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From Combatants to Cops: The Integration of
Kosovo Liberation Army Veterans into the Kosovo
Police and its Impact on Police Performance

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Abstract

The role of former KLA fighters in nowadays Kosovo is a continuing subject of controversy not least through their strong presence in Kosovar security institutions. The aim of this master thesis is to examine more precisely the influence which the integration of KLA veterans into the Kosovo Police had on police performance and to assess whether this influence was significantly negative. In doing so I will discuss the formation and structure of, as well as the context within which its demobilisation took place, to draw conclusions on possible KLA networks in post-war Kosovo. On the basis of the hypothesis of a coherent KLA network I will examine critically along four performance indicators which influence veterans actually had on police reform and present which other factors significantly influenced police performance.

Zusammenfassung

Die Rolle der ehemaligen UCK Kämpfer im heutigen Kosovo ist Thema einer andauernden Kontroverse, nicht zuletzt durch deren starke Präsenz in den kosovarischen Sicherheitsinstitutionen. Diese Masterarbeit hat sich zum Ziel gesetzt den Einfluss, den die Integration von UCK Veteranen in die kosovarische Polizei auf die Leistungsfähigkeit der Polizei hatte, genauer zu untersuchen und festzustellen, ob dieser Einfluss signifikant negativ war. Dabei werde ich Entstehung und Struktur der UCK erörtern, sowie die Umstände in denen deren Demobilisierung durchgeführt wurde, um daraus Rückschlüsse auf mögliche UCK Netzwerke im Nachkriegskosovo zu ziehen. Anhand der Hypothese eines kohärenten UCK Netzwerkes werde ich kritisch entlang von vier Leistungsindikatoren untersuchen, wie bedeutend der Einfluss der Veteranen auf Polizeireform tatsächlich war und darlegen welche anderen Faktoren die Leistungsfähigkeit der Polizei entscheidend beeinflusst haben.

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Abbreviations

AAK	Alliance for the Future of Kosovo (Aleanca për Ardhmërinë e Kosovës)
CIVPOL	International Civilian Police
EULEX	European Union Rule of Law Mission in Kosovo
FARK	Armed Forces of the Republic of Kosovo (Forcat e Armatosura të Republikës së Kosovës)
FRY	Federal Republic of Yugoslavia
IHPSO	Institute for Researching Public Opinion and Strategies (Instituti për Hulumtime Politike e Strategjike dhe Opinioneve)
IOM	International Organisation of Migration
KAPS	Kosovo Academy for Public Safety
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KP	Kosovo Police (see also KPS)
KPS	Kosovo Police Service renamed as Kosovo Police (KP) in 2008
KPSS	Kosovo Police Service School
KSF	Kosovo Security Forces
LBD	United Democratic Movement (Lëvizja e Bashkuar Demokratike)
LDK	Democratic League of Kosovo (Lidhja Demokratike e Kosovës)
MRP	Ministry for Public Order (Ministria e Rendit Publik)
MUP	Serbian Ministry of Internal Affairs (Ministarstvo Unutrašnjih Poslova)
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Co-operation in Europe
OVLUCK	Veterans' Organisation of the Liberation War in Kosovo (Organizata e Veteranëve të Luftës të Ushtrisë Çlirimtare të Kosovës,)
PDK	Democratic Party of Kosovo (Partia Demokratike e Kosovës)
PPK	Parliamentary Party of Kosovo (Partia Parlamentare e Kosovës)
PRIME-System	Police Reform Indicators and Measurement Evaluation System

PSD	Professionals Standards Directorate
PSU	Professional Standards Unit
PU	KLA military police (Policia Ushtarake)
SHIK	Kosovo Information Service (Shërbimi Informativ i Kosovës)
SPADC	Senior Police Appointments and Discipline Committee
UNDP	United Nations Development Programme
UNMIK	United Nations Interim Administration Mission in Kosovo
UNODC	United Nations Office on Drugs and Crime

1 Introduction

The transformation of a society from violent conflict to peace is a complex endeavour in which the reform of the police force plays a critical part. In internal conflicts, police officers fighting along the state often become involved in the conflicts that tear societies apart and also victorious rebel armies do not enjoy universal legitimacy among the entire population. The creation of the police in Kosovo as it happened in the years after 1999 is a classic example of police reform in a post-conflict environment and the experiences made there drew attention to similar endeavours worldwide including the recent transformations in the Middle East and North Africa regions.¹

This thesis will examine how the integration of members of a former rebel army into a newly created police service affects the outcome of police reform and the performance of the new police service. The integration of KLA veterans into the Kosovo Police was justified by demobilisation necessities and will be critically examined as to whether it had a negative impact on police performance. As the biggest threat to police performance would be an orchestrated infiltration of elements with goals contrary to the police's, this will be done by putting forward the hypothesis that there is a continual, unified and criminalized KLA network that is undermining police performance, and critically examining its validity. The methodology used in this thesis is based on an analysis of primary and secondary literature supported by narrative interviews and informal conversations conducted during a five month internship at the OSCE Mission in Kosovo.

The structure of this thesis is divided into three major parts. The first one explains the theoretical framework, operationalization and methodology on how to measure the impact of the integration of former combatants on police performance. The second part gives an overview on where the KLA fighters came from and the context in which police reform took place with a special focus on the post-conflict security vacuum following the withdrawal of the previous police force. This part also describes the creation of the Kosovo Police Service with an outline of the KLA quota and the role it played during these years. The third part examines police performance

¹ Balkan Insight (2012): "Libya Seeks Kosovo's Help in Peace Transition"
<http://www.balkaninsight.com/en/article/libya-interested-in-kosovo-demilitarization-model>

in four focus indicators with a discussion on the role of KLA veterans in each of these focus indicators.

This thesis is not designed to establish final truths on questions of the extent to which Kosovar institutions are influenced by informal networks or to judge whether KLA veterans are noble freedom fighters or malicious terrorists. Instead of answering these politicised questions, it aims to offer the reader a better insight in the creation and functioning of the police in Kosovo by carefully investigating the plausibility of a coherent KLA network within the police and by examining the usefulness of this hypothesis to explain shortcomings in police performance.

Geographical descriptions will be used in both Albanian and Serbian versions following UN practice. If the term is the same in both languages it will be written only once. Regional classifications that are only used among Albanians such as Drenica or Dukagjini will not be translated.

2 Theory and Concepts

2.1 Police Reform

2.1.1 Democratic Policing

The theoretical foundation of police reform lies in the concept of democratic policing, which sets the basic framework of how a functioning police service in a democratic society should look like. The actual definition what good police should look like can be subject to different models of policing (Anglo-Saxon, Continental, Oriental, etc.)². The guideline for the international community in the case of Kosovo is a mixture of Anglo-Saxon and continental models transferred by OSCE and UNMIK international staff. As told by Steve Bennett, Director of the OSCE Department of Police Education and Development right after 1999, David Bayley's approach provided a useful theoretical basis for police reform in Kosovo.³ Bayley, in a 2001 paper "Democratizing the Police Abroad", identifies four basic characteristics of democratic policing that provide a good overview on what the end result of police reform should look like.

Table 1: Characteristics of Democratic Policing according to David Bayley

Service to the Public	"Police must give top operational priority to servicing the needs of individual citizens and private groups"
Accountability	"Police must be accountable to the law rather than the government"
Human Rights	"Police must protect human rights, especially those that are required for the sort of unfettered political activity that is the hallmark of democracy"
Transparency	"Police should be transparent in their activities"

Source: Bayley (2001): "Democratizing the Police Abroad", p. 56

Bayley's indicators put a clear emphasis on the "democratic" part of democratic policing and determine the success of it according to how responsive the police

² Neild (2001): "Democratic police reforms in war-torn societies", p. 22

³ Interview with Steve Bennett, conducted by the author on 13th November 2012

service is to the public's needs. Responsiveness to the public stands in contrast to responsiveness to political authorities, which often was the reason for delegitimized police institutions in past regimes.

A more “continental” approach to the norms of democratic policing can be found in the OSCE’s “Guidebook on Democratic Policing”. It identifies five key principles covering Upholding the Rule of Law, Police Ethics and Human Rights, Police Accountability and Transparency as well as Police Organisation and Management Issues. The first key principle defines the broader objectives of Democratic Policing according to the following guidelines:

Table 2: Key Principles of Democratic Policing according to OSCE

The police are the most visible manifestation of government authority. Their main duties are to:

- maintain public tranquillity and law and order;
- protect and respect the individual’s fundamental rights and freedoms;
- prevent and combat crime; and to
- provide assistance and services to the public.

Police officers will enhance the legitimacy of the State if they demonstrate in their daily work that they are:

- responsive to public needs and expectations; and
- use the authority of the State in the people’s interest.

Source: OSCE (2008): “Guidebook on Democratic Policing”, p. 12

These guidelines link population centred principles with a more state orientated approach and bring in questions on the broader political and legal order that is surrounding the police reform process. Very often police reform happens simultaneous to transformation processes in the wider society and of course cannot succeed without proper reforms of the institutional framework around it or as put by Bayley: “[the] police tail cannot wag the government dog”⁴

⁴ Bayley (2001): “Democratizing the Police Abroad”, p. 13

2.1.2 Police Reform in a Post-Conflict Context

Theoretical frameworks on police reform in post-conflict societies when it comes to integrating former combatants tends to focus on the short term context of demobilisation programs and the longer term objectives of peace building. The case in many of these situations is that police reforms end up with a number of ex-combatants they would not necessarily recruit in large numbers, if it were not for demobilisation and peace-building objectives. There is surprisingly little literature on how to deal with ex-combatants after they enter the force through privileged selection or how to bring demobilisation-related recruiting in line with a long term police staffing strategy and the long term objectives of democratic policing.

An initial problem of every post-conflict security transformation is the demobilisation dilemma of balancing short term security needs with long term peace-building goals. An outline of this demobilisation dilemma is described by Rachel Neild in her 2001 paper “Democratic police reforms in war-torn societies”.

“On the one hand, dysfunctional, abusive and politicised police forces are profoundly mistrusted by the population and clearly lack appropriate skills for democratic policing. [...] On the other hand, creating a new force from scratch is a time-consuming and expensive process and results in a police force with no practical experience.”⁵

The demobilisation dilemma is rooted in the fact that police, instead of serving the people, were often actively engaged in the armed conflict and therefore associated with violence and repression of the delegitimized old regime. The lack of security in immediate post-conflict situations nevertheless often lead those responsible for police reform to resorting to these former combatants or members of former police services, even if it means compromising longer term goals.

⁵ Neild (2001): “Democratic police reforms in war-torn societies”, p. 25

“In these circumstances [of increasing crime and disorder], peacekeepers may feel compelled to use remnants of the discredited old police or demobilized soldiers untrained in policing, turn a blind eye to righteous but overzealous enforcement of law, encourage militant self-defense, and accede to arguments that reform will demoralize the existing police service.”⁶

On the other hand, integration of former police officers and demobilised combatants can also help in establishing the rule of law or even be a necessary precondition as it enables these groups to participate in the new institutions and not work against them.

“[...] the restoration of state monopoly of force through the disarmament and demobilization of nonstate actors can only take place once they are confident that their own safety is guaranteed and that they will be able to effectively pursue their political goals through peaceful means in a legitimate and democratic security and political order”⁷

This duality of immediate security-needs and long term democratization-needs constitutes exactly the broader context in which police reform in Kosovo took place. Although due to the unsettled status question and the enormous presence of the international community in post-conflict Kosovo, the situation there has a couple of unique characteristics compared to other post-conflict environments.

2.1.3 Characteristics of Kosovo’s unique Post-Conflict Situation:

- With the complete dissolution of any previous administrative structures, including the police, sole responsibility of administrating Kosovo after 1999 lay with the international presence
- The existing police force, including anyone who served in it for the last ten years, was discredited among the majority population of Kosovo for its conduct during the war and for its symbolism as the representation of a state that was rejected by the majority of Kosovo’s inhabitants

⁶ Bayley (2001): “Democratizing the Police Abroad”, p. 56

⁷ Dudouet (2011): “Nonstate Armed Groups and the Politics of Postwar Security Governance”, p. 23

- Due to the international military intervention an ethno-nationalist guerrilla army fighting this state emerged victorious from the conflict with a significantly increased standing among the majority population and ambitions to assume responsibility for policing
- Remnants of the older, less discredited communist police force, belonging to the majority population became relevant again as professional and less biased police officers

2.2 State of Research

Police reform in Kosovo is covered by several authors in an effort to shed light on this complex topic. A very good overview is provided by Frank Harris in his 2009 case study on police reform in Kosovo. He argues that the development of the Kosovo Police is best understood by viewing it as two distinctive periods with the March riots 2004 as a turning point between them. The time before the riots was characterised by a slow transfer of responsibilities that failed to allow local officers to gain experience while the time afterwards is characterised by a hasty transition to local officers with insufficient command responsibility. A more recent research on the creation of the Kosovo Police has been published in 2012 by Richard Bennet, Jonathan Friedman and Morgan Greene and describes the international presence's role in conducting police reform and overcoming the challenges of a severe post-conflict security vacuum.

