



# Support to Transitional Justice in Kosovo

## **Annual Progress Report**

January – December 2015

Prepared for:

Inter-Ministerial Working Group on Dealing with the Past and  
Reconciliation

Office of Prime Minister;

Ministry of Justice;

Government of Switzerland; and

Embassy of France

## I. CONTENTS

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<b>II. ACRONYMS</b> .....	2
<b>III. EXECUTIVE SUMMARY</b> .....	3
<b>IV. ASSESSMENT OF PROJECT PROGRESS</b> .....	6
<b>Output 1: Capacity of the IMWG on Dealing with the Past and Reconciliation to fulfil its mandate is strengthened.</b> .....	6
<b>Output 2: Capacity of civil society to contribute to a transitional justice process in a constructive and critical manner is strengthened.</b> .....	8
<b>Output 3: Public and stakeholder awareness of and participation in transitional justice is increased.</b> .....	9
<b>V. CROSS CUTTING ISSUES</b> .....	11
• <b>Gender:</b> .....	11
• <b>Visibility:</b> .....	12
During 2015 the project has reached its visibility through the following activities: .....	12
• <b>Sustainability&amp; Local Ownership:</b> .....	12
• <b>Capacity Development:</b> .....	12
<b>VI. LESSONS LEARNED</b> .....	12
<b>VII. CHALLENGES AND RISKS</b> .....	13
<b>VIII. PARTNERSHIPS</b> .....	13
<b>IX. RECOMMENDATIONS</b> .....	14
Annexes: .....	14

## II. ACRONYMS

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AGJ	Advancing Gender Justice / UNDP project 2012-2014
BiH	Bosnia and Herzegovina
CSO	Civil Society Organizations
EC	European Commission
HLC	Humanitarian Law Centre Kosovo
ICMP	International Commission on Missing Persons
ICRC	International Committee of the Red Cross
IMWG	Inter-Ministerial Working Group on Dealing with the Past and Reconciliation
IOM	International Organization for Migration
STJK	Support to Transitional Justice in Kosovo
MEST	Ministry of Education, Science and Technology
MIA	Ministry of Internal Affairs
MOU	Memorandum of Understanding
MoJ	Ministry of Justice
NSTJK	National Strategy on Transitional Justice in Kosovo
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPM	Office of the Prime Minister
OSCE	Organization for Security and Cooperation in Europe
RAE	Roma, Ashkali, Egyptian
TJ	Transitional Justice
TJSK	Transitional Justice Strategy for Kosovo
UNDP	United Nations Development Programme
UNKT	United Nations Kosovo Team
UNMIK	United Nations Mission in Kosovo
UN Women	United Nations Women

### **III. EXECUTIVE SUMMARY**

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The Joint Project ‘Support to Transitional Justice in Kosovo<sup>1</sup> (STJK project)’ supports and facilitates the process of transitional justice in Kosovo by working with partners that includes the authorities and civil society in Kosovo. The project is working towards the creation of a conducive environment for a transitional justice process, through capacity development of partners and beneficiaries to engage in a comprehensive, gender-sensitive transitional justice process, and enhanced public and stakeholder awareness of and participation in transitional justice in Kosovo.

Having initially started as a joint intervention by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations Development Programme (UNDP), two other UN agencies, namely the UN Women and International Organization for Migration (IOM) joined the STJK project in 2014

During 2015, the STJK project provided support to institutions and civil society organizations (CSOs) in identifying and elaborating key components for a transitional justice strategy for Kosovo. All project activities are implemented in support of the Inter-Ministerial Working Group on Dealing with the Past and Reconciliation (IMWG) and the effort towards establishment of a comprehensive transitional justice strategy for Kosovo. As a result of the new ruling coalition (9 December 2014), a new Chair of the IMWG was appointed by the OPM in February 2015. To reflect the current environment, in close cooperation with main stakeholders, the project document was also updated in September 2015.

To facilitate the substantive debates, ideas and activities, during 2015 the work of four thematic sub-groups of the IMWG was increased, namely the Right to Know; the Right to Justice; the Right to Reparations, and Guarantees for Non-recurrence. The sub-groups are composed by members of the IMWG as well as the deputy chair from the CSO's and each sub-group has its own leader and deputy.

