

The Game of Numbers: Resolving the issue of the missing, 20 years on

June
2022



1.

Community of Serb
Municipalities in Limbo of
Unfulfilled Agreements

2.

Numbers game: Resolving
the case of the missing
persons 20 years after

3.

Another Apple of Discord:
SOC in the Dialogue on
Normalization

4.

Electricity supply in
northern Kosovo

5.

Privatization in Kosovo
from the Serbian
community perspective

6.

Freedom of movement:
Sticker episode

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Resolving the issue of the missing, 20 years on

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TABLE OF CONTENTS

About Open Initiative 7

01.

INTRODUCTION 8

02.

STATISTICAL DATA 9

03.

OBSTACLES IN
RESOLVING THE
ISSUE OF MISSING
PERSONS IN
KOSOVO 12

04.

MISIDENTIFICATION, 17
UNKNOWN
BODIES IN THE
PRIŠTINA MORGUE
AND REFERENCE
SAMPLES WITHOUT
ICMP MATCHES

05.

INEFFECTIVE 20
INVESTIGATIONS
AND
PROSECUTIONS
FOR ENFORCED
DISAPPEARANCES
IN KOSOVO

06.

(IN)EXISTENT 24
ARCHIVES

07.

DEFICIENCIES AND 27
DISCRIMINATORY
PROVISIONS IN THE
KOSOVO LEGAL
FRAMEWORK FOR
RESOLVING THE
ISSUE OF MISSING
PERSONS

08.

EXPERIENCES 27
OF FAMILIES OF
ABDUCTED AND
MISSING PEOPLE
FROM THE SERB
COMMUNITY IN
KOSOVO

About Open Initiative

"Democracy, Openness and Perspectives of the Serbian Community in Kosovo – Open" is an initiative of Kosovo Foundation for Open Society (KFOS) launched during 2020. The aim of this initiative is to develop an open and dynamic space for discussion within and among the Serbian and other communities, as well as with institutions in Kosovo.

Civil society organizations and media from Serb community in Kosovo, members of the initiative, specifically deal with analyses and assessments of impact of civic and political organizations on the development of democracy as well as openness of Serb community in Kosovo. These analyses assess the openness of institutions, public policies, and important processes towards Serb community in Kosovo, as well as the level of openness of Serb community towards them.

These analyses will help provide insights into the situation and perspectives of Serb community in Kosovo, serving at the same time for informed representation in front of decision-makers, local and central institutions, and the international community

Objective of the study, and research methodology

The overall goal of the research is to provide insight into the level of progress achieved in finding out the fate of missing persons in Kosovo, the failures made in addressing this issue over the past two decades, while focusing on experiences of the families of the missing persons from the Serbian community.

The specific goal of the research is to establish how much the official inclusion of the matter of missing persons in the Belgrade-Priština dialogue could contribute to its resolving.

Time line:

the research was conducted from December 2021 to February 2022.

Methodology and design of qualitative research

The content analysis that included legal acts and reports of numerous stakeholders, international and local ones, which have been involved in resolving the issue of missing persons in Kosovo provides insight into failures made in this process that make it difficult to resolve this issue twenty years on.

5 non-structured interviews and two focus groups with members of the associations of families of abducted and missing persons from the Serbian community provided experiences of family members in a two-decade long attempt to shed light on the fate of their missing family members. Interviews and focus groups were conducted between January and February 2022.

1. Introduction

Ever since the commencement of negotiations, there were initiatives to include the missing persons issue in the dialogue between Belgrade and Priština, held under the auspices of the European Union in Brussels. Still, this issue has only made its way to the negotiators' agenda in July 2020, with the resumption of the Brussels dialogue after almost a two-year deadlock, and the signing of the Washington Accord in September of the same year whereby both sides committed to speed up their efforts to locate and identify the remains of missing persons.

Two months later, in Kiževak, Serbia, began excavations at a site suspected to hide a mass grave.

The excavation works in Kiževak ended in May 2021, with nine remains of Kosovo Albanians exhumed.¹ In the first three months after the Washington Accord was signed, in Kosovo, an assessment of some 6 locations in Kosovo was made, with the remains of at least nine people were found and exhumed.²

During 2021 both sides announced new excavations- However, the initial momentum came to a halt after the first meeting in the dialogue resumed after nine months between the new Kosovo Prime

Minister Albin Kurti and the President of Serbia, Aleksandar Vučić. Prime Minister of Kosovo came on 15 June 2021 bringing four requests to the dialogue, including the removal from office of Veljko Odalović, the President of the Commission for Missing Persons of the Government of Serbia.³

The missing persons were also discussed in the subsequent meetings. Thus, the head of Priština delegation proclaimed in September that agreement had been reached on opening of archives. However, to this day no more details on this "agreement" were shared.