Thorsten Stodiek, in his 2006 working paper on the creation of multi-ethnic police forces in the Balkans, compares the case of Kosovo with experiences of policing in multi-ethnic areas in South Serbia and Macedonia. A similar approach has been chosen by Gordon Peake et al in their 2006 paper in which they developed a methodological framework for measuring the success of post-conflict police reform and apply the system in the cases of Kosovo, Sierra Leone and East Timor.

3 Methodology and Operationalization

3.1 Research Question

The topic of my master thesis is the inclusion of a large number of former combatants into newly built police structures induced by post-conflict demobilisation goals and the influence this had on the creation of a police force functioning along democratic standards. Therefore the research question is:

Had the integration of a large proportion of Kosovo Liberation Army veterans into the Kosovo Police Service a significant negative impact on police performance?

International observers often tend to see a network based on KLA membership penetrating in politics, police and other parts of public administration and obstructing justice and rule of law. A recent example is an article by an anonymous former EULEX police officer published in Spiegel magazine in November 2012 and stating:

“The major criminals are already out of reach, protected by traditional clan structures and the old-boys' networks within the former Kosovo Liberation Army (KLA), from which many police officers were recruited.”⁸

Besides the problem that privileged recruitment of KLA veterans would undermine professional standards, the biggest threat to the “development of a credible, professional and impartial Kosovo Police Service”⁹ and therefore to police performance would be the formation of a network of former combatants undermining police work in critical areas.

To examine if this was the case in Kosovo, I will put up the hypothesis that there exists a continual, unified and criminalized network among former KLA combatants undermining police work and having a negative impact on police performance. Continual means that the war time experience that links the former fighter is strong enough to keep the links that were created during the war among them even if the

8 Spiegel Online (2012): “An Insider's View of EU Efforts in Kosovo”

<http://www.spiegel.de/international/europe/veteran-insider-provides-grim-account-of-eulex-efforts-in-kosovo-a-865650.html>

9 defined in UNMIK report S/1999/779, 12th July 1999 as one of two main goals of UNMIK's law and order strategy

armed struggle and is long over. A continual identification of police officers with the KLA and other veterans that exceeds the identification with the police would seriously undermine impartiality and damage the image of a police representing the entire population. Unified shall be defined as a certain degree of coherence among the veterans allowing them to follow a common agenda. Unity among the KLA veterans would also mean that lines of command were still intact after the war and that some kind of central leadership is controlling veterans in their various positions. The opposite to a unified network would be a pluralistic network in which different groups are pursuing competing interests. Criminalized shall be understood as meaning that KLA veterans would use their links to other veterans in order to undermine the rule of law and actively conduct criminal activities. A criminalized network would be supported by the clandestine nature of the war effort especially the logistic side, which brought parts of the KLA in contact with organized crime elements.

3.2 Methodological Framework

The principles of democratic policing put forward by Bayley offer a good definition of the direction in which police reform should go, but does not provide a methodological framework to actually measure its success. In UN reports, success is often measured in quantitative output indicators such as police officers trained or police stations transferred, which also do not provide an indicator whether the goals of democratic policing are reached and the police is performing the way it should.

A methodological framework to examine the outcome of police reform is offered by Gordon Peake et al with their Police Reform Indicators and Measurement Evaluation System (PRIME-System). It is designed as a “...forward-looking diagnostic tool that will give UNPOL and the donor community a more comprehensive and systematic way to assess police reform outcomes in post-conflict environments”.¹⁰ The difference to existing output-focused indicators is that the PRIME system avoids basing its analysis on quantitative outcome indicators that tends to lead international experts towards a tick-the-box-mentality, which is responsible for many shortcomings in police reform.

10 Peake et al. (2006): “The PRIME System”, p. 12

The PRIME System is based on 16 qualitative indicators divided in 4 pillars each measuring progress in areas critical for the functioning of democratic policing structures. With their modular structure, the PRIME indicators are designed to be adapted flexibly and to be used selectively according to the demands of the specific reform environment.

Table 3: Indicators of the PRIME System

Performance Effectiveness	Management and Oversight	Community Relations	Sustainability
Capacity	Mission and Procedures	Human Rights	Budget
Authority and Reach	Strategic Planning and Monitoring	Cooperation	Training and Equipment
Crime	Oversight and Accountability	Corruptibility	Political Independence
Coordination	Personnel	Public Acceptance	Compensation

Source: Peake et al. (2006), “The PRIME System”, p. 5f “PRIME Indicators at a Glance”

3.3 Operationalization

In order to examine the impact of the integration of KLA veterans into the Kosovo Police within the methodological framework of the PRIME System, I will chose one indicator with the most relevance to the research question out of each pillar and examine it in the context of the integration of KLA veterans.

Table 4: Focus Indicators

Indicator	Definition	Relevance for Research Question
Authority and Reach	“Political/legal authority to enforce internal security throughout the territory”	Links with informal networks outside the police would undermine police investigations against high-profile crime challenge its authority to enforce security throughout the territory
Oversight and Accountability	“Presence and strength of external and internal oversight mechanisms that ensure accountability”	Existence of a wider KLA network including the political sphere would have an impact on oversight mechanisms and compromise accountability for veterans
Public Acceptance	“Acceptance of the police as the main legitimate source of internal security”	Continuation of ethno-nationalist wartime structures would negatively impact police legitimacy among ethnic minorities and moderates among the majority community
Political Independence	“Adequate insulation from political influence to maintain neutrality and protect all citizens”	Existence of a wider KLA network including the political sphere would allow the instrumentalisation of the police service for political purposes and impair its neutrality

Source: Peake et al. (2006), “The PRIME System”, p. 5f “PRIME Indicators at a Glance”

The implementation of this approach will be to use qualitative methods in order to assess first the general condition of each of the focus indicators, describe the potential role of KLA veterans on it and then conclude if there is sufficient evidence to confirm the hypothesis. The assessment will be based on primary and secondary literature, surveys as well as narrative interviews and informal conversations conducted during a five months internship at the OSCE Mission in Kosovo.

4 Context

4.1 Mobilisation and Demobilisation of the Kosovo Liberation Army

The purpose of this chapter will be to provide a quick overview about how the KLA came into existence and under which modalities it demobilized in 1999. In the first part, I will put an emphasis on the social situation during KLA mobilisation and the various backgrounds its members came from. In the second part I will explain the areas in which KLA veterans gained a foothold after the war.

4.1.1 Mobilisation

The KLA, as an armed movement fighting Serbian control of Kosovo was founded already in the early 1990s, but stood for most of its time in the shadow of the non-violent resistance policies of Ibrahim Rugova, a literary critic from Prishtinë / Priština,¹¹ and his Democratic League of Kosovo (Lidhja Demokratike e Kosovës, LDK). Rugova and the parallel institutions of the 1991 declared “Republic of Kosova”¹² succeeded in providing basic services to the Albanian population in the light of Serbian oppression at this time, but failed to internationalize the conflict¹³, which together with the availability of arms after the 1997 unrest in Albania made a more active role for the KLA possible.

The mobilisation of the KLA accelerated after March 1998 when Adem Jashari, one of the early KLA commanders, and his extended family were killed at their family compound in Prekaz after a fight with Yugoslav forces. Adem Jashari became known as the “legendary commander” afterwards and his resistance and sacrifice grew into one of the main narratives to attract recruits for the KLA.¹⁴ The Jashari legend combined with rural traditional tales of Albanian resistance against foreign rule had its largest impact on the people in the countryside, who were also the ones who suffered most from Serbian oppression.

11 Information on the origin of persons will be given due the importance of geographic backgrounds on power relationships in Kosovo. The information expresses where the perceived power base of the persons lies, if this conflicts with their actual place of birth it will be mentioned separately. Ibrahim Rugova was born in a village in the Dukagjini region.

12 Only recognized internationally by Albania

13 Shown at the 1995 Dayton peace negotiations which did not include the question of Kosovo

14 See Di Lellio/Schwandner-Sievers “The Legendary Commander“ (2006)

The recruitment of the KLA in general took place along already existing ties based on extended families and their regions. The constitutional changes of 1989, which revoked the autonomy rights of Kosovo, together with the increasing oppression of the ethnic Albanian inhabitants, further delegitimized state structures in a region that historically had little sympathy towards centralized institutions. At the same time clan and family structures were strengthened, often as a tool for simple survival, and could later easily be transformed into logistical networks for KLA activities. Especially as some of these families like the Jashari family were already at odds with the authorities. A second line of anti-Serbian resistance was established by diaspora-based activists who linked the local armed pockets into a province wide insurgency and provided the essential funds.¹⁵ The result of these decentralized recruitment practises was a high degree of authority for the commanders of the regional operational zones, which some of them managed to transform into political influence after the war.¹⁶

The power relations between countryside and towns were in a process of transformation during the 1990s which reflected on the very existence of the KLA in the first place and on its recruitment strategies. The wider social trend during this decade moved the political momentum from urban elites towards clan-based villagers underpinned by a loss of trust first in the Albanian communist elites and later in the non-violent intellectuals from the LDK. This trend was exacerbated by the collapse of the urban economy, increasing the power of Albanians with ties to the diaspora who are mostly found on the countryside. The master-narrative of Jashari, the “legendary commander”, provides the ground for the KLA’s political rise in the countryside. As described by Anna Di Lellio and Stephanie Schwandner-Sievers it displays the rural Jashari as the “authentic Albanian patriot”, willing to sacrifice everything for his cause, contrasting the “putative Yugoslav corruption”¹⁷ of the urban population, open to compromise with the despised authorities. The social transformation resulted after

15 Kraja (2011): “Recruitment practices of Europe’s last guerrilla”, p. 70

16 Like Ramush Haradinaj, Sami Lushtaku, while others like Rustem Mustafa were convicted to prison sentences on the count of war crimes

17 Di Lellio/Schwandner-Sievers (2006): “The Legendary Commander“, p. 518

the war in a number of senior commanders from the KLA strongholds of the Drenica and Dukagjini¹⁸ regions gaining top government positions.¹⁹

The popularity gains for the KLA and a trend towards seeing the violent struggle as the only credible way to achieve independence from Serbian rule encouraged political figures from other parties and movements to affiliate with the KLA. This process diversified it and at least on the surface emancipated the KLA from its rural powerbase. Prominent examples of urban intellectuals following this trend are Adem Demaçi and Rexhep Qosja. Demaçi, a writer and long term political prisoner during communist Yugoslavia, was the leader of the Parliamentary Party of Kosovo (Partia Parlamentare e Kosovës, PPK), which was part of the parallel structures but stood in opposition to the LDK, and joined the KLA in 1997. He became its political representative in Pristina where he worked together with student leader Albin Kurti. After the war Kurti became the founder of the pan-Albanian Vetëvendosje movement with which Demaçi is affiliated nowadays. Qosja, a literary critic and opponent of Rugova's passive resistance during the 1990s, created the United Democratic Movement (Lëvizja e Bashkuar Demokratike, LBD) which aligned itself with Hashim Thaçi and the KLA at the end of the 1990s²⁰. There were also many departures from the LDK, led by a group of ex-political prisoners including Mehmet Hajrizi and Hydajet Hyseni who joined Qosja's LBD²¹; however the inner circle of the LDK stayed with the party and founded the Armed Forces of the Republic of Kosovo (Forcat e Armatosura të Republikës së Kosovës, FARK) when the pressure for armed struggle became overwhelming.

The command structure and professionalism of the KLA also changed with influxes from outside the countryside as central command was strengthened when former Croatian army officer Agim Çeku joined in May 1999. Nevertheless, even after Çeku took over, the centralized command of the KLA stayed weak,²² many units fought without much contact with its headquarter and actual command lay with local

18 Albanian names for a parts of Kosovo, Drenica is located around Skenderaj / Srbica, Dukagjini around Pejë / Peć

19 Prime Minister Hashim Thaçi, Kosovo Assembly President Jakup Krasniqi and Minister of Security Forces Agim Çeku are all KLA veterans coming either from Dukagjini or Drenica region

20 IKS (2011): „A Power Primer“, p. 38

21 IKS (2011): „A Power Primer“, p. 79

22 OSCE (1999): “Human Rights in Kosovo: As Seen, As Told”, p.7f.

warlords.²³ After the war the KLA managed to project a public image of a disciplined and organized group, which hides the fact that it was stricken by power struggles and conflicts on political, personal and regional levels.²⁴ This fragmentation within the KLA itself increased even more after the war as the common enemy was gone.