Key achievements during January – December 2015 include:

#### **1. IMWG members’ capacity increased:**

- Prepared a concrete plan of activities, including a timeline, for the IMWG activities to be carried out during 2015, and prepared a list of key substantive transitional justice issues for the four thematic IMWG sub-working groups to deal with in the coming months in preparation of the overall process of consultations with the identified stakeholders. Delivery of a workshop on “Stocktaking and Work Plan the IMWG 2015” held on 4 March 2015, which brought together the heads of the four sub-working groups, the two deputy chairs as well as a number of other IMWG members.
- Establishment of the IMWG intranet, designed for information sharing and coordination between the IMWG members and Secretariat. Individual access was provided to all the IMWG members, materials produced and collected by the sub-groups have been uploaded in intranet.
- Supported the dialogue and common understanding between IMWG members on six specific topics of Transitional Justice by applying the “Chatham House” Rules.
- Supported the sub-work on Reparation, jointly with UN Women, with the aim of creating a common understanding between members of the sub-group on: what are reparations; the Institution's role towards reparations, and practices from other countries. This work also included considerations on how the group can incorporate gender perspectives in their work, goal setting exercises for the overall goal of reparations, and how the mapping could help to identify the needs and objectives of the consultation process.

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<sup>1</sup> For UNDP, all references to Kosovo are made in the context of UN Security Council Resolution 1244 (1999).

- Provided expert support for the sub-working group on Reparations to map the reparation initiatives.
- Provided expert support to facilitate the sub-groups on the strategy drafting process. During the initial phase a set of objectives and sub-objectives for the strategy were identified.

## **2. CSOs capacity increased**

- Improved communication and coordination through the online resource centre between members of the IMWG (closed group).

## **3. Outreach and public awareness:**

- Support provided to the IMWG group on communication, to devise a draft communication plan, which foresees the implementation of outreach activities;
- Developed an on-line platform for increasing public awareness on TJ and encourage citizen participation;
- Increased citizen awareness on Transitional Justice issues through two public discussion events, conducted in cooperation with the University of Pristina and two local CSOs. The debates were hosted by two prominent Kosovo journalists who ensured substantive media coverage.

The STJK project has continued to provide support to the organisation and delivery of all the IMWG plenary meetings as well as the meetings of the sub-groups (logistic and substantive support).

Provided that the role of the project is to offer technical support to the locally driven process, the commitment of local stakeholders to push the process forward, has a direct impact on the project implementation. In regards to implementation, the political environment should be taken into consideration.

Despite the ongoing challenges encountered, a good working relationship for effective cooperation was maintained between the STJK project-team, the IMWG, and its secretariat.

## IV. ASSESSMENT OF PROJECT PROGRESS

### **Output 1: Capacity of the IMWG on Dealing with the Past and Reconciliation to fulfil its mandate is strengthened.**

#### **Activity 1: Enhanced logistical capacity of IMWG to fulfil its mandate**

Throughout the year 2015, the STJK project continued to provide logistical support to the IMWG and its Secretariat.

Through the seconded position within the IMWG secretariat and in close cooperation with the IMWG management, all the plenary meetings of the IMWG, as well as meetings of thematic sub-groups were organized and coordinated with the support from the STJK project. Through the support to the Secretariat, the STJK project continued to provide contribution on coordination, communication and drafting of documents for the needs of the IMWG DwPR. At the request of the IMWG and thematic sub-groups, the STJK project supported results-oriented workshops for the benefit of the strategy drafting process.

#### **Activity 2: Enhanced substantive capacity of IMWG to fulfil its mandate**

The Senior Advisor on Transitional Justice has continuously provided substantial inputs and on-going advice to the IMWG on the overall process. The Senior Advisor was instrumental in providing a common understanding for the IMWG work; furthermore, her previous experience and knowledge of best practices was put at the disposal of the IMWG to inform and guide their work.

In July 2015, UN Women provided an expert on reparations whose primary focus was to work with the National Council for victims of sexual violence. The expert has also cooperated closely with the STJK project and the IMWG, respectively the sub-group on reparations on the mapping of current initiatives and laws related to reparations, including elaboration of the specific objective/s of the sub-working group, which will feed into the draft strategy.