Whenever this topic is raised in public space, routinely available information cover the current number of the missing ones, and statements and mutual accusations of negotiators on culprits for the delays in resolving this matter, while ignoring two decades of omissions in the work of numerous stakeholders. Therefore, statements such as "there will be no final agreement between Kosovo and Serbia until the last missing person in Kosovo is found"⁴ are but a deception of the public, because those failures created a setup in which, even with the political will on both sides to completely unfold this matter, the destiny of a number of persons most likely will never be clarified.

1 RSE, the Government of Kosovo: "At least nine remains exhumed in the Kiževak mass grave," 26 May 2021. <https://www.slobodnaevropa.org/a/kizevak-ekshumacija/31274412.html>

2 KoSSev, Gara: The remains of nine people found over 3 months in Kosovo, excavations also conducted in K. Mitrovica, 19 November 2020. <https://kossev.info/gara-posmrtni-ostaci-devet-osoba-pronadjeni-za-3-meseca-na-kosovu-iskopavanja-vrsena-i-u-k-mitrovici/>

3 KoSSev, Kurti proposed to Vučić a National Council for Serbs instead of the CSM, demand removal of Odalović and recognition of Kosovo, preparations for the genocide lawsuit began, 15 June, 2021: <https://kossev.info/kurti-predlozio-vucicu-nacionalno-vece-za-srbe-umesto-zso-trazi-smenu-odalovica-i-priznanje-kosova/>

4 Klan Kosova, Hoti: No final agreement in the dialogue until all the missing ones are found, 27 April, 2022. <https://klankosova.tv/hoti-ska-marreshje-finale-kosove-serbi-derisa-te-gendet-edhe-i-zhdukuri-i-fundit-ne-kosove-video/>

2. Statistical data

According to the Humanitarian Law Center, during the Kosovo conflict 13,518 people were killed. Of them, 10,794 were Albanians, 2,197 Serbs and 527 members of other ethnic groups living in Kosovo. Majority were killed in 1999 (11,199 people). 11,661 of the killed were men, a 1,857 women.⁵

Upon withdrawal of Serbian forces from Kosovo, from 15 June 1999 to end-2000, 1,257 people were killed, abducted or gone missing in Kosovo: 717 Serbs, 307 Albanians and 233 Roma.

Of 1,696 registered disappearances between 1998 and 2000, 1,129 were Albanians, 417 Serbs, 44 Roma, 31 Montenegrins, 24 Ashkali, 23 Bosniaks, 15 Egyptians, 3 Macedonians, 4 Turks, 1 Gorani, 1 Croat, 1 Yugoslav, 1 Hungarian, 1 Slovenian.

After 15 June 1999, 364 disappearances were registered – 240 Serbs, 45 Albanians, 23 Roma, 20 Montenegrins, 14 Bosniaks, 11 Egyptians, 4 Ashkali, 3 Macedonians, 1 Croat, 1 Turk, 1 Gorani.

1,563 missing persons in database of the Humanitarian Law Center were civilians, and 133 were members of armed formations. The International Commission on Missing Persons (MKNL) estimates that the total number of missing persons from the Kosovo conflict stands at around 4,500.

The International Committee of the Red Cross (ICRC) was among the first organizations to

collect data on persons missing from the Kosovo conflict. In January 1998, the ICRC began compiling the list of missing people in Kosovo, inter alia, on requests of people who reported disappearances of their family members. After the 1998-1999 conflict, this list had 6,049 names. Of them, 1,372 were later on found alive.⁶

By 31 December 2016, the ICMP gathered 14,810 reference samples from members of families which reported their missing kins to the ICMP. Those references samples cover 4,415 missing persons.⁷

Many international institutions were responsible for excavations of secret burial places and finding human remains in Kosovo.

From June 1999 through December 2016, some 1,513 field operations (excavations) were conducted, resulting in gathering 6,097 sets of remains (complete and incomplete). 65 percent of all sets of remains were found between 1999 and 2000, by forensic teams of the International Criminal Tribunal for the former Yugoslavia (MKSJ), with some 2,000 identifications performed based on non-scientific, classical methods of visual recognition.⁸

⁶ International Commission on Missing Persons, *Situational report 2017*, p. 29
<https://www.icmp.int/wp-content/uploads/2017/05/kosovo-stocktaking-report-2017-bcs-2.pdf>

⁷ International Commission on Missing Persons, *Situational report 2017*, p. 29
<https://www.icmp.int/wp-content/uploads/2017/05/kosovo-stocktaking-report-2017-bcs-2.pdf>