The FARK was the second armed group fighting Serbian rule in Kosovo and founded by the LDK government in exile in reaction to the increasing popularity of the KLA and its armed struggle. This is surprising considering that the first reaction of LDK functionaries towards the KLA was to denounce allegations of KLA attacks as Serbian propaganda seeking to undermine the LDK's passive resistance stance. The FARK's strength is estimated to have been between 600-3000, though many of them fought under KLA command.²⁵ FARK units were most active in the area around the border to Albania and were commanded by Ahmet Krasniqi until his assassination in September 1998. After Krasniqi, command was given to Tahir Zemaj.²⁶

The exact number of people, who have been members of the KLA is, due to its decentralised nature, hard to establish. Especially after the war it became useful to claim membership in order to receive certain benefits. The provisional government after the war claimed 20,000 fighters in 1999, which roughly corresponds with 25,723 veterans counted by the International Organisation of Migration (IOM) some months later.²⁷ This initial number grew up to 40,000 reported by the veteran's organisation OVLUCK²⁸ by September 2012. This miraculous augmentation led the government to install a commission verifying the exact number of veterans, as they are entitled to certain state assistance.²⁹

Along with different backgrounds of KLA veterans, the time they spent within the force varies greatly. Of the more than 25,000 veterans registered by the IOM after the war, only a mere 10,000 joined before the second half of 1998, which leaves 15,000 whose experience at the end of the war was less than one year in the KLA. Of these

23 Heinemann-Grüder/Paes (2001): "Wag the Dog", p. 14

24 IKS (2011): „A Power Primer“, p. 38

25 Heinemann-Grüder/Paes (2001): "Wag the Dog", p. 14

26 Who got assassinated in January 2003

27 IOM (2004): "Kosovo Protection Corps Training Program", p. 16

28 Veteran's Organisation of the Liberation War in Kosovo (Organizata e Veteranëve të Luftës të Ushtrisë Çlirimtare të Kosovës)

29 Balkan Insight (2012): "Agim Ceku to Count KLA War Veterans",

<http://www.balkaninsight.com/en/article/agim-ceku-to-count-kla-war-veterans>

15,000 around 4000 joined after March 1999 which means they served less than 90 days in the KLA by the end of the war in June 1999 whereas only a small minority of around 400 had already joined the KLA before 1998.³⁰ These different lengths of membership display a great variety between veterans after the war, although they all have in common that their service lasted a relatively short time.

4.1.2 Demobilisation

The “Undertaking of demilitarisation and transformation by the UCK” was signed on 20th June 1999, 11 days after the signing of the Kumanovo Agreement that regulated the withdrawal of Federal Republic of Yugoslavia (FRY) forces. It calls for disarmament within 30 days and complete demilitarisation within 90 days including prohibition of wearing military uniforms or insignia of the KLA afterwards. The agreement acknowledges the continuity of KLA structures into other organisations and promises the formation “of an Army in Kosovo on the lines of the US National Guard” as well as privileged access of KLA veterans into the public administration and police force.³¹

Right after the end of the 90 days deadline for demilitarisation on 21st September 1999 the Kosovo Protection Corps (KPC) was founded. It was designed as the main basin for demobilised KLA veterans, but was equipped with a strictly civilian mandate that explicitly denies any role in law enforcement.³² Personnel continuity between KLA and KPC was visible on the senior level with Agim Çeku, former chief of staff in the KLA, becoming its head. The organisation structure was taken from the KLA with the establishment of six regional task groups that resemble the old KLA operational zones, with staff and commanders being drawn from the original KLA units as well.³³ Most of the military high command of the KLA directly transferred to the KPC.³⁴ The KPC was designed as a multi ethnic institution, however recruiting minorities turned out to be a problem, especially when it came to Kosovo Serbs who put the KPC in line with the policies of the KLA. The Serbian perception of the KPC

30 Kraja (2011): “Recruitment practices of Europe’s last guerrilla”, p. 52; Data provided by IOM’s Socio-Economic and Demographic Profiles of the Former KLA Combatants, 2000

31 “Undertaking of demilitarisation and transformation by the UCK”,
<http://www.nato.int/kosovo/docu/a990620a.htm> , retrieved 7th December 2012

32 UNMIK Regulation 1999/8, “On the Establishment of the Kosovo Protection Corps”,
http://www.unmikonline.org/regulations/1999/re99_08.pdf, retrieved 7th December 2012

33 ICG (2000): „What happened to the KLA?“, p. 7

34 Judah (2000): “The Kosovo Liberation Army”, p. 74

was in general sceptical³⁵, which was based on a rejection of the KPC as a KLA successor organisation³⁶ therefore considered as not being ethnically neutral and an understanding that UN Security Council Resolution 1244 supports the eventual return of Serbian police and defence forces to Kosovo.³⁷ Kosovo Albanians on the other hand saw it as the nucleus of a future army a perception that was encouraged by statements made by KLA commanders and the ambivalent meaning of its Albanian name.³⁸

Civilian reintegration of KLA fighters became the quantitatively most important part of the demobilisation process as the KPC could only absorb 3,000 active members and 2,000 reserve members. Vocational training to ease civilian integration was offered by the IOM within its Information Counselling and Referral Service. This programme was active from July 1999 until spring 2002 and managed to integrate 14,510 former combatants into civilian jobs (including entry to the KPC and Kosovo Police Service) through employment referral and various forms of vocational training.³⁹

A good deal of KLA veterans choose to take a political career after the war, which led to the current situation that three of the four biggest parties are being led by former members of the KLA⁴⁰. This dominance of KLA members in post-war politics⁴¹ illustrates the political influence of this group, but also shows the plurality of the networks as there is no single party representing all veterans. Unity within the KLA lasted only as long as there was a common enemy, although even during this time there were personal and regional conflicts within the KLA⁴². With the establishment of the Alliance for the Future of Kosovo (Aleanca për Ardhmërinë e Kosovës, AAK) in 2000, under Ramush Haradinaj, a KLA commander from the Dukagjini region, the veterans block was split along regional lines with the other

35 Its creation caused the Serbian representatives to the Kosovo Transitional Council to withdraw from that body in protest

36 Continuity between KLA and KPC was also supported by a striking similarity of their coats of arms

37 Wiseman (2001): "Transformation of the Kosovo Liberation Army", p. 10

38 The Albanian name of the KPC is Trupat e Mbrojtjes së Kosovës whereas Mbrojtjes can be read as "Protection" as well as "Defence"

39 IOM Information Counselling and Referral Service, http://www.iomkosovo.org/ICRS_old.html, retrieved 7 December 2012

40 Hashim Thaçi (PDK), Ramush Haradinaj (AAK), Albin Kurti (Vetëvendosje)

41 Although for most of the post-war years (until the 2007 parliamentary elections) it was the LDK who attracted the most votes

42 IKS (2011): „A Power Primer“, p. 38

major KLA party, the Democratic Party of Kosovo (Partia Demokratike e Kosovës, PDK)⁴³ having its stronghold in the Drenica region. Membership in the KLA never implied a certain political affiliation, as the KLA was more an umbrella for all those who decided to fight against Serbian rule.⁴⁴

Table 5: Election Results in Kosovo 2001-2010

	2001	2004	2007	2010
LDK	45,7 %	45,4 %	22,6 %	24,7 %
PDK	25,7 %	28,9 %	34,3 %	32,1 %
AAK	7,8%	8,4 %	9,6 %	11 %
Vetëvendosje				12,7 %

Source: Central Election Commission Republic of Kosovo

The demobilisation process experienced also a couple of shortcomings among which the most striking are insufficient disarmament, resulting in widespread gun ownership after the war, and the continuity of wartime security services as tools of political power struggles. During the disarmament period the KLA handed in about 8,500 firearms which, when compared to estimates of much higher stockpiles, led to the suspicion that the KLA did not fully disarm.⁴⁵ As it is put by Andreas Heinemann-Grüder and Wolf-Christian Paes “...parts of the KLA’s armory are being kept in preparation for a worst case scenario, which would include any form of reunification with the Federal Republic of Yugoslavia”⁴⁶ In addition to emergency preparations for the case of return to the Yugoslav state, secret services of the KLA and the FARK were used after the war to intimidate and spy on political opponents. Prominent examples of this are the Kosovo Information Service (Shërbimi Informativ i Kosovës, SHIK⁴⁷) working for the PDK and the Institute for Researching Public Opinion and

43 Named Party of Democratic Progress of Kosovo (Partia për Progres Demokratik në Kosovë, PPDK) until June 2000, to avoid confusion I will refer to the PPDK solely under its current name PDK

44 Ströhle (2010): “The Politics of Reintegration and War Commemoration”, p. 502

45 Florquin/Khakee (2003): “Kosovo and the Gun”, p. 14

46 Heinemann-Grüder/Paes (2001): “Wag the Dog”, p. 21

47 Not to confuse with the “National Intelligence Service” in Albania with the same acronym

Strategies (Instituti për Hulumtime Politike e Strategjike dhe Opinioneve, IHPSO) working for the LDK⁴⁸.

4.2 Security and Policing Gap

The signing of the Kumanovo Agreement on 9th June 1999 settled the withdrawal of all military and police forces of the FRY within a timeframe of 11 days. According to UN Security Council Resolution 1244, signed and adopted on 10th June 1999, these forces were to be replaced by an international security presence (NATO Kosovo Force, KFOR) and an international civil presence (UN Mission in Kosovo, UNMIK), which will be responsible for maintaining law and order. The FRY forces withdrew in the agreed timeframe and KFOR also moved in quickly with a force of around 50,000 in 1999 but the deployment of international civilian police (CIVPOL) was very slow with only 1,817 officers deployed in December 1999⁴⁹, out of an envisioned strength of 3,100⁵⁰ (this number was increased to 4,700 by June 2000⁵¹). Until CIVPOL deployed in full strength, KFOR was responsible for policing Kosovo. However it was not prepared for this role as its main purpose was to ensure the withdrawal and prevent a return of FRY forces. Even when CIVPOL deployed in greater numbers there were still a number shortcomings in policing. Its members came from different regions all over the world, some of them with questionable policing standards, which turned out to be difficult for cooperation with each other and even more difficult to gain entry to the Kosovar society with a history of distrust towards foreign authorities and successful undermining of state structures.⁵² Another problem was the confusion as to whether pre-1989 Yugoslav law, FRY law or any other law was applicable in Kosovo⁵³. The result of these shortcomings was a severe policing and security gap during the first post-war years, which especially during the first months led to a wave of ethnically, politically and criminally motivated violence sweeping over Kosovo.

48 Phillips (2010): "The Balkans' Underbelly", p. 94f

49 UNMIK Report S/1999/1250, p.14

50 UNMIK Report S/1999/779, p. 12

51 UNMIK Report S/2000/538, p- 6

52 Heinemann-Grüder/Paes (2001): "Wag the Dog", p. 27

53 Brand (2003): "The Development of Kosovo Institutions and the Transition of Authority from UNMIK to Local Self-Government", p. 43

4.2.1 Revenge and Reprisal Violence

Ethnically motivated violence is one of the characteristics of the post-war Kosovo security gap. It targeted Serbs and non-Albanian communities⁵⁴ and led to an exodus of significant parts of these ethnic groups, stripping Kosovo of a large part of its ethnic diversity.⁵⁵ According to the motives, attacks can be grouped in either revenge or reprisal attacks, which are both described extensively in Michael Boyles's "Revenge and reprisal violence in Kosovo" (2010). Revenge attacks are reactions to immediate emotions, ranging from anger to grief; reprisal attacks are orchestrated actions with the purpose of achieving a strategic advantage.⁵⁶ Both types of violence happened in Kosovo with reference to the wartime suffering of the Kosovo Albanian population of which thousands were killed, the majority of all Kosovo Albanians displaced from their homes and thousands of women raped as components of a campaign to remove ethnic Albanians from Kosovo⁵⁷.

The term revenge attacks covers the ethnically motivated violence that happened within the first year after the withdrawal of FRY forces, comprising high levels of murder, arson, assault and property theft which targeted minorities disproportionate to their share of the population. KFOR figures from November 1999 show a total of 379 murder victims of which 35% were Kosovo Serbs and 26% from other non-Albanian communities.⁵⁸ Supported by an ancient tradition of individual revenge against perpetrators or anyone associated with them, returning refugees were targeting Serbs and Roma resulting in the relocation of large numbers of Kosovo Serbs to the northern parts of Kosovo or towards Serbia proper. Structures of the provisional government⁵⁹ founded in April 1999 and under the leadership of Hashim Thaçi took control of most of the country after the war and established a certain form of police under the leadership of Rexhep Selimi, which failed to prevent widespread violence against non-Albanians.

54 Mostly Roma who were accused of collaborating with the Yugoslav authorities

55 HRW (1999): "Abuses against Serbs and Roma in the new Kosovo"

56 Boyle (2010): "Revenge and reprisal violence in Kosovo", p. 210

57 HRW (2001): "Under Orders", p. 3f

58 ICG (1999c): "Who's Killing Whom In Kosovo?", p. 1

59 In the immediate post-war months the government of Rugova's LDK under the leadership of Bujar Bukoshi still existed, so in 1999 there were two Kosovo Albanian governments in place. Although neither of them with any legal authority to govern which according to UNSCR 1244 lay exclusively with UNMIK

From 2000 onwards, ethnically motivated violence shifted to a more strategic level, described as reprisal violence. Due to the time passed since the end of the war, the beginning of ethnic partition in Kosovo as well as an increased security presence of KFOR and UNMIK, impulsive attacks became rarer and resulted to a general drop in violent crime. The attacks against minorities became more organized and used more sophisticated tactics such as sniper fire or remote controlled roadside bombs as in the attack on the Nis Express in February 2001. The strategic consideration behind these attacks might be to diminish the Serbian presence in Kosovo and ensure that Kosovo will not return to the authority of Belgrade in the future.⁶⁰ The reprisal attacks still happened under a general climate of hostility against Serbs and other non-Albanian communities in Kosovo, which makes it difficult to distinguish between revenge and reprisal violence and to determine responsibility.

