted at a remote and elite level. Direct engagement with civil society and the general public in Kosovo and Serbia should be increased through an array of methods including;

- More public meetings – beyond just the major cities – aimed at explaining the KSC's remit and procedures,
- An outreach team permanently present on the ground in Kosovo,
- Greater coordination of activities with local civil society organisations,
- More prominent engagement with media organisations in Kosovo and Serbia,
- More engagement with Serbs from Kosovo who now live in Serbia,
- Greater coordination of outreach with the governments of Kosovo and Serbia, and a willingness to ask each to do more,
- Greater monitoring of the government of Kosovo's outreach initiatives.

Truth and Reconciliation Process

Given the sensitive nature of the issues under its remit, the KSC's proceedings are likely to increase inter-ethnic tension; in the absence of increased public support for the proceedings, this could well ignite violence. As an exclusively punitive judicial body, the KSC cannot in isolation precipitate reconciliation; to this end, the KSC must be complemented by a parallel process designed to promote truth and reconciliation rather than just establish legal guilt. To achieve this, the Government of Kosovo should;

- Support civil society organisations and initiatives that seek to improve inter-community dialogue and interaction
- Do more to meaningfully support a [national truth and reconciliation process](#) to ensure it is seen as more than just a public relations exercise. Modeled on those initiated [elsewhere](#), the process must be designed to ensure all communities have an opportunity to articulate their experiences in an inclusive and reciprocal forum.
- Support broader region-wide initiatives focused on establishing facts about the collapse of Yugoslavia, in particular the [RECOM initiative](#).

The Government of Kosovo's Approach

The overwhelming majority of respondents were highly critical of the government of Kosovo's approach to explaining both the necessity and working methods of the KSC; it is in the Kosovo government's interests to ensure the KSC's proceedings do not cause social and/or political instability, yet to date it has done little to support the KSC. To ensure the people of Kosovo understand both the KSC's remit and procedures, as well as to bolster its legitimacy, the government must;

- Put more resources into educational tools explaining both transitional justice and the KSC, which engage directly with the general public,
- Engage much more with civil society organisations in Kosovo to both foster public support for the KSC and facilitate cross-community dialogue,

- Do more to ensure that civil society organisations in Kosovo supportive of the KSC are protected from negative press coverage, slander and intimidation,
- Challenge negative and erroneous media coverage of the KSC,
- More proactively encourage witnesses to testify and ensure that potential witnesses are not dissuaded by negative societal portrayals.

Conclusion

When the KSC was established, the EU and US embassies in Pristina issued a [joint statement](#) heralding the move as “an important step on Kosovo’s Euro-Atlantic path”, and a “crucial instrument for achieving justice”. The statement concluded, “By dealing with its past and ensuring justice for the victims, Kosovo can achieve reconciliation and build a better future.” Yet on the basis of the research conducted and the challenges identified above, unless significant changes are made, the KSC will fail to enable Kosovo to achieve these goals; indeed, the proceedings may in fact damage Kosovo’s progress if the government of Kosovo maintains its current stance towards the court.

Acknowledgements

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