⁸ *Ibid.*, pp. 19-20

⁵ Searchable FHP database

According to the ICRC, the number of missing persons in 2016 was 1,666.⁹

According to EULEX, from 2016 through 2020, in Kosovo were conducted 59 assessments on the ground, 41 exhumations, remains of 66 individuals were found, and 32 missing persons were identified.¹¹

In 2021, according to the Commission for Missing Persons of the Kosovo government, in Kosovo were conducted excavations at 9 locations with two bodies exhumed, and remains of 25 people (5 from Serbian community) were handed over to families.¹²

Presently, the number of missing persons kept on the ICRC list is 1,619.¹³

The number of remains exhumed from secret graves sharply declines since 2005, and 15 years on, there is a modest progress made in the process of finding the missing ones.¹⁴

9 International Committee of the Red Cross, press release, 25 March, 2016.

<https://www.icrc.org/en/document/western-balkans-deep-concern-over-numbers-people-still-missing-kosovo>

10 During that time, the ICMP database contained 1,876 active cases of missing persons, which did not match any of the genetic reference data of family members of missing persons ICMP, Situational report 2017 p. 7: <https://www.icmp.int/wp-content/uploads/2017/05/kosovo-stocktaking-report-2017-bcs-2.pdf>

11 NSI, Efficiency of mechanisms of the Serbian and Kosovo institutions in finding persons missing from the war in Kosovo, in the period from 2016 to 2020, April 2021: <http://newsocialinitiative.org/wp-content/uploads/2021/04/Efikasnost-mehani-zama-institucija-Srbije-i-Kosova-u-pronalazenju-nestalih-osoba-iz-rata-na-Kosovu-1.pdf>

12 Government of Kosovo, "Prime Minister Kurti: No agreement with Serbia without resolving the issue of missing persons", 10.12.2021, <https://kryeministri.rks-gov.net/sr/premier-kurti-nema-sporazuma-sa-srbijom-bez-resavanja-pitanja-nasil-no-nestalih-lica/>

<https://kosovapress.com/sr/nestale-osobe-kosovo-trazi-odgovore-za-pokretanje-iskopavanja-na-novim-lokacijama-u-srbiji/>

13 Radio KiM, *Stop Politicizing Missing Persons*, April 2022, <https://www.radiokim.net/vesti/ratni-zlocini/prestati-sa-politizacijom-nestalih-lica.html>

14 International Commission on Missing Persons, Situational report 2017, p. 14 <https://www.icmp.int/wp-content/uploads/2017/05/kosovo-stocktaking-report-2017-bcs-2.pdf>

2016

Deri më 31 dhjetor 2016, ICMP kishte mbledhur

14,810**mostra referente**

nga anëtarët e familjes që raportuan të afërmit e zhdukur në ICMP. Këto mostra referente përfaqësojnë

4,415**persona të zhdukur.**

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717 Serbs

307 Albanians

233 Roma

3. Obstacles in resolving the issue of missing persons in Kosovo

Misidentification, unknown bodies in the Priština Morgue and reference samples without ICMP matches

Since the conflict in Kosovo ended, the tasks of finding, exhuming and identifying of missing persons, as well as investigating and prosecuting of the responsible ones, were primarily led by the international organizations.

From the onset, the job was performed by the International Criminal Tribunal for former Yugoslavia (ICTY) from 1999 to 2000, while the primary technical responsibility was held by the United Nations Interim Administration Mission in Kosovo (UNMIK), whereas after 2008 the job was taken by the European Union Rule of Law Mission in Kosovo (EULEX). From 2014 began the transfer of EULEX powers to local Kosovo authorities, and this matter has been fully placed within the competences of local Kosovo institutions since 2018.

By 2002, when the DNA testing started, some 2,000 cases of missing persons were resolved by applying classical identification methods including pre-2002 visual recognition.¹⁵

¹⁵ Ibid, p. 7

This classical method increases the error risk, so it is not uncommon to have a large number of unidentified cases when people are identified in this way.

On the basis of DNA analysis of 77 cases, conducted in the region of Mitrovica in 2010, previously closed on the grounds of classical identification methods, ICMP estimates that the rate of misidentification in cases already closed without DNA testing could be at least 17 percent.¹⁶

The results revealed that 13 of 77 identifications were inaccurate. Based on this, it is estimated that the number of misidentification could be at least 340 cases.

Possibly, errors in identification in Kosovo that occurred before the start of systematic application of DNA analysis could contribute to substantial differences between the numbers of persons still listed as missing, reference sets of blood samples, and the number of DNA profiles for which no match has been found yet.

It is also possible that some groups of reference samples of family members of reported miss-

¹⁶ Ibid, p. 34



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ing persons never find the match, because the body of relevant missing person was mistakenly returned to another family.