The role of KLA veterans in ethnically motivated violence is highly politicised. KLA veterans and Kosovo Albanians supportive of the KLA often assert that allegations of crimes committed by the KLA during or after the war are either produced by Serbian propaganda or committed by criminal elements disguised as KLA members with the aim to discredit the KLA war effort.⁶¹ KLA leaders in public denied responsibility for the crimes and called for Serbs to remain in Kosovo.⁶² Human Rights Watch in a August 1999 report discusses the question of responsibility for the violence: "Returning refugees, many of whom lost their own property through theft and arson prior to June, have been particularly implicated in the expulsion of Serb and Roma from their homes. The most serious incidents of violence, however, have been carried out by members of the KLA."⁶³ Michael Boyle in "Revenge and reprisal violence in Kosovo" (2010) states on the same question that "...there was also significant evidence that UCK units took advantage of the disorder and spasms of violence for highly strategic attacks designed to intimidate and expel Serbs from Albanian-majority regions. In effect, the UCK 'rode the wave' of revenge violence and embedded their campaign of reprisal violence against Serbs amidst the other attacks present in society"⁶⁴ The KLA nevertheless had reason to at least tolerate the

60 ICG (1999c): "Who's Killing Whom In Kosovo?", p. 7

61 As being told in several conversations with Kosovo Albanians

62 ICG (1999c): "Who's Killing Whom In Kosovo?", p. 6

63 HRW (1999): "Abuses against Serbs and Roma in the new Kosovo"

64 Boyle (2010): "Revenge and reprisal violence in Kosovo", p. 204

violence as it did not achieve its wartime goal of an independent Kosovo or a Kosovo annexed to Albania and expelling of ethnic Serbs would restrict Belgrade's influence on any future process to determine a final status. It is difficult to link the KLA high command directly with the violence but the fact that KLA structures gained a high degree of control after the war makes it plausible to state that expelling of Serbs was not vigorously opposed by the KLA.

During the same time as revenge attacks by returning Albanians took place there was also an orchestrated campaign in North Kosovo by Kosovo Serbs living there and Kosovo Serbs fleeing from the rest of Kosovo to evict remaining Albanians from these areas. A campaign that resulted in today's partition of the Mitrovicë / Mitrovica municipality in a Serbian populated North and an Albanian populated South.⁶⁵

4.2.2 Political Murders

Political violence in post-war Kosovo was centred around the conflict between LDK and PDK as the two most influential parties. The conflict has its roots in the pre-war period when there was a disagreement between Ibrahim Rugova's LDK and the ascendant KLA as to whether passive resistance or armed struggle would bring the desired end of Serbian rule. During the war, the conflict escalated when the LDK government under Bujar Bukoshi refused to deliver its diaspora collected funds⁶⁶ to the KLA and instead founded its own armed formation, the FARK. KLA leaders, who already resented the LDK's pacifist approach, deemed the withholding of these funds as treason and as undermining their own war effort.⁶⁷

The escalation into politically motivated murders started already before the war with Ahmet Krasniqi, a former Yugoslav army officer, who was responsible for setting up the FARK getting assassinated in September 1998 in Tirana. Allegations blame Hashim Thaçi and the KLA to have ordered his assassination over the conflict about the diaspora funds⁶⁸. During the height of the Kosovo between March and June 1999, there was an uneasy cooperation between FARK and KLA, overshadowed by

65 Boyle (2010): "Revenge and reprisal violence in Kosovo", p. 200

66 The Rugova government collect diaspora funds from the beginning of the 1990s to keep its parallel structures in Kosovo alive, the KLA was then forced to collect its own funds in the so called Attheu Thërret ("Homeland Calls") fund

67 Hamzaj (2000): "A Narrative About War and Freedom", p. 134

68 The Guardian (1999): "KLA chiefs 'assassinated rivals within their ranks'" <http://www.guardian.co.uk/world/1999/jun/29/balkans1>

violent conflict linked to inter-clan warfare in the Dukagjini region. These inter-clan conflicts continued after the end of the war and contributed to a high degree of violence in the Dukagjini region. The main line of violence in these inter-clan conflicts as described by Tzvetomira Kaltcheva in “Kosovo's Post-Independence Inter-Clan Conflict” involved conflicts between the Haradinaj and the Musaj families as well as the Haradinaj and the Zemaj families.⁶⁹

Bujar Bukoshi, who fell out with Ibrahim Rugova in the mid-nineties, and blamed by the KLA for withholding the funds, was humiliated by the perceived success of KLA forces and the limited contribution of the FARK in liberating Kosovo from Serbian rule. After the war he left the LDK, founded a political party of his own which fared rather badly at elections.⁷⁰ Rugova, who was equally humiliated during the war for his pacifist stance, continued to serve as president of the 1991 proclaimed “Republic of Kosova”⁷¹. Rugova managed to reappear on the political stage when his LDK won 58% of the overall vote in Kosovo’s municipal elections in October 2000, taking place under a shadow of upcoming political violence.⁷² The main political opponent of Rugova’s LDK was the PDK under Hashim Thaçi, whose membership was heavily focused on former KLA members.⁷³

Within the following years there was a series of murders of high ranking LDK officials, most of them not solved as to today. In November 2000, Xhemal Mustafa the LDK’s campaign manager during the local elections got killed outside his apartment in Prishtinë / Priština.⁷⁴ In April 2001, Ismet Rraci, LDK member and president of Municipal Assembly in Klinë / Klina, got shot on his way to work.⁷⁵ In October 2001 Bekim Kastrati, a journalist at Bota Sot newspaper that is considered as supportive to Rugova, and Besim Dajaku, a bodyguard of Rugova, got killed in a drive by shooting.⁷⁶ In January 2002 Smajl Hajdaraj, a deputy at the Kosovo

69 Kaltcheva (2008): “Kosovo's Post-Independence Inter-Clan Conflict” p, 120f

70 Nevertheless he managed to become Deputy Prime Minister under the current Thaçi government

71 Both Thaçi’s provisional government and Rugova’s “Republic of Kosova” were replaced by UNMIK’s Joint Interim Administrative Structure in May 2000 formed together by PDK, LDK and LBD

72 Birch (2000): “The Municipal Elections of October 2000 in Kosovo”, p. 256

73 IKS (2011): „A Power Primer“, p. 39ff

74 OSCE (2000): “OSCE expresses shock at Kosovo murder”, <http://www.osce.org/kosovo/53146>

75 The Guardian (2001): “Politician killed in Kosovo “,
<http://www.guardian.co.uk/world/2001/apr/25/1>

76 Committee to Protect Journalists (2001): “Journalist murdered in drive-by shooting”,
<http://cpj.org/2001/10/journalist-murdered-in-driveby-shooting.php>

Assembly for Rugova's LDK party, got shot in front of his flat at the outskirts of Pejë / Peć.⁷⁷ Under similar circumstances died Uke Bytyqi, head of the Suharekë / Suva Reka local council for the LDK in October 2002⁷⁸ and Tahir Zemaj, commander of the FARK during the war and close associate to Rugova in January 2003.⁷⁹ In November 2003, two KPS officers investigating the murder of Tahir Zemaj who used to be members of the FARK, got shot dead south of Pejë / Peć.⁸⁰ In the case of the two KPS officers, Bedri Krasniqi, a former KLA member, has been convicted for the murder in September 2007.⁸¹ Political violence did not spare the KLA camp as the case of Enver Haradinaj, a brother to Ramush Haradinaj, who got shot on the road between Pejë / Peć and Deçan / Deçane in April 2005.⁸² Nevertheless, most of the victims were LDK members and the violence also reached Rugova himself when a bomb exploded as his convoy passed through the centre of Prishtinë / Priština.⁸³

The question of who bears responsibility for the assassinations has been treated rather quietly by LDK officials until the murder of Tahir Zemaj in January 2003, when LDK started to indirectly accuse PDK.⁸⁴ The PDK denies any involvement in political killings and there has been no solid evidence linking the PDK leadership with the violence. Nevertheless there have been convictions of alleged members of the PDK's intelligence service SHIK and a leaked EULEX report suggests that the PDK pursued a strategy of killing its political opponents after the end of the war.⁸⁵

77 Reliefweb (2002): "Member of Kosovo's multi-ethnic assembly shot dead"

<http://reliefweb.int/report/serbia/member-kosovos-multi-ethnic-assembly-shot-dead>

78 Institute for War and Peace Reporting (2005): "Kosovo: Election Marred by Political Killing",

<http://iwpr.net/report-news/kosovo-election-marred-political-killing>

79 Reliefweb (2003): „LDK takes a stand on Kosovo violence”, <http://reliefweb.int/report/serbia/ldk-takes-stand-kosovo-violence>

80 ICG (2005): "Kosovo after Haradinaj", p. 11

81 HLC (2010): "Bedri Krasniqi Convicted to 27 Years in Prison for Murder of Kosovo Police Officers", <http://www.hlc-rdc.org/?p=13579&lang=de>

82 B92 (2005): "Ramush Haradinaj's brother murdered"

http://www.b92.net/eng/news/comments.php?nav_id=31799

83 The Guardian (2005): "Kosovo's president survives assassination attempt"

<http://www.guardian.co.uk/world/2005/mar/15/balkans>

84 Reliefweb (2003): "LDK takes a stand on Kosovo violence",

<http://reliefweb.int/report/serbia/ldk-takes-stand-kosovo-violence>

85 Balkan Insight (2012): "EULEX Report Reveals Strategy to Kill LDK Activists"

<http://www.balkaninsight.com/en/article/eulex-leaked-report-there-was-a-strategy-to-kill-ldk-activists>

4.2.3 Criminal Violence

The entire scope of violence happening after 1999 also encompasses ordinary crime that could thrive in the security gap as well. Criminals from Albania and Western Europe flocked into Kosovo to profit from weak law enforcement agencies while the widespread poverty and lack of economic prospects also contributed to the trend of rising theft, blackmail and kidnapping even when the murder rate decreased.⁸⁶ In addition criminal motives might as well have been part of ethnically and politically motivated attacks and organized crime groups had an active interest in ethnic tensions and disorder.⁸⁷

The failure of the international community to establish law and order also provided an “open invitation” to organized crime as put by Daan Everts, chief of the OSCE mission at that time.⁸⁸ These organized groups posed an additional obstacle to institution building and establishment of rule of law as the murder of Rexhep Luci, the head of the Prishtinë / Priština Department of Housing and Reconstruction, in September 2000 shows.⁸⁹ There are widespread allegations that link organized crime and the wartime logistics branch of the KLA under Xhavit Haliti⁹⁰. Nevertheless no hard evidence has been found to sustain the allegations. What can be sustained is the fact that organized crime, as in the rest of the region is having a significant presence in Kosovo, parts of it even fuelled by the international presence as in the case of trafficking of human beings for sexual exploitation.⁹¹

Crime statistics from the post-war years show the magnitude of the post-war security gap. Within the only the five months from August to December 1999 there has been a homicide rate of more than 25 per 100,000 inhabitants with similarly high levels for other violent crimes. These numbers would stay high into 2000, but except for an outburst of violence in March 2004, drastically declined within the next years.⁹²

86 IWPR (2001): “Kosovo Crime Wave”, <http://iwpr.net/report-news/kosovo-crime-wave>

87 Teran (2007): “Peacebuilding and Organized Crime”, p. 18

88 USIP (2002): “Lawless Rule vs. Rule of Law in the Balkans”, p. 10f

89 BBC (2000): “Kosovo UN worker killed”, <http://news.bbc.co.uk/2/hi/europe/921825.stm>

90 The Guardian (2011): “Report identifies Hashim Thaçi as a 'big fish' in organized crime”
<http://www.guardian.co.uk/world/2011/jan/24/hashim-thaci-kosovo-organised-crime>

91 BBC (2004): “Kosovo UN troops 'fuel sex trade’”, <http://news.bbc.co.uk/2/hi/europe/3686173.stm>

92 Balkan Insight (2008): “UN: Kosovo Murder Rate Down 75%”
<http://www.balkaninsight.com/en/article/un-kosovo-murder-rate-down-75>

Figure 1: UNMIK Crime Reports August-December 1999

	Pristina	Gnjilane	Prizren	Pec	Mitrovica	Total
Murder	198	58	61	123	43	483
Att. murder						
Kidnapping	55	33	48	27	15	178
Att. kidnapping						
Agr. assault						
Rape/att. rape						
Arson	521	117	151	123	334	1246
Looting	510	175	180	236	28	1129
Total	1284	383	440	509	420	3036

Source: Boyle (2010): "Revenge and reprisal violence in Kosovo", p. 201

4.2.4. Role of Kosovo Liberation Army Structures in Post-Conflict Violence

The exact role of KLA structures in Kosovo's post-conflict violence is in great parts a subject of speculation. This is largely due to a lack of central command within the KLA which makes it nearly impossible to determine, if people who declared themselves as KLA members actually were. In this chapter I will have a look at the two major KLA-linked organisations operating in post-war Kosovo which are the KLA military police (Policia Ushtarake, PU) and the Kosovo Information Service (SHIK). I will explain their official role and give an overview of allegations of other parallel roles.

The KLA PU officially disbanded on 20 September 1999 together with all other KLA formations according to the Undertaking of Demilitarisation. From then onwards it was prohibited to wear any military uniforms or insignia of the KLA⁹³. Nevertheless members of the PU reorganized within the Ministry for Public Order (Ministria e Rendit Publik, MRP) under the Rexhep Selimi, a PU commander from the Drenica region. He is now deputy to the Kosovo Assembly for the Vetëvendosje party. The official task of the MRP was to assist KFOR/UN CIVPOL by solely collecting information in a non-executive manner and forward it to KFOR/CIVPOL.

