



TARGETED MESSAGING
ON THE KOSOVO SPECIALIST CHAMBERS AND
SPECIALIST PROSECUTOR'S OFFICE

**A resource for Kosovan and international
Policy makers and civil society**

September 2018

Background and purpose

The Kosovo Specialist Chambers and Specialist Prosecutor's Office for Kosovo (hereafter, "Kosovo Specialist Court") is a "hybrid court" intended to adjudicate war crimes, crimes against humanity, and other crimes that were committed between 1 January 1998 and 31 December 2000 and that are related to the allegations voiced in the Council of Europe Assembly Report of 2011. The KSC will only try cases against individual persons. It is part of the judicial system of Kosovo but due to the sensitive nature of its mandate has been relocated to The Hague and is staffed with international judges and prosecutors. While its work may provide a measure of justice for victims and a direct form of accountability for perpetrators, the Court's impact could be severely circumscribed by the political and social dynamics within Kosovo and limited public understanding of its purpose and scope. These factors may contribute not only to undermining the Court's potential positive societal impact, but may also exert a destabilizing effect on Kosovo.

In 2017, Centre for Peace and Tolerance (CPT), Impunity Watch, Integra, and PAX produced a study on public perception of the Kosovo Specialist Court, which identified several key challenges. Public awareness of the Kosovo Specialist Court's purpose, mandate and scope is low, a situation that has enabled misinformation to spread, thereby increasing the likelihood of a "shock" effect when the first indictments are issued, and decreasing the likelihood of social acceptance of the Court's work in the long-term. While ethnic Albanians view the Court's mandate to prosecute war crimes and crimes against humanity as unfair and mainly associated with the KLA (with a majority willing to protest if KLA fighters are indicted), ethnic Serbs believe it is unlikely that the Court can bring justice to those who committed serious war crimes. There is thus a risk that, if the Court's work results in successful prosecution of KLA members, ethnic Albanian perceptions of anti-Albanian bias in the pursuit of war crimes cases may increase. On the other hand, should the Court prove unable to secure at least some convictions, the disillusionment of ethnic Serbs with Kosovo's institutions may increase. Both outcomes would have adverse effects on the

already tense relations between the Albanian and Serb communities, on efforts to achieve reconciliation, and on Kosovo's political and social stability.

The report concluded with a series of recommendations to key stakeholders intended to address some of the risks identified by the public perception survey. A central recommendation was that the Kosovo Specialist Court, the Government of Kosovo, key EU and international stakeholders, and Kosovan civil society should cooperate in the development and implementation of an evidence-based programme of public information and dialogue, to address information gaps, counter misinformation, and encourage all stakeholders to use consistent language regarding the Court. Crucially, that programme of public information and dialogue should utilize messaging tailored specifically to members of Kosovo's diverse communities.

This document presents a clear, succinct set of targeted messages for utilization in public information and dialogue actions around the Kosovo Specialist Chambers. Messages targeting the ethnic Albanian and ethnic Serb communities, respectively, have been developed in reference to the findings of the 2017 public perception survey and subsequent engagement with key constituencies, and rigorously tested with mono-ethnic focus groups. Messages are intended to be deployed by representatives of the Government of Kosovo, key EU and international stakeholders, Kosovan civil society, and officials of the Court itself, using a variety of platforms, and with the aim of (1) mitigating the risk of misinterpretation and confusion when the first indictments are issued and (2) generating broad social acceptance of the Court and outcomes of its work in the long-term.

Key messages for ethnic Albanian citizens

- The Kosovo Specialist Prosecutor will prosecute individual persons who committed war crimes, crimes against humanity and other crimes that were allegedly committed during the period 1998-2000, and that are related to allegations raised in the Council of Europe or Dick Marty report.
- The Court's mandate covers war crimes and crimes against humanity, but does not include economic crimes or corruption.
- The Court will prosecute individual alleged perpetrators. It will not try the KLA as an organization, or its conduct during the war.
- The Kosovo Specialist Court will play an important role in advancing Kosovo toward a democratic, multi-ethnic and European future.
- The Court is supported by Kosovo's main international allies, who supported the initiative of the Kosovo Government to establish it and now it is funded by the EU as well as some contributing states e.g. USA.
- The Court will demonstrate that no one is above the law, and that alleged perpetrators will be brought to justice no matter how powerful they are today.
- The Court is one part of a broader effort to deal with the wartime past in Kosovo, which also includes domestic war crimes trials in Kosovo and Serbia, initiatives to find missing persons, and a future Commission on Truth and Reconciliation involving all communities.
- The Court will not be able to bring a measure of justice for all victims, but it will do so for some victims and families of victims if a Judge of the court

decides that they are victims of the crimes that may be brought before the court.