On the other hand, it is possible that the family that took the wrong body never provided its reference samples, under assumption that their quest for the missing family member was over, and the consequence being that there is no match for the exhumed remains of the actual member of their family.¹⁷

A 2010 report underlines a striking aspect of results in the number of actual matches between the samples exhumed in Kosovo and those exhumed in mass graves in Serbia, where all bodies found in Serbia were identified by applying DNA analysis, rather than by classical methods.¹⁸

The percentage of matching profiles identified for remains exhumed in Serbia was 97.2%, while the percentage of matching profiles for remains exhumed in Kosovo is only 68.9%.¹⁹

The point is that the reasons for this discrepancy are unclear, but possibly the persons exhumed in Serbia went missing solely because of enforced disappearances during the conflict, whereas the remains exhumed in Kosovo may also involve cases not related to the conflict.

Another point is that this difference can only be clarified by means of a systematic evaluation of the previously mentioned erroneous identifications performed at the beginning of this process and through a thorough and comprehensive revision of the origins of samples exhumed in Kosovo and the way those cases were closed.

In its comprehensive report in 2017, ICMP states they hold 700 DNA profiles taken from post-mortem samples, which do not match genetic reference samples provided by families who are still searching for their missing ones. It goes on to state that this situation, most likely, is the outcome of some 2,000 identifications conducted by recognition method from 1999-2002.

17 International Commission on Missing Persons, Situational report 2010, p. 15
<https://www.icmp.int/wp-content/uploads/2014/08/icmp-dg-264-4-bos-doc-general.pdf>

18 Ibid, p. 15

19 Of 840 remains found in Serbia, the DNA profile matching

with reference

Profiles of family members was found in 817 cases, whereas in Kosovo out of 2,517 found remains the matching was present in 1,487 cases.

Ibid, p. 20

The Priština Morgue still keeps more than 300 sets of unidentified remains, after all forensic options for their identification have been exhausted so far. These 300 sets of unidentified remains do not match any of ICMP's 700 DNA unmatched profiles.

In 2010, EULEX forensic personnel began examining unidentified remains in the Priština Morgue. In its annual report for 2012, it was established that the Priština Morgue has 342 not identified cases, of whom 94 could be identified in future, whereas for the remaining 248 identification is not possible.²⁰

In August 2020, Tarja Formist, Deputy Director of the Kosovo Institute of Forensic Medicine and a EULEX expert, assessed that up to 20 missing persons could be identified through DNA analysis, if the families of all missing persons provided blood samples.²¹

In March 2022, ICMP announced it would assist the Kosovo Institute of Forensic Medicine and the Commission for Missing Persons of the Kosovo Government in conducting a new comprehensive analysis of over 300 cases of not identified remains in the Priština Morgue, which could result in the resolving of a number of cases.²²

20 Examination of not identified cases in Priština Morgue resulted in the submission of a large number of post-mortem profiles to ICMP for DNA testing, and 45 cases of missing persons were resolved on the basis of DNA analysis by ICMP. International Commission on Missing Persons, *Situational report 2017*, pp. 33-34

<https://www.icmp.int/wp-content/uploads/2017/05/kosovo-stocktaking-report-2017-bcs-2.pdf>

21 EULEX, <https://www.eulex-kosovo.eu/?page=2101241&sq=missing>

22 International Commission on Missing Persons, <https://www.icmp.int/press-releases/icmp-and-kosovo-authorities-agree-on-the-steps-to-review-the-unidentified-human-remains-in-pristina-mortuary/>

EULEX, press release, 27 April 2022. <https://kossev.info/eulex-pregled-posmrtnih-ostataka-u-mrtvacnici-u-pristini-put-na-pred/>



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The percentage of matching profiles identified for remains exhumed in Serbia was **97.2%**, while the percentage of matching profiles for remains exhumed in Kosovo is only **68.9%**.

4. Ineffective investigations and prosecutions for enforced disappearances in Kosovo

In addition to finding, exhuming and identifying, international organizations have also led investigations and prosecutions in cases of enforced disappearances in Kosovo.

In the immediate aftermath of ended conflict, UNMIK police did not investigate reports of missing persons promptly, impartially and thoroughly, and relatives were rarely informed of any progress in these investigations. Some cases were not investigated at all, and some ended by suspended investigation after the remains of missing persons were returned to families.²³

Even though this was mainly the case in abductions of Kosovo Serbs by KLA members, there were similar failures by UNMIK to conduct a timely, impartial and effective investigation into disappearances of Kosovo Albanians enforced by the Serbian police, army and paramilitary units.