Right after the withdrawal of FRY forces, the KLA by seeing itself as victorious against the FRY, took control of most parts of Kosovo. This was done under the formal authority of the provisional government under Hashim Thaçi which includes

93 "Undertaking of demilitarisation and transformation by the UCK", Article 23/h, <http://www.nato.int/kosovo/docu/a990620a.htm>

the MRP. As these institutions are not part of the framework set in UNSCR 1244, their executive functions are considered as being illegal. An OSCE report from March 2000 describes a broad spectrum of illegal policing in Kosovo ranging from unauthorized traffic control to acts of violence and intimidation.⁹⁴ It identifies a considerable involvement of KLA PU members as well as demobilised KLA members in the KPC. Reported human rights abuses by illegal police include unlawful detention of supposed criminals and abuses during detention, harassment of the public by extortion of “taxes” and illegal acquisition of property in favour of KLA veterans and their families.⁹⁵ Confronted with accusations of KLA veterans engaged in violent behaviour, KLA leaders usually put the blame on group opposing the KLA trying to discredit it by committing crimes in KLA uniforms.⁹⁶

The SHIK was established after the war with some sources putting it as successor of the KLA Intelligence and Counterintelligence Unit (Zbulim Kundërzbulim)⁹⁷. Headed by Kadri Veseli, a senior KLA veteran from Mitrovicë / Mitrovica, the SHIK’s self-declared role was to gather information on the continuing presence of the FRY secret service as well as against organized crime.⁹⁸ The SHIK is affiliated with the PDK party of which Kadri Veseli officially gained membership in November 2012 after disbanding the SHIK in 2008.⁹⁹

Other sources however put the SHIK much closer to an enforcer of a PDK strategy of intimidating and killing political opponents. The most famous is Nazim Bllaca, an alleged SHIK hitman, who agreed to cooperate with the European Union Rule of Law Mission in Kosovo (EULEX) and testified on political assassinations that happened in post-war Kosovo. In a first trial based on Bllaca’s testimony, Fahredin Gashi, a KLA veteran, was sentenced to a prison term of 18 years for the murder of Salih Gashi, a LDK activist, in June 1999.¹⁰⁰ In a second trial Bllaca describes the SHIK as the intelligence arm of the PDK including a hit-squad to eliminate political opponents and accused Azem Sylja, from Drenica Region, former member of the KLA chief of staff

94 OSCE (2000): “Illegal Policing in Kosovo” p. 1

95 OSCE (2000): “Illegal Policing in Kosovo” p. 3f

96 ICG (1999c): “Who’s Killing Whom In Kosovo?”, p. 12

97 Qehaja (2012): “Intelligence governance in Kosovo”, p. 4

98 ICG (2000): „What happened to the KLA?“, p. 13f

99 Qehaja (2012): “Intelligence governance in Kosovo”, p. 5

100 Balkan Insight (2011): “Kosovo Jails Former KLA Fighter For 18 Years”,

<http://www.balkaninsight.com/en/article/fahredin-gashi-guilty-of-war-crimes-sentenced-to-18-years-in-prison>

and PDK deputy at the Kosovo Assembly nowadays, of giving the orders.¹⁰¹ Investigations into the role of Azem Sylja were started by EULEX, but ended in October 2012 without any indictment.¹⁰²

Illegal policing has an ambivalent influence on post-war Kosovo security. On the one hand it is often the result of ineffective CIVPOL presence and lack of other legitimate security providers so it gave the international presence breathing space to build up its own law enforcement capacities. And illegal policing did provide at least some kind of order in immediate post-war months. On the other hand the lack of a unified structure of illegal policing made it difficult to distinguish to whom local units are actually responsible and impeded punishment of abuses of power. Additionally the leadership itself was not accountable to legitimized institutions and some practices indicate a criminal nature of the structure as a whole. Any positive effect of the SHIK on security is hard to determine; it looks more likely that its partisan nature exacerbated tensions already existing.

All members belonging to illegal policing structures were encouraged by the international presence to apply for the newly created Kosovo Police Service (KPS). The selection of its recruits nevertheless was conducted on a strictly individual basis; there was no transformation of entire units as happened in the case of the KPC. Previous experiences in any kind of policing were not taken into consideration so selection took place by picking the best of the candidates and vigorously following the set standards.¹⁰³

101 Balkan Insight (2011): "Nazim Bllaca, Kosovo's Self-Styled Assassin: „I'm not Mad"", <http://www.balkaninsight.com/en/article/nazim-bllaca-kosovo-s-self-styled-assassin-i-m-not-mad>

102 Kosovapress (2012): "The investigations against Azem Sylja end"

<http://www.kosovapress.com/?cid=2,85,154973>

103 Interview with Steve Bennett, conducted by the author on 13th November 2012

5 The Creation of the Kosovo Police Service

The legal basis for the creation of the KPS is set out in UNSCR 1244, which puts “Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;”¹⁰⁴ as one of the main responsibilities of the international civil presence. The first report of UNMIK to the Security Council identified “... the rapid development of a credible, professional and impartial Kosovo Police Service (KPS)”¹⁰⁵ together with the provision of interim law enforcement as one of two main goals of UNMIK’s law and order strategy. This goal was to be achieved in cooperation between UNMIK Pillar I and Pillar III. OSCE under Pillar III “democratization and institution building” would provide basic training for KPS cadets at the Kosovo Police Service School (KPSS) in Vushtrri / Vučitrn. UN CIVPOL under Pillar I “police and justice” would afterwards deliver field training to the graduated officers conducted by international police officers.

5.1 Recruitment

5.1.1 Proposals to Overcome the Security Gap

When the issue of the creation of the new police service and the recruitment of its members arose, two major proposals came up from the Kosovo Albanian side on how to overcome the policing gap of the post-war era and create a legitimate police for Kosovo.

One proposal came from the camp of Bujar Bukoshi and the LDK and it lobbied for Kosovo Albanian police officers who served in the police of the Socialist Autonomous Province of Kosovo until the abolition of its autonomy in 1990. After 1990, most of the Kosovo Albanians were either dismissed or left voluntarily and were organized afterwards in the Syndicate Union within the parallel institutions of the “Republic of Kosova”.¹⁰⁶ Bukoshi advocated a fast-track training on human rights and democratic policing for former police officers and a quick deployment afterwards in order to quell the on-going insecurity. Parts of UNMIK might have sympathized

104 UNSCR 1244, Art. 11/i

105 UNMIK report to the Security Council S/1999/779, 12th July 1999

106 Interview with Reshat Maliqi conducted by Arthur Boutellis on 24th July 2008, published online, p. 2

with this proposal as it would provide much needed officers on the streets and prevent the KPS from becoming an arm of the post-demilitarisation KLA.¹⁰⁷ The KLA however strongly objected to such a move and the international community as a whole was not too keen either on putting itself in continuity with the structures of communist Yugoslavia.

The KLA in order to overcome the policing gap would have been happy to continue policing with its own structures organized within its Ministry of Public Order (MRP) which, according to ICG, amounted to up to 1,500 members in 2000.¹⁰⁸ However this was not possible, partly due to the fact that these KLA structures were responsible for some of the insecurity themselves. Instead the KLA leadership demanded that a substantial number of KLA veterans should be included in the new service as it is vaguely promised in the undertaking of demilitarisation.

“Recognition that, while the UCK and its structures are in the process of transformation, it is committed to propose individual current members to participate in the administration and police forces of Kosovo, enjoying special consideration in view of the expertise they have developed.”¹⁰⁹

As it was linked to demobilisation, the option to include a large part of the former KLA into the KPS was debated within the international presence in the context of a wider peace building perspective rather than solely an institution building view. The demobilisation of the KLA was one of the declared priorities of the international presence and having a large number of dissatisfied former fighters outside of any legitimate structure would have had a considerably negative impact on stability in Kosovo. Integrating KLA veterans into UNMIK controlled police structures also looked tempting as a way to “tame” KLA veterans with a regular pay check and to prevent them from engaging in any destabilising activities.¹¹⁰

107 ICG (2000): „What happened to the KLA?“, p. 11

108 ICG (2000): „What happened to the KLA?“, p. 13

109 20th June 1999, “Undertaking of demilitarisation and transformation by the UCK”, Article 25/a available at: <http://www.nato.int/kosovo/docu/a990620a.htm>

110 O’Neill (2012): „Police Reform in Situations of Forced Displacement”, p. 11f

5.1.2 The Kosovo Liberation Army Quota

The result of these considerations was an unofficial agreement between the KLA and the international presence on establishing a KLA quota for the recruitment of the KPS. An important principle on the quota was that the admission of KLA members was made on an individual basis and not as an intact block as happened in the case of the KPC. Each application was subject to a careful vetting procedure and selection was to be done by a committee with a majority of international members. In practice the KLA quota meant that 50% of shortlisted applicants for each class were to be veterans of the KLA and would then compete against applicants from the general public in the recruiting process.¹¹¹ This is a much weaker quota than the quotas on minorities and women where the quota guarantees them a certain number of posts for which they only competed against each other. This compromise on the KLA quota secured the KLA's consent with to its demobilisation on the one hand and still allowed the international presence to be able to pick police cadets themselves on the other hand. Those KLA veterans admitted into the KPS were only selected if they fulfilled the minimum standards and had no previous records of war crimes or other crimes. And from their admission onwards all KPS officers were under the strict supervision of CIVPOL officers which ensured that there was no continuity of KLA hierarchies within the KPS.

Those KLA veterans that joined the KPS were generally from the junior ranks of the KLA, as senior KLA commanders generally opted to join the KPC where they could continue in their ranks. Unlike at the KPC every cadet who joined KPS had to start as a simple police officer with no regard to any previous ranks. Nevertheless two thirds of the "course commanders" elected by KPS recruits as class representatives were KLA veterans.¹¹² This shows either greater leadership skills of the veterans or the continuity of KLA power structures within the KPS. After all up to 50% of those who attended the first classes were former KLA members. Compared to former Yugoslav police officers, KLA veterans were on average younger and more flexible

¹¹¹ Interview with Steve Bennett, conducted by the author on 13th November 2012

¹¹² Heinemann-Grüder/Paes (2001): "Wag the Dog", p. 28

to adapt to the new police structures as they had no previous knowledge on any other policing structures.¹¹³

There was neither a quota for former Yugoslav police officers¹¹⁴ nor a preferred access for them; instead they had to apply as members of the general public, however their experience weighted during the screening process.¹¹⁵ Nevertheless they did surprisingly well in the testing and among the graduates of the first 32 KPSS classes 16% had a policing background.¹¹⁶ The former Yugoslav officers were aligned with the Rugova government and after 1990 many of them continued parallel policing in Kosovo. Some officers got imprisoned for this by the Serbian authorities such as Sheremet Ahmeti and Reshat Maliqi who both later became General Directors of the Kosovo Police. Former Yugoslav police officers were on average older than the average of the KLA veterans, but also more educated and already had experience in policing. They usually had a very good knowledge of Serbian language and familiarity with working in a multi-ethnic institution. On the other hand they are described as less flexible when in office resulting from their socialisation in a communist policing system where decisions were often referred up the chain of command.¹¹⁷ There may have also been some distrust towards them from parts of the general public for being deemed as collaborators, as in Kosovo after the constitution reform of 1974 when people arrested on the charge of “Albanian separatism” were arrested by ethnic Albanian police officers.¹¹⁸ Another line of distrust comes from the PDK who would consider some of the former Yugoslav police officers as affiliated with the LDK.¹¹⁹ However none of these concerns was a major obstacle on establishing the KPS and after all a number of KLA veterans who joined the KPS had also been members of the police during Yugoslav times such as Nuredin Ibishi, a KLA commander from the Podujevë / Podujevo region and class commander of the first KPS generation.

113 Interview with Veton Elshani, conducted by the author on 12th November 2012

114 The term former Yugoslav police officers refers to those who served under the Socialist Autonomous Province of Kosovo until 1990. Police officers who served after 1990 under the Serbian Ministry of Internal Affairs (Ministarstvo Unutrašnjih Poslova, MUP) were generally excluded from joining the KPS

115 Interview with Steve Bennett, conducted by the author on 13th November 2012

116 Data provided by the Kosovo Academy for Public Safety (KAPS)

117 ISSR (2006): “Kosovo Internal Security Sector Review” p. 99

118 IKS (2011): „A Power Primer“, p. 36

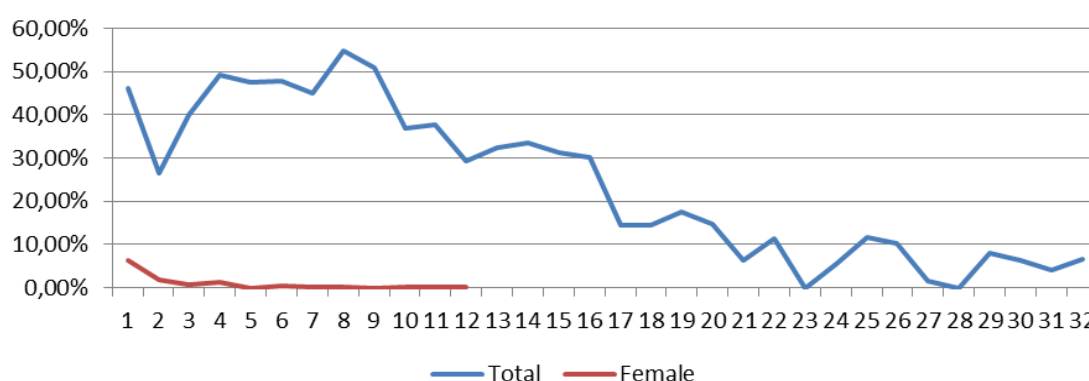
119 ICG (2000): „What Happened to the KLA?“, p. 11

5.1.3 Three Phases of the Recruiting Process

The recruiting process in the context of the KLA quota can be parted into three distinctive phases. The first one is the immediate post-war phase characterized by complete international control of the recruiting process and an enforcement of the KLA quota. The second phase is from 2001 until 2003 and characterized by mixed control of recruitment and selection, preparation to hand over human resources to local counterparts and an abandonment of the KLA quota. The third phase from 2003 onwards was conducted with full local responsibility of recruitment and selection and characterized by the process of a full transfer of authorities to KPS control.