At the IMWG meeting conducted in September, the STJK project launched its activity of the Forum for non-formal discussions on Transitional Justice between the local professionals and members of the IMWG. These, over-lunch meetings that were conducted every two-weeks, were intended to increase the awareness and build capacities of the members of the IMWG and its Secretariat on specific topics of TJ proposed by members of the IMWG. In this light, from the end of September until early December, the STJK project organised six (6) non-formal meetings on the following topics:

- “Kosovo Security Forces” with the invitee Mr. Agim Çeku, former Prime Minister of Kosovo and former Minister of Kosovo Security Forces;
- “RECOM” with the invitee Mr. Bekim Blakaj, Executive Director Humanitarian Law Center;
- “Language as a mean for communication in Kosovo” with the invitee Mr. Slaviša Mladenović, Language Commissioner;
- “Property Issues as a result of the conflict in Kosovo” with the invitee Mr. Sylejman Nuredini, Supreme Court Judge;
- “Documentation and Archives - Challenges on Dealing with the Past in Kosovo” with the invitee Mr. Baki Svirca, Professional Associate at the War Crimes Research Institute;
- “Dealing with the Past from the perspective of Political Prisoners” with the invitee Mr. Hidajet Hyseni, Head of Association of Political Prisoners.

In November 2015, upon the request from the IMWG, the STJK project has recruited two local consultants to facilitate the IMWG on their work towards strategy drafting process.

<b>Indicator</b> (From the project document)	<b>Target</b> (From the project document)	<b>Latest Data</b> (disaggregated by gender where possible) <b>&amp; Source of Data</b>	<b>Indicator Status</b> (Fully/Partially/Not Achieved) <sup>2</sup>
Level of progress made in drafting a Transitional Justice Strategy	- Strategy drafting underway	Initial steps towards strategy drafting have been reached:  - Draft background paper based on mapping of initiatives in four pillars of TJ has been produced;  - Initial strategic objectives and sub-objectives of the TJ Strategy have been identified.	Partially achieved.

#### VALUE FOR MONEY ASSESSMENT

The STJK project is contributing to the development of the strategy by supporting the IMWG through thematic and administrative support as needed. The provision of an administrative assistant to the Secretariat of the IMWG enhances the logistical capacity of the IMWG to fulfil its mandate. The direct thematic support provided through the SATJ as well as local consultants ensures that the IMWG is able to complete its mandate and has thematic expertise when needed.

<sup>2</sup>The target is partially achieved when 60% of target is reached. Target is “Not Achieved” less than 60% of target is achieved.

**Output 2: Capacity of civil society to contribute to a transitional justice process in a constructive and critical manner is strengthened.**

The inclusiveness and legitimacy of any dealing with the past process rests upon the participation of civil society. During the reporting period, the project team established and maintained contacts and cooperation with CSOs active in the field of transitional justice.

A major challenge and concern for the IMWG and the STJK project throughout the reporting period was the absence of the representatives of the CSOs representing minorities in the work of the IMWG.

**Activity 1: Increased capacity of Civil Society Organisations for contributing to transitional justice**

This foreseen activity could not be implemented due to diverging interests, concepts and priorities. Therefore there was a limited coordination between civil society organisations, although some of the workshops provided a starting point for further capacity development in the coming year.

**Activity 2: Targeted transitional justice advocacy support to specific victims groups and weaker segments of society**

The STJK project has developed two online platforms with the aim of further informing the public on transitional justice issues (public platform) and increasing the effectiveness of the work of the Inter-ministerial Working Group on Dealing with the Past and Reconciliation (IMWG) (closed group).

The public website ([www.tjrc-kosovo.org](http://www.tjrc-kosovo.org)) was developed due to the ever greater need for the general public to be informed about the transitional justice process and activities in Kosovo. The website serves as an open platform bringing together all actors and initiatives involved and working in the field of transitional justice in Kosovo. Moreover, the website provides materials and cases from other countries in the region and, when appropriate, countries around the world. The website serves as an open source of information focusing on the process of transitional justice and its actors. As such, one of the main aims is for it to serve as a hub of information for researchers, journalists and any parties interested to familiarize themselves with transitional justice in Kosovo. It also serves the purpose of providing higher visibility for the work of the IMWG and CSOs in Kosovo, showcasing their work and providing linkages with their respective websites. The website has its Twitter account (@TJRC\_Kosovo) which further engages internal and external audiences with transitional justice processes and actors in Kosovo. So far, the website has not been utilised due to the postponement of the consultation process. Once the consultation process and visibility of the IMWG is raised, the website will be used to serve the needs of the IMWG. The website will be managed by the IMWG communication team in cooperation with the STJK project.