Since 2009, UNMIK's competences in this regard were taken over by EULEX which, according to the Amnesty International, by 2013

has made "certain progress" in investigating disappearances of Kosovo Albanians enforced by Serb forces. On the other hand, this "certain progress" was achieved in investigations and prosecutions in cases of abductions of Serbs and other minorities.²⁴

Since 2014, EULEX started transferring powers to Kosovo institutions so that, as of 2018, this matter has been completely transferred into their competences.

As of June 2018, the Special Prosecutor's Office of Kosovo (SPOK) holds exclusive jurisdiction to investigate and prosecute war crimes and other violations of international humanitarian law.

The Kosovo Prosecutorial Council's "War Crimes Strategy" of 2019 states that EULEX has handed over to SPOK some 900 cases of war crimes and other violations of international humanitarian law, and nearly 2,000 cases related to abduction or disappearance of persons during and after the armed conflict in Kosovo.²⁵

²³ Kosovo: UNMIK's legacy: The failure to deliver justice and reparation to the relatives of the abducted, Amnesty International, 2013, p. 5: <https://www.amnesty.org/download/Documents/16000/eur700092013en.pdf>

²⁴ Ibid, p. 8 : <https://www.amnesty.org/download/Documents/16000/eur700092013en.pdf>

²⁵ War Crimes Strategy, Kosovo Prosecutorial Council, State Prosecutor's Office, Priština, February 2019, p. 5: <https://prokuroriarks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Dokumente%20Strategjike/STRATEGJJA%20>

The strategy explains that “from EULEX’ hand-over clearly follows that the cases of missing persons were not processed and that EULEX did not afford them priority during its mandate”, and that the former has not been given any explanation as to why.²⁶

Given the scale of cases EULEX transferred to the Prosecution offices and the Police, the Strategy states “it is unrealistic to expect that all alleged violations of international humanitarian law committed during or after the conflict will be investigated or prosecuted in the same way, and with the same commitment, especially in view of the limited resources allocated to the Special Prosecutor’s Office and the Kosovo Police Missing Persons Sector.”²⁷

The lack of a strategic plan or agreement between Kosovo and Serbia was singled out as one of key problems in terms of investigation and prosecution of war crimes, including the fate of the missing. The Strategy states that cooperation and information exchange between Kosovo and Serbian prosecutors’ offices is almost non-existent, and “the only existing protocol on cooperation is the one between EULEX Police and the Serbian MIA”. A special problem is the immunity of suspects dwelling in Serbia or other countries on the territory of the former Yugoslavia, as well as evidence that is “often in the Hague Tribunal and other international organizations.”²⁸

According to the HLC Kosovo, from 1999 to end-2020, 41 people were convicted of war crimes in Kosovo (34 Albanians, 6 Serbs and 1 Roma). In more than 90% of these cases, convictions were issued for crimes committed against the Albanian civilian population.²⁹

[RATNIH%20ZLOCINA.pdf](#)

²⁶ Ibid, p. 10

²⁷ Ibid, p. 10

²⁸ Ibid, pp. 18-19, 6

²⁹ NSI, Efficiency of mechanisms of the Serbian and Kosovo institutions in finding persons missing from the war in Kosovo, in the period from 2016 to 2020, April, 2021, p. 21 <http://newsocial-initiative.org/wp-content/uploads/2021/04/Efikasnost-mehanizama-institucija-Srbije-i-Kosovo-u-pronalazenju-nestalih-osoba-iz-rata-na-Kosovu-1.pdf>



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During 2021, based on well-founded suspicions or accusations for having committed war crimes against civilians, criminal proceedings were initiated or conducted in various phases before Kosovo courts in eleven (11) cases against eight (8) Serbs and three (3) Albanians.³⁰

The first two indictments for war crimes and crimes against humanity before the Specialized Chambers of Kosovo in The Hague (the Special Court) were filed and confirmed in 2020, and one of them charges the accused former Kosovo President Hashim Thaçi, former Kosovo Assembly Speaker Kadri Veseli, Rexhep Selimi and Jakup Krasniqi, among other offenses, with enforced disappearances, too.

[ba-iz-rata-na-Kosovu-1.pdf](#)

³⁰ FHP Kosovo, Report for 2021, <https://www.hlc-kosovo.org/storage/app/media/Kosovo%20report%202021%20ALB%20SRB%20ENG.pdf>

5. (In)existent archives

The opening of archives is viewed as an important means in resolving the stalemate in finding the missing persons from the Kosovo conflict.

Until 10 June 1999 when UNMIK assumed powers to administer Kosovo, the Serbian Ministry of Interior was the only institution to which Kosovo Albanians could report enforced disappearances.

The first years after the conflict saw a huge confusion over the number and identities of missing persons. In addition to the ICRC, reports of missing persons were received and actively sought by UNMIK's Office for Prisoners and Missing Persons, the Commission for Searching for and Identification of Victims (VRIC) of the Organization for Security and Co-operation in Europe (OSCE), several international and local NGOs, and associations of families of missing and abducted persons.