The first phase from 1999 until mid-2001 took place under the context of the KLA demobilisation and the immediate post-war stabilisation. During this time the KLA quota system was fully in place resulting in a share of between 30-50% KLA veterans per class. Selection was being made by OSCE and UNMIK personnel after a comprehensive review process of the applicants, which involved a written exam, an oral interview with an international interview board as well as physical-fitness, medical and psychological tests. The minimum requirements to enter the service were to be at least 21 years old, to have a completed secondary school education and no involvement in war crimes or any other criminal background.

Figure 2: Percentage of KLA veterans in first 32 KPSS classes



These numbers cover the time from 2001 – 2006. The first KPSS class graduated in October 1999, the 32nd class in June 2006; percentage of female KLA veterans is in relation to the entire class. Data provided by the Kosovo Academy for Public Safety (KAPS)

The background checks were conducted by the Professional Standards Unit (PSU) led by international CIVPOL officers. There were several problems with

internationals who had little knowledge of the language and the culture to get reliable information on a sensitive subject as war crimes.¹²⁰ After 2001, more and more local staff was employed in the background checks, which managed to achieve better results. As soon as the cadets were selected, lists with their names would be made public in municipalities where they came from so that citizens could come forward and report on any criminal background of these cadets.

Besides the KLA quota other quotas were set for ethnic minorities and women, and both are still in place today. The minority quota was to get 9% from the Kosovo Serbian community and 7% from other non-Albanian communities.¹²¹ The quotas for all minorities are oriented towards their pre-war share of the population which was higher than their current share. The quota for women in the KPS was 20%, which is higher than the average share in western police services.¹²² Both quotas have been implemented successfully resulting in the envisioned numbers of minorities and women serving in the Kosovo Police nowadays.

The major problems during the first phase of recruiting were an overload of different quotas as well as difficulties in establishing the authenticity of information given on education. The combination of the KLA quota together with the minority and women quotas created the problem whereby there was not much room for Albanian males without any background who were very eager to join as over 19,500 applications before the beginning of the first training in September 1999 show.¹²³ This was mostly caused by the KLA quota and reflected badly on the community oriented approach of policing summarized in the motto of the KPSS “The police are the people and the people are the police”. Another problem and also cause for most of the dismissals of officers were forged education documents as during the war a lot of school archives were destroyed and it took some time to establish the authenticity of graduation documents provided by the applicants.¹²⁴

By May 2001 a total of 3,848 officers graduated from the KPSS. Of those 83% were Albanians, 9% were Serbs and 8% were from other communities. Women

120 Interview with Riza Shillova, conducted by Richard Bennet and Morgan Greene on 21st July 2011, published online, p. 4f

121 Stodiek (2006): “The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans”, p. 18

122 Stodiek (2006): “The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans”, p. 18

123 Stodiek (2006): “The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans”, p. 19

124 Bennet/Friedman/Greene (2012): “Building the Police Service in a Security Vacuum”, p. 6

represented 19% of the total number.¹²⁵ By then a total of 1,576 KLA veterans graduated of whom 54 were female. The share of KLA veterans among total graduates was 41%.¹²⁶

The second phase of the recruiting process lasted from mid-2001 until 2003, and marked the end of the immediate post-war stabilisation. With the demobilisation of the KLA settled, it permitted the abandonment of the KLA quota, leading to a dilution of KLA influence within the police.¹²⁷ The minority and female quota continued, but now a total of around 65% of the posts within the KPS were available for open competition. Local participation in the selection process started in order to prepare the transfer of authorities and from 2001 onwards there were mixed interview boards.¹²⁸

By April 2003, a total of 5,653 officers graduated from the KPSS. Of those were 84% Albanians, 10% Serbs and 6% from other communities. Women represented 15% of the total number.¹²⁹ By then a total of 1,884 KLA veterans graduated, whose share among the entire graduates was 32%.¹³⁰

A survey conducted by Thorsten Stodiek in September 2003 among OSCE instructors on the qualification of KPS cadets gave a mixed picture on their suitability.¹³¹ The majority of the instructors (52%) considered 50-70% of cadets suitable to become police officers. A quarter of the instructors (28%) believed that 75-90% were suitable. Only 7% said that more than 90% are suitable, while 14% saw only 25-50% suitable.

125 OSCE (2001): KPSS Factsheet, May 2001

126 Data provided by the Kosovo Academy for Public Safety (KAPS)

127 Heinemann-Grüder/Paes (2001): "Wag the Dog", p. 27f

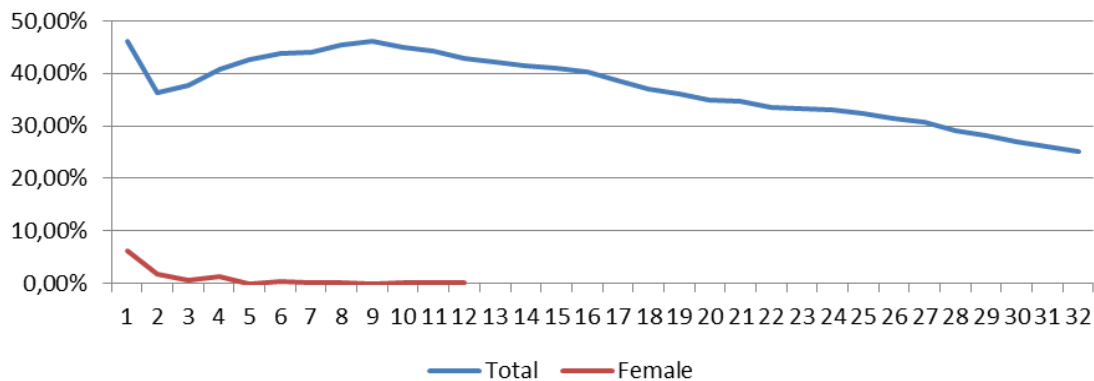
128 Interview with Riza Shillova, conducted by Richard Bennet and Morgan Greene on 21st July 2011, published online, p. 4

129 OSCE (2001): KPSS Factsheet, April 2003

130 Data provided by the Kosovo Academy for Public Safety (KAPS)

131 Stodiek (2006): "The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans", p. 25

Figure 3: Percentage of KLA veterans among culminated graduates during first 32 KPSS classes



These numbers cover the time from 2001 – 2006. The first KPSS class graduated in October 1999, the 32nd class in June 2006; percentage of female KLA veterans is in relation to the entire class. Data provided by the Kosovo Academy for Public Safety (KAPS)

The third phase began after the transition of the recruitment and selection process to the KPS in 2003.¹³² The share of KLA veterans among the police officers began to further decline, as there was no quota in place anymore and the most suitable veterans have been included already. The initially envisioned strength of KPS was 3,000 but this number was raised several times up to 7,500, a number that was reached in 2006.¹³³ In 2008 after the declaration of independence, the Kosovo Police Service was renamed the Kosovo Police (KP). By 2009 ethnic Albanians constituted 85% of KP officers, slightly less than their estimated share among the general population, ethnic Serbs represented 10% and other ethnic groups 5%.¹³⁴ In June 2006 there were 1,996 KLA veterans among the graduates, which amounted to 25% of total graduates.¹³⁵

5.2 Training

Classroom training at the KPSS was initially scheduled to last 5 weeks, and extended to 9 weeks in 2000 and extended again to 12 weeks in 2001.¹³⁶ At the beginning, it was conducted exclusively by international staff while from 2001 onwards KPS instructors were trained at the KPSS to take over parts of the training process. The curriculum was framed on the principles of democratic policing and

¹³² Bennet/Friedman/Greene (2012): “Building the Police Service in a Security Vacuum”, p. 5

¹³³ Stodiek (2006): “The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans”, p. 18

¹³⁴ Harris (2009): “Police Reform in Kosovo – A Case Study”, p. 34

¹³⁵ Data provided by the Kosovo Academy for Public Safety (KAPS)

¹³⁶ Stodiek (2006): “The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans”, p. 20

involved basic training on skills like patrol duties, use of force and firearms, crime investigation etc.

The interethnic climate at the KPSS was examined in a survey by Thorsten Stodiek in September 2003 and was described as “acceptable”, “co-operative” or “friendly” by 85% of graduates and cadets at the KPSS. Serbs and other minorities assessed it less positively but, but still more than 70% of the respondents rated it as “acceptable” or better. An even more positive picture is presented among OSCE instructors at the KPSS of whom 93% rate it as “acceptable” or better. Only 16% of cadets and graduates of all ethnic groups recognized ethnically motivated problems. Taking into account that in these classes a high number of KLA veterans encountered Kosovo Serbs, it is quite an accomplishment to have former enemies share classroom and accommodation as early as September 1999 without major frictions.¹³⁷

The relation between KLA veterans and former Yugoslav police officers at the academy as well as later on duty was also described as co-operative in interviews conducted by the author with KLA veterans and former Yugoslav officers. It was pointed out that the experience and knowledge of former police officers was a valuable asset for KLA veterans who had no previous experience in policing but were motivated to learn.¹³⁸

After graduating from the KPSS, the new officers were to be sent to field training supervised by UNMIK field training officers (FTOs) from countries from all over the world. From 2001 onwards, KPS FTOs were trained to eventually take over from international FTOs. The field training was scheduled to last 19 weeks until 2000, when it was reduced to 17 weeks. This duration was further reduced to 15 weeks in 2001 until it was raised to 20 weeks again after the March riots in 2004.¹³⁹ Field training focused on the practical application of the contents taught at KPSS while further developing community policing skills.¹⁴⁰

137 Stodiek (2006): “The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans”, p. 34f, responses of other non-Albanian ethnic groups were similar to those of the Serbs, but the number of the returned questionnaires was much lower which makes them less representatives and therefore they will not be cited separately but can be read at Thorsten Stodiek's paper.

138 Interview with Veton Elshani, conducted by the author on 12th November 2012

139 Stodiek (2006): “The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans”, p. 24

140 OSCE (2001): KPSS Factsheet, August 2001

The interethnic climate in multi ethnic units and at police stations was described as even better than at the academy with 94% of all ethnic groups seeing it as “acceptable” or better, a number that was still at 89% among Serbian respondents and at 73% among UN monitors. Only 14% of all respondents recognized ethnically motivated problems in the units or police stations, a number that was 19% among Serbian officers.

One of the major problems during the training of KPS officers was that there was no coherent culture of policing among international staff, especially among the UN FTOs who came from much more diverse regions than OSCE instructors. Instead, different officers brought in their own culture of policing, which itself sometimes did not reflect democratic policing or professional standards envisioned for the new service. As put by Veton Elshani: “We learned from the best how to do it, and from the worst how to do it not.”¹⁴¹ Another problem was the rapid turnover rate, which in the case of CIVPOL changed at a rate of as short as six months and had compelled local officers to constantly adapt to new supervisors.¹⁴²

5.3 Promotions

In order to transfer authority over the KPS at some point in the future, UNMIK started to promote officers into higher ranks from 2001 onwards. The selection was done by a mixed panel consisting of UNMIK, OSCE and KPS representatives and accompanied by additional background checks.¹⁴³ In a first round of appointments in June 2001, Sheremet Ahmeti, a former Yugoslav police officer from the Drenica region, was promoted to colonel and would later become the first General Director of the Kosovo Police. In August 2001 an additional five officers got promoted to lieutenant colonels, two of them, Reshat Maliqi a former Yugoslav officer from Gjilan / Gnjilane region, and Behar Selimi a former Yugoslav officer and PDK member from Drenica region, also became General Directors after Sheremet Ahmeti.