The private IMWG website (intranet: [www.dt.rks-gov.net](http://www.dt.rks-gov.net)) is an internal online tool created with the aim to make the work of the IMWG leadership and its members more effective, better coordinated and less time consuming. The intranet has three administrators from the IMWG secretariat who can add or remove users accordingly. The intranet is accessible only to registered/added users who can upload any type of files, set up meeting, while having access to four folders belonging to the four corresponding sub-working groups and the public folder readily available to all the IMWG members. The intranet facilitates an improved flow of information between the IMWG members in a hassle free and transparent manner.

**Activity 3: Enhanced capacity of the media to report on transitional justice issues**

The project staff has worked on identification of the existing initiatives for supporting journalists to follow and report on TJ. Further activities will be developed during 2016.



<b>Indicator</b> (From the project document)	<b>Target</b> (From the project document)	<b>Latest Data</b> (disaggregated by gender where possible) <b>&amp; Source of Data</b>	<b>Indicator Status</b> (Fully/Partially/Not Achieved) <sup>3</sup>
<p>Number of NGO staff completing trainings organised by the project</p> <p>Number of comments and interventions made by CSOs on drafts produced by the Intra-Ministerial Working Group that are ultimately accepted into documents.</p>	<p>1. By year 3 of the project – 50 participants</p>	<p>No specific training for NGOs organised.</p> <p>However, in close cooperation with communication group (part of which are two CSOs) two online platforms for TJ were established and a draft communication plan developed.</p> <p>CSOs actively contributed to the mapping and analysis and provided input for the draft TJ background document.</p> <p>CSOs also participated in the STJK project activities including informal meetings and public debates for students</p>	<p>Status -Partially achieved.</p>

**VALUE FOR MONEY ASSESSMENT**

The online platform for the use by the IMWG, CSO’s and citizens was created. Other activities under Output 2 could not be completed due to a range of operational and implementation issues, stemming from the delayed process.

**Output 3: Public and stakeholder awareness of and participation in transitional justice is increased.**

<sup>3</sup>The target is partially achieved when 60% of target is reached. Target is “Not Achieved” less than 60% of target is achieved or “Fully Achieved” when 100% or more of target is achieved.

### **Activity 1: Broad consultation process enabled**

The consultation process is based on having a draft document (strategy) which serves as a framework for its initiation. The work of the IMWG, therefore of the four sub-working groups, on mapping the situation, and setting the foundation for a draft strategy is taking longer than expected. Due to this fact the consultation process could not be started.

### **Activity 2: Increased public awareness of transitional justice**

The STJK project held regular meetings with the IMWG communication sub-group to discuss the communications and outreach needs of the IMWG. The group consists of four members, with two representing institutions and two CSOs. Through close cooperation between the project and the communications group, in three separate meetings<sup>4</sup>, a draft communication plan was developed, covering the period of July-December 2015. However, provided that the IMWG was not yet ready to open up to the public, it was agreed that the draft communication plan, as well as outreach activities, will be re-visited once the work of the IMWG progresses and reaches to the consultations stage.

Two debates on transitional justice issues took place in Pristina during the last two weeks of November. Debates were focused on truth-finding as one of the key pillars of transitional justice, alongside reparations, justice and guarantees of non-recurrence. As a result, there is an increased citizen awareness on the subject of Transitional Justice issues.

The first debate took place on 20 November and focused on the “*why and how*” of truth-finding initiatives. Reaching out to youth the panellists shared their experiences and knowledge while trying to encourage the youth to consider the importance of knowing the facts and asking about the past. Panellists in this debate were: Andrew Russell, UN Development Coordinator; Iliriana Islami, Deputy Dean of the Faculty of Law, University of Pristina; Dafina Buçaj, adviser to the Minister of Justice; and Bekim Blakaj, executive director at the Humanitarian Law Center Kosovo. The debate was moderated by journalist Jeta Xharra.

The second debate took place on 30 November and focused on the “*who and when*” of the process. The discussion tackled the institutions’ role in advancing the transitional justice process in Kosovo. The panelists also discussed how the transitional justice and dealing with the past process is part of the normalization of relations between Kosovo and Serbia. Panelists in this debate were: Jeta Krasniqi, political adviser to the President of Kosovo; Baki Svirca, associate at War Crimes Research Institute; and Dušan Radaković, executive director at the Advocacy Center for Cultural Democracy. The debate was moderated by journalist Adriatik Kelmendi.