- Individual perpetrators should be held responsible for war crimes and crimes against humanity that they committed. The guilt or innocence of an individual perpetrator does not necessarily reflect on the cause for which they fought.
- The Court strives to meet the highest international standards for witness protection, and has learned from the past experiences of tribunals like ICTY that struggled to ensure protection of witnesses.
- Prosecution of war crimes is important for building the trust in state institutions of all communities in Kosovo.
- It is in the interest of Kosovo to deal with all alleged war crimes, even if other countries do not do the same; hopefully, Kosovo will set an example that countries like Serbia will follow.
- Ensuring that war criminals are held accountable will advance Kosovo's prospects of joining the EU and other international organizations.
- The success of the Kosovo Specialist Chambers will improve Kosovo's international image as a country that takes the rule of law seriously, no matter how painful or difficult it might be.
- The outcomes of the Kosovo Specialist Court's work will in no way undermine Kosovo's existing international recognition of Kosovo's independence.

Key messages for ethnic Serb citizens

- The Kosovo Specialist Prosecutor will prosecute individual persons who committed war crimes, crimes against humanity and other crimes that were allegedly committed during the period 1998-2000, and that are related to allegations raised in the Council of Europe or Dick Marty report. This may include individual members of the KLA.
- The Court's mandate covers war crimes and crimes against humanity, but does not include economic crimes or corruption.
- The Court will prosecute individual alleged perpetrators. It will not try the KLA as an organization, or its conduct during the war.
- The Court is one part of a broader effort to deal with the wartime past in Kosovo, which also includes domestic war crimes trials in Kosovo and Serbia, initiatives to find missing persons, and a future Commission on Truth and Reconciliation involving all communities.
- The Court will not be able to bring a measure of justice for all victims, but it might do so for some victims and families of victims if a Judge of the court decides that they are victims of the crimes that may be brought before the court.
- Individual perpetrators should be held responsible for war crimes and crimes against humanity that they committed. The guilt or innocence of an individual perpetrator does not necessarily reflect on the cause for which they fought.

- The Court strives to meet the highest international standards for witness protection, and has learned from the past experiences of tribunals like ICTY that struggled to ensure protection of witnesses.
- The Kosovo Specialist Chambers is important not only to deliver justice for victims but also to help people in Kosovo to understand the past. There are perpetrators and victims on all sides, and all who have committed crimes should be held responsible.

The targeted messages in this document were produced as part of the programme *Public dialogue and engagement on the Kosovo Specialist Court - Phase 2* implemented by:

Integra

Integra is an organization formed by a group of people committed to contributing to the recovery and development of Kosovo and the region. Integra's work is guided by the principles of good governance and full enjoyment of human rights, regardless of ethnicity, race, religion, gender, sexual orientation and political belonging, which are essential to building a democratic and tolerant Kosovo, fully integrated in the European community.

www.ngo-integra.org | info@ngo-integra.org

Centre for Peace and Tolerance

Centre for Peace and Tolerance (CPT) is a non-profit, non-governmental organization, founded in 2002. CPT was founded with the aim of supporting the strengthening of capacities of local institutions in Kosovo Serb-dominated municipalities and advocating transparent and cost-effective local governance. CPT strongly advocates for creating sound and effective Kosovo Serb representation at all levels of governance, and active participation of Kosovo Serbs in the political and social life in Kosovo.

www.ngocpt.org | cpt.pristina@gmail.com

PAX

PAX is a Dutch civil society organization that brings together people who have the courage to stand for peace, working to build dignified, democratic and peaceful societies around the globe. In Kosovo, PAX's programme includes transitional justice and dealing with the past, as well as a long-standing commitment to promoting good relations between communities in the north.

www.paxforpeace.nl | info@paxforpeace.nl