There were two ways of promotion: one was appointed promotions where the promoted officers would jump from the rank of police officers to senior ranks; the

141 Interview with Veton Elshani, conducted by the author on 12.11.2012

142 Interview with Behar Selimi conducted by Arthur Boutellis on 22nd July 2008, published online, p. 7

143 Bennet/Friedman/Greene (2012): “Building the Police Service in a Security Vacuum”, p. 6

other was regular promotions whereby people were promoted one rank at the time.¹⁴⁴ Appointed promotions were necessary to fill senior positions in a service that had just been founded and with no institutional history. To compensate for this fact it was nearly exclusively police officers who already had police experience in the former Yugoslav police. Regular promotions were used for the lower ranks which were filled with applicants from the rank below and under a higher involvement of KPS officers who were already in this rank.¹⁴⁵

The appointed promotions have been criticized afterwards, stating that the process was too rushed and the promoted officers lacked understanding of low- and mid-level policing functions. This nevertheless has been balanced by the rather slow transition of UNMIK towards local control, which on the senior level only started after 2007, and the continuous oversight and mentoring by international police officers.¹⁴⁶

The more severe point of criticism however aims at the selection of the candidates for appointed promotions, which were done in a rather non-transparent way and were based more often on the candidate's loyalty towards the international presence than on actual competences.¹⁴⁷ This criticism of these candidates reflected public opinion which according to an OSCE survey from 2007 perceived selection procedures in the KPS as being insufficient especially for the highest ranks.¹⁴⁸ On the one hand, the rather pro-Yugoslav promotions ensured that there was no continuity of KLA hierarchies within the KPS and filled an education and experience gap among its officers. Nevertheless the shortcomings of the promotion process undermined trust in a merit based promotion system and provided a reason for Kosovar authorities to remove the UNMIK-promoted officers after the transition of power.

5.4 Transfer of Responsibilities

The transfer of responsibilities from UNMIK control towards Kosovar control was planned to follow a schedule initiated in 2000 consisting of four phases. Phase one was started already in 2000 and transferred patrol responsibilities. Phase two was the

144 Interview with Behar Selimi conducted by Arthur Boutellis on 22nd July 2008, published online, p. 3

145 Interview with Riza Shillova, conducted by Richard Bennet and Morgan Greene on 21st July 2011, published online, p. 12

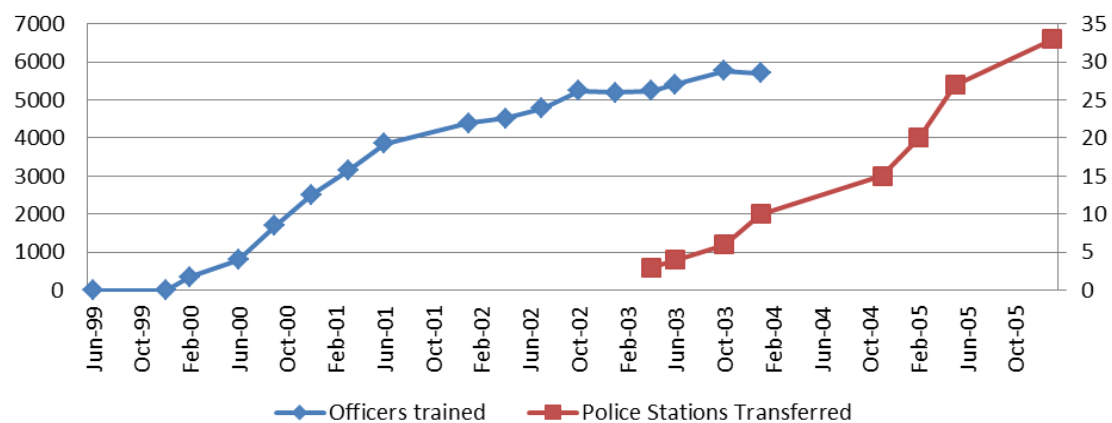
146 Bennet/Friedman/Greene (2012): "Building the Police Service in a Security Vacuum", p. 6

147 Interview with Florian Qehaja, conducted by the author on 4th October 2012

148 OSCE (2008): "Measuring the Trust", p. 15

transfer of tactical functions including first-line supervisor functions starting in 2001. Phase three was the transition of operational functions including transfer of mid-level management started with the handover of police stations from 2003 onwards. Phase four was the transfer of strategic functions with senior management positions assumed by KPS officers.¹⁴⁹ All four phases were completed or about to be completed when Kosovo declared its independence in February 2008 and the last UNMIK police commissioner departed at the end of 2008. Nevertheless the newly established EULEX mission retained some of the executive powers of UNMIK in areas such as war crimes, organized crime and serious financial crime.

Figure 4: Transition of the KPS 1999-2006



Source: Data from UNMIK reports to the Security Council compiled by the author

From an output oriented view the transition of the KPS was a full success. UNMIK managed to build the new police service from scratch, trained the envisioned number of KPS officers within six years and transferred full local responsibility within three more years. These successes however hide deeper lying shortcomings in coherence of the transition and its implications on sustainability. As put by Frank Harris: “This period of development, however, was never characterised by a discernibly uniform pattern of smooth progression; rather, the KP evolved in an uneven pattern that was dictated by the changes in UNMIK staff and their policy decisions made in response to changing events in Kosovo”¹⁵⁰

According to Harris, the transition can be divided in a pre-march 2004-period and a post-march-2004 period. The first period was characterized by KPS officers

¹⁴⁹ 149 UNMIK report S/2001/218, 13th March 2001

¹⁵⁰ Harris (2009): “Police Reform in Kosovo – A Case Study”, p. 22

standing in the shadow of strict control by CIVPOL officers without any meaningful command authority in local hands. After the March 2004 riots and a short time of reflection, the transition was accelerated and rushed through in a fashion that created a number of problems for the new service in the years to come.¹⁵¹

Additional to strategic and operational shortcomings concerning the transition period, the international presence also faced several structural problems impairing their efforts to create functioning institutions. This includes a lack of qualifications and experience of internationals which often turned out to be junior officers in their home countries who suddenly had to get acquainted with complicated matters against a cultural background they had no experience with either. This problem is further exacerbated by short term deployments leading to a severe loss in know-how after every rotation. Additionally there are reports of corruption cases involving international staff as well.¹⁵²

151 Harris (2009): "Police Reform in Kosovo – A Case Study", p. 23f

152 Kramer/Džihic (2006): "Die Kosovo Bilanz", p. 237f

6 Authority and Reach

6.1 Introduction and Definition

Authority and reach is defined by Peake et al as “the political and legal authority to fight all types of crime in all sections of its jurisdiction” and enforce internal security throughout the territory. This authority is often challenged by the absence of legal and political frameworks or the presence of military forces, criminal gangs and/or tribal authorities obstructing the work of the police.¹⁵³

This indicator has been chosen as in Kosovo the absence of a legal and political framework, caused by contradicting perceptions of its status, had and still has an impact on police work. In addition a number of parallel networks undermining the rule of law are manifested in Kosovo, some of them even linked with the KLA. Both problems cause serious shortcomings in addressing certain types of crime especially when it comes to tackling organized crime groups, which has established a profound presence in Kosovo as well as in the wider Balkan region. The fight against organized crime is one of the most serious challenges for the authority and reach of the Kosovo police and police efforts to combat it have been hampered by both the absence of frameworks and the presence of informal authorities, therefore this chapter will put a focus on this topic.

The hypothesis of a continual, unified and criminalized KLA network would assume that KLA veterans in the police would be connected to KLA veterans who are involved in organized crime and would hesitate to investigate cases against individuals belonging to this network. Accordingly the inclusion of a large number of KLA veterans into the police would pose the danger of allowing informal networks based on a common wartime experience to penetrate police and undermine police work from within. Combined with the allegation of suspicion of wartime and post-war contacts between the KLA and organized crime groups, this could mean that organized crime groups belong to this network as well and profit from the influence it has on police work.

153 Peake et al. (2006): “The PRIME System”, p. 5

In this chapter I will provide a short overview on the origin and scope of organized crime groups in Kosovo, followed by an analysis on the response of law enforcement agencies and concluded by a discussion on the role of KLA veterans.

6.2 Organized Crime in Kosovo

6.2.1 Origin and Scope

The origins of organized crime in the entire Western Balkans regions are often seen as a legacy of the violent conflicts resulting from the disintegration of Yugoslav authorities, which created the necessities to rely on clandestine, criminal networks to finance and equip armed groups and/or to bypass embargos and other sanctions.¹⁵⁴ Explaining organized crime as a legacy of criminalized war economies and a general lawlessness and brutalization of the post-war societies explains part of the phenomenon but fails to explain the fact some of the countries most affected by organized crime have not experienced major armed conflicts on their territory.¹⁵⁵

Norbert Mappes-Niediek argues that the continuous criminalization of the Balkan economies cannot be explained as a consequence of the violent conflicts but rather by the disintegration of regional structures leaving smaller entities vulnerable to be captured by organized crime. In the case of Albania and Kosovo, this is the result of a historical distrust towards state institutions and the common interest of the general population and organized crime groups alike to keep the state out of their sphere.¹⁵⁶ Especially among rural Albanians, clan-based structures organized along codified tribal law enjoyed a higher significance than the state and the rule of law. The criminalization and informalization of these economies had already started before the war and its scope is therefore not limited to the wartime figures but rather fits into a bigger picture of political corruption and weak state authority.

The scope of organized crime in Kosovo is a matter of on-going controversy and heated debate. Observers tend to exaggerate its role, sometimes to undermine the legitimacy of the Kosovar state, and inhabitants of Kosovo tend to downplay its role, often in a misguided reflex of patriotism. Nevertheless the very existence of organized

154 For example: USIP (2002): "Lawless Rule vs. Rule of Law in the Balkans", p. 2

155 Such as Albania, Montenegro or Macedonia.

156 Mappes-Niediek (2005): "Schwache Staaten und oekonomische Entwicklung", p. 210

crime is acknowledged by a majority of Kosovars.¹⁵⁷ The most prominent and most extensive allegation on the scope of organized crime in Kosovo is a report to the Committee on Legal Affairs and Human Rights of the Council of Europe drafted by Dick Marty, a former Swiss state prosecutor, which accuses leading PDK figures and KLA veterans around Prime Minister Hashim Thaçi¹⁵⁸ of abducting and killing Kosovo Serbs during the war to harvest their organs and of wider involvement in organized crime activities.¹⁵⁹ Other sources of describing links between the PDK leadership and organized crime include a leaked report¹⁶⁰ of the German Federal Intelligence Agency (Bundesnachrichtendienst) and a leaked KFOR dossier.¹⁶¹

On the other hand, after the violence of the immediate post-war years there is no serious problem with conventional crime and violent crime rates in South-eastern Europe are lower than in Western Europe with the trend directed towards further improvement.¹⁶² Whatever the scope of organized crime in Kosovo might be, its visibility in and impact on daily life is relatively low although its impact on state institutions is high.

157 74% of all inhabitants think that organized crime exists in Kosovo. Source: UNDP (2012): “Public Pulse Report 4”, p. 21

158 Other figures mentioned are Xhavit Haliti, Kadri Veseli, Azem Sylja and Fatmir Limaj

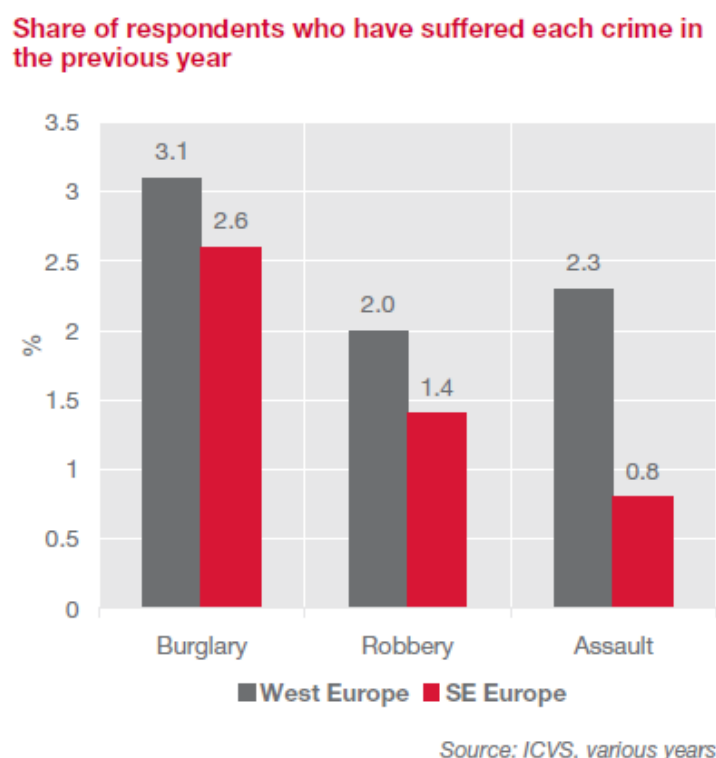
159 Council of Europe (2010): “Inhuman treatment of people and illicit trafficking in human organs in Kosovo”, <http://assembly.coe.int/asp/apfeaturesmanager/defaultartsiteview.asp?ID=964>

160 Die Welt (2008): “German spy affair might have been revenge”, <http://www.welt.de/english-news/article2806537/German-spy-affair-might-have-been-revenge.html>

161 The Telegraph (2011): “Leaked Nato cables allege Kosovo PM was 'biggest fish' in organized crime”, <http://www.telegraph.co.uk/news/worldnews/europe/kosovo/8280226/Leaked-Nato-cables-allege-Kosovo-PM-was-biggest-fish-in-organised-crime.html>

162 UNODOC (2008): „Crime and its Impact on the Balkans“, p 8

Figure 5: Crime in West Europe and Southeast Europe



Source: UNODOC (2008): „Crime and its Impact on the Balkans“, p 10

6.2.2 Shortcomings of Law Enforcement Agencies

The legal and political framework of law enforcement agencies in Kosovo was a major reason for deficiencies in authority and reach of the police for most of the post-war years. Due to the unclear status of Kosovo from 1999 onwards, questions on which law is applicable and which security institutions legitimate became politicised. After 1999, UNMIK decided that the applicable law was the law of the Socialist Autonomous Province of Kosovo, which would be complemented and amended by a number of UNMIK regulations. However the lack of knowledge of the applicable law among international officers was to be a cause of significant problems in crime investigations in the years to come.¹⁶³ In addition to this, populations in areas with Kosovo Serb majority populations, especially north of the Ibar River, continued to see the law of the Republic of Serbia¹⁶⁴ as their legitimate legal framework. After 1999, UNMIK under Pillar I was responsible for maintaining law and order

¹⁶³ Harris (2009): “Police Reform in Kosovo – A Case Study”, p. 19

¹⁶⁴ Constituent state of the FRY until 2003, constituent state of the State Union of Serbian and Montenegro until 2006, independent state from 2006 onwards;

and a UNMIK police commissioner was the highest authority of CIVPOL and KPS until the abolition of this office in 2008. Until then, all executive functions in Kosovo were controlled by UNMIK, which had low approval ratings among Kosovo Albanians as well as Kosovo Serbs¹⁶⁵, a trend that continued with EULEX after 2008¹⁶⁶. Both international actors ended as hostages of the status conflict by losing trust among both camps, being accused of either not vigorously enough enforcing Kosovar independence by Kosovo Albanians or as supporting secession by Kosovo Serbs. In addition the local police lacked a comprehensive legal framework for most years of its existence.¹⁶⁷ This was a shortcoming that was only corrected with the passage of the Law on Police in 2008.