Both events were organized by the STJK project in partnership with Faculty of Law, University of Prishtina (UP), Humanitarian Law Center Kosovo (HLC Kosovo) and Advocacy Center for Cultural Democracy.

### **Activity 3: Increased awareness of transitional justice among key stakeholders**

Through the non- formal meetings organised by the STJK project, the IMWG members started the initial exchange on selected issues of transitional justice with key stakeholders. Further activities on awareness raising will be implemented in 2016 before and during the consultation process.

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<sup>4</sup> 4<sup>th</sup> June, 10<sup>th</sup> July and 14<sup>th</sup> October 2015.

Indicator (From the project document)	Target (From the project document)	Latest Data (disaggregated by gender where possible) & Source of Data	Indicator Status (Fully/Partially/Not Achieved) <sup>5</sup>
Percentage increase in stakeholder and public awareness of transitional justice.	By year three of the project - 20% increase from 2012/2013 survey in regards to public awareness on transitional justice.	Around 70 students and representatives of CSOs and institutions have participated in the public debates on TJ.  Number of the IMWG participants of the non-formal meetings. Number of guest speakers of the informal meetings.	Partially achieved. This output is linked with the consultations which will be implemented during 2016 (year three of the project)

#### **VALUE FOR MONEY ASSESSMENT**

All activities under this Output were designed and implemented with a consideration for the limited funds available. However, the impact of the activities is far greater since the project was able to identify value for money activities that reached a larger audience.

#### **V. CROSS CUTTING ISSUES**

- **Gender:**

Gender sensitivity and inclusiveness have been clearly outlined in the decision for establishing the IMWG. A number of institutions and civil society organizations with the mandate of promotion of human rights and gender equality are represented. Specific attention is given to the planning of consultations so

<sup>5</sup>The target is partially achieved when 60% of target is reached. Target is “Not Achieved” less than 60% of target is achieved or “Fully Achieved” when 100% or more of target is achieved.

as to ensure that voices of women victims are included. In addition, jointly with UN Women, work with the sub-group on Reparations has included considerations on how the group can incorporate gender perspectives in their work.

- **Visibility:**

During 2015 the project has reached its visibility through the following activities:

- Production of Jeta ne Kosove show on conflict crimes and justice produced by Jeta Xharra and aired during prime time on RTK
- Three columns/articles written by leading journalists, including Arben Idrizi, Jeta Xharra and Adriatik Kelmendi, published in GazetaExpress, Gazeta Jeta ne Kosove and Koha Ditore
- Website on transitional justice in Kosovo, including information on key actors and events related to transitional justice) [www.tjrc-kosovo.org](http://www.tjrc-kosovo.org). @TJRC\_Kosovo (twitter)
- An open platform bringing together all actors and initiatives related to Transitional Justice in Kosovo and beyond
- Participation of SATJ and UN Women Head of Office in the TJ Conference organized by the University of Prishtina on the topic of “The Role of Universities in Dealing with the Past and Peace building” (20-21 October 2015)
- Participation of the SATJ and the Secretariat Assistant in all meetings and workshops of the IMWG and thematic workshops.

- **Sustainability & Local Ownership:**

Local ownership of the process of developing a transitional justice strategy is essential if the strategy is to be accepted. This requires a certain level of flexibility on the side of the STJK project to adjust to the work pace of the IMWG. Only if the process is led by the IMWG will it be sustainable and can lead to a strategy that has a chance of being implemented in the future.

To be legitimate, the process of developing the strategy has to be all-inclusive. However, there is still a lack of institutional representation of minority groups in the IMWG. It has been evident that the CSOs cannot and are not willing to take on that role. In this regard, proper consideration should be given to the crucial process of consultations. Inclusive consultations should be organised and conducted, to ensure ownership and inclusiveness of the strategy.

The project-activities support the work of the IMWG. All activities are implemented after close consultation and in cooperation with the IMWG.

- **Capacity Development:**

All project activities have inherent elements of capacity development. The approach used by the STJK is an inclusive consultative process whereby members of the IMWG are required to lead the process. While this approach may slow down the achievement of the overall objectives of the project, it ensured active participation of the members in the process, including sustainability and acceptance of strategy.

## **VI. LESSONS LEARNED**

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The role of the Chair of the IMWG, including the co-chairs, has been shown to be of a vital importance in the functioning of the IMWG and the advancement of the process.

