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# **Fostering Public Trust: A new blueprint for rule of law mission in Kosovo**

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## ABSTRACT

This policy paper delves into the intricate role played by internationalized justice mechanisms in the context of Kosovo and their influence on the broader aspects of the rule of law and public trust within the country's judiciary. The aftermath of the Kosovo conflict in the late 1990s witnessed the establishment of several international actors aimed at addressing critical issues such as impunity, the administration of justice, and the promotion of reconciliation. Prominent among these mechanisms are the International Criminal Tribunal for the Former Yugoslavia (ICTY), the United Nations Interim Administration Mission in Kosovo (UNMIK), the European Union Rule of Law Mission in Kosovo (EULEX) and lastly Kosovo's Specialist Chambers (KSC).

This policy paper contributes valuable insights into the intricate dynamics that have evolved within Kosovo's legal landscape. Furthermore, it sheds 'light' on the complex interplay between international interventions, the domestic rule of law, media discourse, and public confidence in the judiciary, offering a comprehensive perspective on the challenges and opportunities faced by Kosovo's evolving justice system.

**Key words:** *Internationalized justice, rule of law, public trust, media*

## INTRODUCTION

The history of Kosovo and its relationship with international justice is quite intricate. It all began with the Kosovo War in the late 1990s. NATO's intervention to stop the conflict was seen by many as a lifeline, and it greatly influenced their perception of international involvement in Kosovo.

After the war, Kosovo came under the administration of the United Nations (UNMIK). During this time, the International Criminal Tribunal for the Former Yugoslavia (ICTY) indicted several leaders, both Serbian and Kosovo Albanian, for war crimes. For many, this was seen as a step towards justice.

In 2008, Kosovo declared its independence from Serbia, a move that had widespread international support but this declaration further complicated matters related to justice and reconciliation with Serbia.

The creation of the Kosovo Specialist Chambers and Specialist Prosecutor's Office, situated in The Hague, Netherlands, in 2015 to address accusations of war crimes involving members of the Kosovo Liberation Army (KLA), elicited varied responses within Kosovo. Some perceived it as a significant move towards accountability, while others regarded it as being prejudiced.

The level of trust the public places in internationalized justice systems is intricately linked to broader initiatives aimed at reconciliation and transitional justice. Some contend that prioritizing justice without considering reconciliation can impede the establishment of trust, whereas others view justice as an essential cornerstone for reconciliation.

# 1. BACKGROUND AND HISTORICAL CONTEXT OF INTERNATIONALIZED JUSTICE IN KOSOVO

The public trust of people in Kosovo in internationalized justice mechanisms has been a complex and evolving issue since the Kosovo conflict in the late 1990s.

To gain insight into this, we can examine the historical backdrop and certain pivotal elements that have shaped the level of confidence among the Kosovo's public.

The Kosovo War and the subsequent NATO intervention, resulting in the deployment of NATO forces, were pivotal in molding public opinion. Numerous Kosovo Albanians regarded the international community, especially NATO and the United Nations, as saviors.

The declaration of Kosovo's independence in 2008, a decision backed by numerous Western nations added another layer of complexity to matters concerning justice and reconciliation.

One significant development was the establishment of the Kosovo Specialist Chambers and Specialist Prosecutor's Office in The Hague, Netherlands, in 2015.

These institutions were created to investigate allegations of war crimes committed by members of the Kosovo Liberation Army (KLA). The reactions to this Chamber were and are still mixed within Kosovo's population. Some saw it as necessary for accountability, while others felt it was biased.

## **2. ROLE OF MEDIA IN SHAPING PUBLIC PERCEPTION V. HISTORICAL BACKGROUND IN KOSOVO**

Media plays a significant role in shaping and influencing public perception. Kosovo War during the late 1990s, was a period when media coverage played a crucial role in bringing global awareness to the conflict. Subsequent NATO intervention was often depicted by numerous media sources as a humanitarian endeavor, significantly impacting the way Kosovo Albanians perceived the international community's role in Kosovo.

After the war, when Kosovo came under the administration of the UN, media continued to be a key player in reporting on developments in the region. The International Criminal Tribunal for the Former Yugoslavia (ICTY) indictments for war crimes were widely covered by the media. For many people in Kosovo, these indictments, along with the accompanying media coverage, were seen as a step towards justice.

In 2008, Kosovo declared its independence from Serbia, which led to a flurry of media attention. International news outlets covered the political and diplomatic aspects of this declaration extensively, and this media coverage also influenced international perceptions of Kosovo's status.

## **PUBLIC TRUST**

Kosovo, by being a country under international supervision, United Nations hired its own judges and prosecutors who dealt with most sensitive issues such as war crimes and other cases related to interethnic nature, leaving local judges and prosecutors out of process for many years.

This has created a comfort zone for locals who were well accommodated to the competencies they had, without having to deal with sensitive issues, but it created lack of trust among population because in most of cases, international judges and prosecutors were deployed only temporarily in Kosovo and left many cases unfinished.

Lack of understanding of Kosovo's specifics also played its role for internationals to not being able to duly perform their duties.

When EU rule of law mission, EULEX, was deployed in Kosovo in 2009, it started gradually to transfer its competencies to local judges, but this period showed that those who took over competencies were not well equipped to take them.

Together with the transfer of competencies to locals, they started to feel political interferences and fell prey of them. As a consequence, in many big cases prosecutors have failed to prove their cases and suspects have either been acquitted or they benefited from statutory limitation, because courts could not resolve cases in time.