Multitude of agencies, plus uncertainty on to whom should disappearance of persons be reported, resulted in a huge delay in determining the number and identity of the missing and consequently to delays in opening criminal investigations.

Large number of various international organizations dealing with this issue underscores the importance of opening international archives, in order to shed light on the fate of the missing in Kosovo.

The opening of archives of Belgrade and Priština is deemed crucial for resolving this issue. So far, Belgrade has conditioned the opening of its archives with reciprocity, meaning the finding and opening of KLA archives. For its part, Priština kept denying their existence, claiming that the KLA was a guerrilla organization, and that military archives do not exist.

In September 2021, head of the Priština delegation announced that the opening of archives had been agreed on in Brussels.³¹ In the meantime, this initial statement has not materialized and nothing more was shared about such agreement save for the negotiator's original statement.

³¹ Besnik Bislimi, Kosovo's chief negotiator: "At one point, Mr. Petković agreed we ought to have full access to all archives, including military ones in Belgrade, as well as access to the KLA archives. There are no such a thing as KLA archives, but there are state archives for the KLA in Kosovo, and we are open for sharing this information", KoSSev, 8 September 2021. <https://kossev.info/bisljimi-iz-brisela-dogovoreno-otvaranje-arhiva-nema-uslova-za-sastanak-vucic-kurti/>

6. Deficiencies and discriminatory provisions in the Kosovo legal framework for resolving the issue of missing persons

The applicable legal framework in Kosovo governs the position and rights of missing persons and their families by a series of laws.³² However, there are problems.

Legal framework governing this matter does not fully satisfy the needs of family members of missing persons. Moreover, certain legal provisions resulted in an unequal treatment of both missing persons and their family members, especially in terms of social benefits that differ from those of other categories of victims of the war in Kosovo.

³² The Law on Missing Persons, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2765>

Regulation No. 15/2012 on the work of the Commission for Missing Persons, *RREGULLORE NR. 15/2012 PËR PUNËN E KOMISIONIT QEVERITAR PËR PERSONA TË ZHDUKUR* ([rks-gov.net](https://gzk.rks-gov.net/))

Law No. 05/L-060, on Forensic Medicine, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=12325>

The Law on the Status and Rights of Fallen Soldiers, Disabled Combatants, Veterans, Members of the Kosovo Liberation Army, Victims of Sexual Violence during the War, Civilian Victims and Their Families, at <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2793>

Law No. 04/L-131 State-Funded Pension Schemes <https://gzk.rks-gov.net/ActDetail.aspx?ActID=9517>

There is an additional form of discrimination in terms of missing persons and members of their families, who went missing after 20 June 1999. Specifically, once such person's remains are found, s/he is no longer considered a missing person but rather a civilian victim of war. However, the cut-off date for a person who perished in Kosovo conflict to be considered a civilian victim is 20 June 1999; this means that families of missing persons are unable to exercise their right to social benefits as of the moment their missing family member is found, if s/he went missing after this date, since the Kosovo legal framework does not recognize that right.

This provision particularly affects the members of non-majority communities in Kosovo, since they make the majority of those missing after 20 June 1999.

Kosovo government's 2019 concept paper on missing persons found the setting of pensions enjoyed by family members of missing persons and the percentage applied per number of



Kosovo government's 2019 concept paper on missing persons found the setting of pensions enjoyed by family members of missing persons and the percentage applied per number of missing persons in a given family to be discriminatory, since the applicable legislation has divided the amount of the survivor's pension in percentages in cases of families with two or more missing persons.

missing persons in a given family to be discriminatory, since the applicable legislation has divided the amount of the survivor's pension in percentages in cases of families with two or more missing persons.³³

Further, unequal treatment was also identified with other categories described in *the Law on the Status and Rights of Fallen Soldiers, Disabled Combatants, Veterans, Members of the Kosovo Liberation Army, Victims of Sexual Violence during the War, Civilian Victims and Their Families*, in terms of their enjoyment of institutional support, health care, and other benefits in public services.

In addition, legislation obliged family members to decide between individual / contributory pension and survivor's pension for war-related categories.

The applicable legal framework only partially touches on items and clothings of missing persons, and on the way of setting up memorials

³³ Concept paper of the Kosovo Government, 25.04.2019, <https://konsultimet.rks-gov.net/viewConsult.php?Consultation-ID=40640>

on locations / graves in which the bodies of the missing persons were found.