The diverging interested of the IMWG members have slowed-down the process.

Differing understanding on the concepts of TJ and the process which should be followed has also protracted the decision-making process, which in turn, has had an impact on the overall project implementation.

The use of international examples on TJ has not always produced the desired results, and was met with skepticism from a number of IMWG members, who have requested a fully Kosovo-centred approach.

## **VII. CHALLENGES AND RISKS**

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### **The STJK project challenges:**

Given that the project document was designed in a somewhat different environment and with larger planned resources, as well as the new developments in the field of TJ in Kosovo context, it was not possible for the project team to follow the implementation of many project activities. Thus, in close cooperation with the key stakeholders the project document was amended in September 2015, to reflect the reality of the current state and project capacities.

### **Other challenges in the process:**

The UNKT team has continuously advocated at all levels for a better coordinated process of transitional justice in Kosovo. Lack of evident coordination between stakeholders engaged in transitional justice process and actions in Kosovo continue to be a challenge for the work of the IMWG, respectively the implementation of the STJK project.

Kosovo continues to be divided on questions of legitimacy and identity, notably reflected in the current dialogue between Pristina and Belgrade. As an attempt to address the legacies of its past, Kosovo needs to have a better coordinated transitional justice process. The IMWG could play the role to channel the social dialogue and increase trust in institutions through all inclusive public consultations.

It should be noted that once the special chamber will be operational, it will impact the willingness of the social engagement in the transitional justice process. The issue of missing persons still remains a challenge, however, there are positive signs that this issue will be brought at the Pristina and Belgrade dialogue.

Both institutional set-ups aiming at addressing transitional justice, the National Council for the Survivors of the Sexual Violence headed by the President's Office, and the Inter-Ministerial Working Group on Dealing with the Past and Reconciliation headed by the Office of the Prime Minister, would mutually benefit from regular briefings on progress in their respective areas of work. The STJK has done this to a degree, specifically with the UN Women expert providing trainings to both groups on transformative reparations. Moreover, the UN Women expert, who is developing a transformative reparations program for survivors of conflict related sexual violence, under the auspices of the National Council, is working also with the IMWG's sub-group on Reparations and will liaise with them in ensuring that the specific reparations program is part of the overall transitional justice strategy.

## **VIII. PARTNERSHIPS**

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The initial joint STJK project of OHCHR and UNDP has officially expanded the collaboration with UN Women and the International Organization for Migration (IOM). Furthermore, the STJK project has collaborated with UNMIK Human Rights Department on several occasions, on the issue of missing persons. The STJK project has further closely cooperated with other international organizations and institutions such as the European Union Office in Kosovo, OSCE, ICRC and ICMP. The STJK project's expanding of partnerships also includes the Presidency. Experience and lessons learned continued to be

exchanged with many countries such as: Columbia, and the Philippines, made possible through the UN Women EU funded project, which started in 2015.

Stakeholder	Strengthened	Unchanged	If strengthened, please explain in which way
Kosovo Institutions	√		Cooperation expanded with the Inter-Ministerial Working Group on Dealing with the Past and Reconciliation (IMWG) under the leadership of the Office of the Prime Minister. Some capacity development through regular work meetings and thematic informal meetings.
Donors	√		Switzerland/EU TJ Global UN Women funds.
Civil society: <i>Academia</i> <i>Unions</i> <i>Religious organization</i> <i>NGO/CBOs</i>	√		The STJK project has in particular increased the cooperation with academia and few CSOs outside the IMWG but active in the field of TJ.
UN system	√		The STJK project has reached to become UNKT project, from the initial joint OHRC and UNDP effort, it has expanded to include UN Women and IOM.
International organizations	√		Outreach to ICTJ and Impunity Watch for further cooperation.
Others	√		Outreach was done to a group of nations actively supporting peace and stability in Kosovo; resulting in political support to the STJK project during 2015.

## **IX. RECOMMENDATIONS**

Closer involvement of the management of IMWG will send a strong signal to motivate the IMWG members and would encourage communities to more actively participate in the process;

- STJK and its partners support all efforts to more effectively coordinate Transitional Justice processes and initiatives in Kosovo.

### **Annexes:**

1. Financial Report 2015;
2. Meetings and workshops of the IMWG and sub-groups conducted on 2015;
3. Results from IMWG workshop on March 2015;
4. Results from IMWG workshop on December 2015;
5. Annual Work Plan 2016.