## **KOSOVO'S SPECIALIST CHAMBER**

One significant development in the realm of international justice in Kosovo was the establishment of the Kosovo Specialist Chambers and Specialist Prosecutor's Office in The Hague, Netherlands, in 2015.

The response to this event received extensive media attention in Kosovo. Within the country, a spectrum of opinions emerged. From the beginning, the KSC has faced issues with its acceptance among the local population. Some individuals



viewed it as a vital step towards accountability, while others harbored doubts and voiced worries about potential bias.

During the development of the KSC, it appears that the focus of its creators was primarily on ensuring its recognition and credibility in international legal circles rather than among the local population. The decision to locate the court outside of Kosovo and appoint international personnel to run it was intended to enhance its autonomy, but it has posed difficulties in terms of gaining social acceptance and understanding within Kosovo (Cross and Mathew E., 2016).

Back in 2017, the KLA Veterans Association made a move by submitting a petition. Their main issue with the Law on the Kosovo Specialist Chambers was that they felt it treated Albanians unfairly, describing it as "discriminatory" and "exclusive" to one ethnicity. They argued that the law should be expanded to include the prosecution of Serbs who had committed crimes in Kosovo as well.

## **PERCEPTION OF BIAS**

Public trust can be influenced by perceptions of bias in international justice. Some Kosovo Albanians believe that international justice has unfairly targeted Albanian individuals compared to Serbian individuals, and these concerns were often echoed in the media, leading to accusations of bias. Developing or restoring trust in the concept of the rule of law necessitates a shift in mindset as substantial as the one needed in the realm of politics.

## **MEDIA AND THE LEGAL MAZE: CHALLENGES AND COVERAGE**

Media also covers the challenges and delays in the judicial process, which have been a source of frustration for many in Kosovo. Lengthy legal proceedings and the slow pace of justice were a recurring theme in media coverage, which further eroded public trust in international justice mechanisms.

Overloaded with ongoing political issues, Kosovo media have mainly neglected judiciary system, reporting only superficially on the issues the system has been facing over the years, since it was established after the end of the war.

Things have not improved even after Kosovo judges and prosecutors took over competencies from international missions. There is a perception among journalists that justice people (judges and prosecutors) do not understand journalists' needs for their reporting and delay the answers, thus contributing to lack of accurate information of public.

In order to address this issue, Kosovo's media outlets should employ skilled journalists specialized in matters of justice and provide them with the training which most of current journalists lack.

## RECOMMENDATIONS

To address these challenges and ensure the successful implementation in enhancing public trust in the judiciary and promoting transparency, the following recommendations are proposed:

### **1. Kosovo Government-Media Collaboration for Enhancing Public Trust through Public Awareness:**

Government should collaborate with media outlets to jointly launch public awareness campaigns that elucidate the importance and complexities of internationalized justice. These campaigns serve to clarify misconceptions and promote better understanding, ultimately enhancing public trust.

### **2. Kosovo Government Approach on Historical Wartime Issues:**

Kosovo government should ensure a clear separation from current political considerations. This approach ensures that justice is pursued impartially and without undue influence. The government should communicate its commitment to this principle to demonstrate its dedication to upholding the rule of law.

### **3. Government Oversight of Fact-Checking and Corrections:**

Establishing a government-mandated mechanism for fact-checking and correcting inaccurate information in the media. This way, it ensures that the government authorities promptly address and rectifies any errors to maintain public trust and credibility.

#### **4. Media Coverage of Reconciliation Initiatives:**

Encouraging media coverage of reconciliation efforts and dialogue initiatives alongside justice proceedings. This can highlight the parallel efforts towards healing and unity and can foster hope and optimism among the public while showcasing progress toward lasting peace.

#### **5. Journalist Access to Officials:**

Facilitating access to justice officials, legal experts, and spokespersons for interviews and discussions. This can help journalists provide more in-depth and accurate coverage.

#### **6. Media Feedback Mechanisms:**

Create channels for media outlets to provide feedback on their experiences covering justice cases. Addressing concerns and seek ways to improve media relations.

These recommendations emphasize collaboration between the government and the media, a commitment to accuracy and transparency, and a focus on public awareness and reconciliation. Implementing these measures can help rebuild public trust in the justice system and ensure that the media plays a constructive role in disseminating accurate information to the public.

## CONCLUSION

The issue of public trust in internationalized justice mechanisms in Kosovo is multifaceted and shaped by various factors. The question of whether people in Kosovo trust internationalized justice mechanisms is quite complicated.

It's influenced by various factors, like the history of the region, how people see these mechanisms, the effort to bring different groups together, the role of media and how well the justice system actually works.

As stated, Kosovo has a history marked by conflict and ethnic tensions. The experiences of individuals and communities during this period significantly influenced their perceptions of justice processes today.

Perceptions of bias within internationalized justice mechanisms can erode public trust. Some individuals may perceive these mechanisms as favoring one ethnic group over another, leading to skepticism about the fairness and impartiality of the justice system. The actions taken by authorities, civil society, and international partners can contribute to either the erosion or rebuilding of trust.

In brief, confidence in internationalized justice within Kosovo is a multifaceted and continually changing matter which is linked to historical factors, public perspectives, media influence, peace-building endeavors, and the effectiveness of the justice system.

It's crucial to appreciate the range of viewpoints and understand that trust can shift as Kosovo progresses on its path toward enduring reconciliation.

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