The lack of bylaws has blocked the practical implementation of certain legal provisions of the Law on Missing Persons and, thus, the duty provided for by this Law was not fulfilled. Moreover, the absence of these bylaws has inflicted serious problems on family members of missing persons who, in some cases, have not exercised their rights provided for by the applicable law.³⁴

In mid-2021, the newly formed government of Kosovo announced that the procedure for amending the Law on Missing Persons had begun, slated for the Assembly by the year-end, and this is yet to happen.³⁵

³⁴ Concept paper of the Kosovo Government, 25.04.2019, <https://konsultimet.rks-gov.net/viewConsult.php?Consultation-ID=40640>

³⁵ The Office of the Prime Minister of Kosovo, 29.08.2021, <https://kryeministri.rks-gov.net/sr/premijer-kurti-sas-tao-se-sa-predsednistvom-koordinacionog-saveta-udruzenja-clanova-porodica-nestalih-sa-kosova/>

7. Experiences of families of abducted and missing people from the Serb community in Kosovo³⁶

All families of missing persons from Štrpce have exercised the right to social benefits. However, members of the association of families of missing persons make a point this was the outcome of their good organization and cooperation with the officer for missing persons and the Municipality of Uroševac. As soon as they learnt of their right to social benefits, they notified relevant family members, helped them collect the necessary documentation, and organized their transportation. In their view, the key was the good will and openness for cooperation of the officer in Uroševac.

This was not the case in Gračanica, where members of the association shared that not all families were able to exercise this right, claiming that family members of the missing Serbs faced such conditions and requirements that families could not satisfy.

"In Gračanica, not all families were able to exercise the right to social benefits. In one such case,

application was rejected because of different dates of excavation, exhumation and burial. The applicant was requested an impossible task, as normally those events cannot be in the same day. This is how the decision reads."

They cite non-observance of the right to use one's language as one of biggest problems in that process.

"From the outset, as we were applying for this benefit, whoever spoke Serbian received no reply at all, so we had to use the few words we know and barely manage to make a rudimentary communication. The same repeats to this day, as we have to renew applications every six months. We always face the same problem, and always have to take someone to interpret, for something that should have been a 5-minute job."

Upon being granted this type of benefit, many family members both in Štrpce and Gračanica got denied individual old-age pensions they are also entitled to, only on a separate grounds.

³⁶ Here presented information were obtained from five interviews and two focus groups with members of the associations of families of abducted and missing people from Gračanica and Štrpce.



“At the beginning, we were able to comprehend who was in charge, but now with so many organizations, commissions, working groups, we cannot cope. Many institutions use our plight to do something, take something, but they are here for some interest of their own, not for us”.

They are not aware how the procedure for amending the Law on missing persons progresses, or indeed what is the essence of these amendments.

Members of the Štrpce association said they tried to obtain this information from the representative of the Commission for Missing Persons of the Government of Kosovo, at the meetings organized under the auspices of the Resource Center for Missing Persons. Still, despite promises that information will be provided, that never happened.

They define the work of institutions dealing with missing persons in Kosovo as idleness, singling out the Resource Center as the only organization which, occasionally, shares some information and contacts.

“At the beginning, we were able to comprehend who was in charge, but now with so many organizations, commissions, working groups, we cannot cope. Many institutions use our plight to do something, take something, but they are here for some interest of their own, not for us”.

Four months since the appointment of the new President of the Commission for Missing Persons of the Kosovo Government, the Union of Associations of Families of Abducted and Missing Persons, based in Gračanica, has called on Kosovo Prime Minister Albin Kurti to appoint a Deputy Chair of the Commission for Missing Persons from non-majority communities, without further delay, and in accordance with the Law on Missing Persons. It has not happened yet.³⁷

Members of the Gračanica-based Association of Families of Missing Persons were disillusioned with the new President of the Commission for Missing Persons of the Kosovo Government.

“His appointment gave us hope, as he himself is a member of the family of a missing person. We thought he would take a fresh new approach to addressing this issue, be more interested, but we ended up disappointed.”

³⁷ Kossev, *Union of associations from GR: Kurti to appoint Deputy-President of the Commission for Missing Persons from non-majority community*, 4 November 2021. <https://kossev.info/unija-udruzenja-iz-gr-kurti-da-imenuje-zamenika-predsednika-komisije-za-nestale-iz-nevecinske-zajednice/>

They had a meeting with him, but it turned to be more of a “quota duty and a show of a balance” than an expression of a genuine wish to meet with the families of the missing Serbs.

They described the work and cooperation with the Kosovo Police and Prosecutor’s office in Štrpce as non-existent, as they have never been contacted, or received any feedback on their cases from either.

“As far as the police are concerned, wherever they could hinder and thwart, they did.” Whenever our interest was to find, reveal something, they refrained, so to conceal the fact that Serbs were killed, abducted, and missing, and portray themselves before the world and Europe as the honest ones and the only victims” - Gračanica.

They are also disappointed and dissatisfied with cooperation with international organizations in Kosovo that dealt with the matter of missing persons. “They are just dragging feet, we did not get a single concrete information on the fate of our missing ones, merely promises we will eventually get it”.

They had highest expectations in the first months following the reports on disappearances of family members. Presence of KFOR and UNMIK Police who kept visiting them and maintaining contacts every few days and their promises they were close to, and they would find their loved ones, sustained the hope. Still, as the staff of international missions got rotated every few months or so, upon arrival of the new groups the entire process would have to start afresh. Family members of the missing ones would have to furnish information once again, and on, and on.

“Later on came EULEX, promising a different kind of work than the UN, and we dared hope once again. However, they slipped into the same routine. Then, the Kosovo Police was established, and we cannot trust them because we know that among their staff are also ones



Some members of this association claim they have attended meetings in which certain officials denied existence of any Serbian victims at all in the Kosovo conflict. They claim that to this day, either in open or closed meetings alike, none of Albanian officials offered a hand of cooperation to them or acknowledged the existence of Serbian victims.

who took part in those crimes. We used to have the faintest of hopes, but once EULEX handed the cases over to the Kosovo Police, any trace of hope just vanished”.

“Many parents died without finding out anything, I think this all will just keep going on, indefinitely, into oblivion. I sincerely doubt that a single one of our cases will be solved in my lifetime, since have no interest in it.”

While the family members from Štrpce praised the International Committee of the Red Cross as the only international organization that keeps regular contacts with families and visits them, “maintaining impression that someone is still doing something”, members of the association in Gračanica disagree.

“In the beginning, international organizations and representatives were less obvious in their favoritism of the Albanian side, but over time they loosened up. Not one institution conceals that any more. When we meet them, they talk of the missing, they do not separate Serbs and Albanians, but they always talk of locations in Serbia, never of those in Kosovo”

They believe that international organizations in both Štrpce and Gračanica have information

necessary to shed light on the fate of their family members, but there is no sufficient pressure to make such information available.

Members of associations of families of missing persons have little expectations from the formal inclusion of missing persons as a topic in the dialogue between Belgrade and Priština.

“This is exactly why we, personally, were against inserting the issue of the missing in the dialogue in Brussels, Kurti does not like Odalović so everything stops, and had this issue not been raised in Brussels, maybe he would have done something.” This all made the issue overly politicized”.

Since this issue is anyhow a part of the dialogue, they say that, for them, the ideal scenario for participation in the dialogue would be a third party - a foreign family, and that they would most appreciate a direct contact with negotiating teams, so to be kept abreast of events and progress in resolving this issue, as presently they only receive information about it through the media.

They view the rhetoric of Kosovo officials as one-sided.

„The problem is that she (Vjosa Osmani) always talks of their victims, and never mentions Serbian victims”.

Some members of this association claim they have attended meetings in which certain officials denied existence of any Serbian victims at all in the Kosovo conflict. They claim that to this day, either in open or closed meetings alike, none of Albanian officials offered a hand of cooperation to them or acknowledged the existence of Serbian victims.

Talking about cooperation with other organizations and associations of families of the missing, the Štrpce association maintains contacts and cooperation with Serbian associations in Gračanica, Velika Hoča and Mitrovica, in

Kosovo, whereas in Serbia they met with a cold reception.

On the other hand, talking about Albanian associations in Kosovo, they say that the only contact with those go through the Resource Center for Missing Persons.

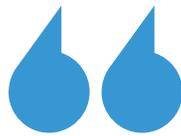
Neither have the political representatives of Serbs in Kosovo tried so far to establish contacts with the families of the missing persons from Štrpce.

“In 2006-2007, local authorities in Štrpce agreed to erect a monument to the killed and missing persons from Štrpce, without having consulting us. A day before inauguration they summoned us, because they needed our approval. We did not approve, because prior to that day no one had ever asked us if we were good, if we needed any assistance in establishing any contacts... To this day, this monument displays names of the killed ones, but not of the missing ones”.

Among our families there are socially vulnerable ones who live at the very edge of the existence.

In their opinion, the key actor responsible for finding the missing persons is the international community and in particular KFOR, who they believe possess information on the fate of missing persons.

“KFOR was the first to come, they allowed everything, I think they have all information”.



In the beginning, international organizations and representatives were less obvious in their favoritism of the Albanian side, but over time they loosened up. Not one institution conceals that any more. When we meet them, they talk of the missing, they do not separate Serbs and Albanians, but they always talk of locations in Serbia, never of those in Kosovo”

The Open initiative is supported by KFOS