Another vulnerable aspect of law enforcement in Kosovo is the judicial system. Conflicts about the applicable law and the responsibility for criminal investigations had a serious impact on failures of the judicial system.¹⁶⁸ Fuelled by the possible infiltration of organized crime groups¹⁶⁹ and an insufficient witness protection programme¹⁷⁰ the institutional failures and growing impotence of courts since 1999 “...allowed organized criminals to take initiative and become fully established increasing the odds against the KP’s mandate”.¹⁷¹

Informal networks and power allegiances additionally hampered law enforcement for international and local police alike. Certain types of crimes police institutions face a wall of silence which is promoted either by intimidation of potential witnesses or by clientelistic relations between crime groups and parts of the general population. In particular the culture of rural Kosovo is built on a notion of relying on traditionally established rules to sort out disputes among the population instead of relying on state authority that is often perceived as foreign and corrupt. Distrust towards the police is also a reason for inhabitants of Kosovo to hold on to their illegal small arms and light

165 55% among Kosovo Albanians and 40% among Kosovo Serbs in 2007. Source: UNDP (2007): “Early Warning Report 17”, p. 45

166 20% among Kosovo Albanians and 8% among Kosovo Serbs in 2012, UNDP (2012): “Public Pulse Report 4”, p. 17f

167 Harris (2009): “Police Reform in Kosovo – A Case Study”, p. 21

168 Harris (2009): “Police Reform in Kosovo – A Case Study”, p. 71

169 OSCE (2012): “Independence of the Judiciary in Kosovo”, p. 27f

170 SETimes (2012): “Slow progress with witness protection programmes in Southeast Europe” http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/03/27/feature-03

171 Harris (2009): “Police Reform in Kosovo – A Case Study”, p. 74

weapons.¹⁷² Nevertheless 79% of Kosovars still state that they are “very likely” to report a crime to the police.¹⁷³

International police forces were responsible for maintaining law and order during the larger part of Kosovo’s post war history and still retain responsibility in the form of EULEX. Therefore the focus to analyse shortcomings in the fight against organized crime lies on them. They had to deal with a security gap immediately after the war, followed by distrust from both sides of the ethnic divide and a culture pervaded by reliance on informal networks and distrust towards everyone outside of it. Rapid turnover rates of international staff also hampered the fight against organized crime as international investigators often would not remain for the duration of cases.¹⁷⁴ Additional reasons for an ineffective role of international police are a lack of coordination between internationals and inadequate staff as cited in an audition on EULEX.¹⁷⁵

Local police forces took over the main responsibility of fighting organized crime with the conclusion of transition in 2008. The last EU progress report from October 2012 gives a rather negative picture by stating “Capacities in the Kosovo Police to investigate complex criminal activities remain limited and need to be considerably enhanced.”¹⁷⁶ Structural weaknesses were caused by the slow transfer of responsibilities before 2004 and the hasty transfer afterwards, with management experience and command expertise of the local counterparts highly limited, resulting in a heavy burden for rule of law in post-2008 Kosovo.¹⁷⁷ Although the trust from part of the local population is higher towards local police officers than international ones, 49% of Kosovars still consider it as partial, and 28% doubt the police’s ability to maintain confidentiality, reflecting negatively on the willingness of people to provide information to the police.¹⁷⁸

172 Saferworld (2009): “Ready or Not?” p. 25

173 Saferworld (2012): „Still Time to Act“, p. 17

174 Bennet/Friedman/Greene (2012): “Building the Police Service in a Security Vacuum”, p. 16

175 European court of auditors (2012): “European Union Assistance to Kosovo related to the Rule of Law”, p. 144, Art. 106

176 European Commission (2012): Commission Staff Working Document accompanying the feasibility study, p. 29

177 Harris (2009): “Police Reform in Kosovo – A Case Study”, p. 53

178 Saferworld (2012): „Still Time to Act“, p. 17

6.2.3 Role of Kosovo Liberation Army Veterans

Although the exact scope is difficult to establish, there seems to be a certain degree of connection between the financing and arming of the KLA and organized crime networks. According to statement by Interpol before the US congress in 2000, of the 900 million DM that reached Kosovo between 1996 and 1999 half of it was estimated to be illegal drug money.¹⁷⁹ Whatever the actual numbers are, the accusations of organized crime links are putting leading KLA figures such as Hashim Thaçi, Xhavit Haliti and Ramush Haradinaj on the spotlight. They do not criminalise the entire KLA membership, which especially in its lower ranks had very few connections with the central leadership.

A positive impact of the integration of KLA fighters might have on the fight against organized crime is the authority these veterans enjoy among a part of the Albanian population. Their role as war heroes makes it easier for them to arrest other KLA veterans which would meet resistance if conducted by officers perceived as hostile to the KLA.¹⁸⁰ Accordingly, excluding KLA veterans from the service would have created the image of an anti-KLA police undermining its trust in KLA strongholds and driving the veterans and their supportive population even more into informal networks.

The performance of KPS officers with a KLA background in the fight against organized crime has to be seen as a mixed picture. As there are a significant number of veterans in the police, individual KLA veterans are also responsible for the insufficient response against organized crime. On the other hand the performance of the police did not deteriorate drastically since its transition from UNMIK control and is even described as improving over the last three years.¹⁸¹

6.3 Excuse: Policing in Northern Kosovo

Policing in the Serbian-majority parts north of the Ibar River poses a major difficulty to rule of law enforcement in Kosovo and also the fight against organized

179 UNODOC (2008): „Crime and its Impact on the Balkans“, p. 52

180 Interview with Veton Elshani, conducted by the author on 12th November 2012

181 European Commission (2012): “Commission Staff Working Document accompanying the document Commission Communication on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo” p.29

crime. Due to a political deadlock and the rejection of the institutions of the Republic of Kosovo by the local inhabitants the law enforcement capacities are very weak there. The role of KP officers with a KLA background in this conflict is limited as ethnic Albanian officers are usually not deployed in the North.

The KP is still the only clear representative of Kosovo statehood in the North as officers there are exclusively ethnic Serbs. Nevertheless their legitimacy among the Serbian population is low, being trusted only by fewer than 10% of the Serbs in Northern Mitrovicë / Mitrovica.¹⁸² Kosovo Police officers face competition by officers of the Serbian Ministry of Internal Affairs (MUP) which despite being prohibited by UNSCE 1244 operate secretly in North Kosovo. Additionally there are allegations that ethnic Serbian KP officers draw a salary from the MUP as well.¹⁸³ Due to the lack of competences or trust, neither the KP nor the Serbian parallel police are effective in combating crime, which leaves the region as a black hole for law enforcement, attracting organized crime groups from both sides of the ethnic divide.

The outlook for a consistent law enforcement policy in North Kosovo appears fairly bleak as the Serbian local population uses civil and violent resistance to counter any attempt by the Republic of Kosovo institutions to take control. The last attempt by Prishtinë / Priština to establish control by sending KP special forces to two border crossings in the North resulted in an ambush with one fatality on the side of the KP. The role of KLA veterans on policing in the North is difficult to assess. On the one hand there are nearly no ethnic Albanian officers deployed in the North anyway, on the other hand integration of KLA fighters might give Serbs a certain propaganda tool by discrediting the police as a successor of the KLA.

6.4 Conclusion

There are serious flaws of law enforcement agencies in establishing authority and reach caused by serious shortcomings of the international community in establishing law and order and a society historically receptive for informal networks. These problems are exacerbated by a weak judicial system and non-accessible territories in North Kosovo. The impact of KLA veterans within the police on these shortcomings

182 UNDP (2011): "Mitrovicë/a Public Opinion Survey", p. 44

183 ICG (2011): "North Kosovo", p. 18

nevertheless is limited and their inclusion had only a limited impact on the police's ability to establish authority and reach as for most of its time there were no KLA veterans in any positions of authority.

After 1999, the responsibility in establishing law and order lay exclusively with the international presence and as the transition process started it were rather former Yugoslav police officers who were promoted to executive positions in the police and not KLA veterans. Nevertheless there is a strong presence of informal networks in Kosovo penetrating both politics and police of which KLA veterans as well as non-KLA veterans are part of.

The origins of an informalization and partial criminalization of parts of the Kosovar society predate the KLA's emergence and are part of a pattern that is spread in the wider Balkan region shown by the fact that other countries without any wartime experience face similar problems as Kosovo. Although there is substantial evidence linking parts of the KLA with organized crime, the view that the entire column of KLA veterans was criminalised would be inaccurate and would block the view to the deeper roots of organized crime in Kosovo.

7 Oversight and Accountability

7.1 Introduction and Definition

Oversight and accountability is defined by Peake et al as “Presence and strength of external and internal oversight mechanisms that ensure accountability” which is “...critical in promoting transparency and accountability to the public and in providing incentives against the abuse of power.” Especially in post-conflict societies these mechanisms are necessary to help the police overcome legacies of previous regimes and ensure that the police remains a guarantor of public security and does not become a threat to it.¹⁸⁴

This indicator has been chosen as the Kosovar society went through a history of violence and conflict of which there is still a lack of accountability in many parts, particularly towards KLA veterans. The police in Kosovo have been built from scratch without any previous oversight mechanisms to draw on, which makes it more difficult to create such institutions and establish public trust in them.

The hypothesis of a continual, unified and criminalized KLA network would assume that KLA veterans in politics and other positions of power would make sure that their former comrades within the police would not get held accountable for offenses and especially not for war crimes. Another cause for lack of accountability of KLA veterans might be their status of war heroes among the population, which might lead local oversight mechanism to give them a lighter treatment and would ensure them additional political protection even from parties not belonging to the KLA camp.

In this chapter I will give an overview of the creation of both internal and external oversight mechanisms, analyse their functionality on the example of some of their most prominent cases and discuss the role of KLA veterans in this process.

7.2 Internal Oversight

During the first years of its inception the KPS had a mixture of internal and external oversight, as KPS officers were monitored by their CIVPOL counterparts, which were both inside and outside the KPS at the same time. During this time

184 Peake et al. (2006): “The PRIME System”, p. 7f, p. 15ff

CIVPOL issued performance assessments regularly and noncompliance reports in case of any misconduct of their mentees. If in the case of a noncompliance report the performance of the officer concerned would improve within 60 days, the complaint would be revoked; this was based on a preference for a system of rehabilitation rather than punishment.¹⁸⁵

Oversight mechanisms within the KPS started to operate with the creation of the Professional Standards Unit (PSU) in February 2000 with the task of conducting internal investigations for professional misconduct and investigation of complaints made by the public against officers of the KPS. Already in 2001 UNMIK selected 24 KPS officer to get trained as PSU investigators in order to take over from CIVPOL later.¹⁸⁶ In 2005 the PSU's responsibilities got transferred to the Professionals Standards Directorate (PSD), which in 2008 moved from the Administration pillar under the authority of the Deputy Police Commissioner, the highest ranking local officer at this time.¹⁸⁷

Major shortcomings of both PSU and PSD were caused by its rather reactive than proactive role through the complaints driven investigation process and a lack of institutional independence as it involved police officers investigating the transgressions of their colleagues.¹⁸⁸

7.3 External Oversight

The most important external oversight mechanism is the Police Inspectorate of Kosovo (PIK). It is located within the Ministry of Internal Affairs and designed to provide a holistic oversight on police by retaining a duality of reactive (investigations) and proactive (inspections) functions. When the PIK got created the Ministry of Internal Affairs was part of the Provisional Institutions of Self-Government and headed by LDK politician Fatmir Rexhepi, an engineer from Gjilan / Gnjilane region. Fatmir Rexhepi was followed by Blerim Kuçi, a LDK politician and KLA veteran from Suharekë / Suva Reka region. In fact the ministry was under LDK leadership

185 Bennet/Friedman/Greene (2012): "Building the Police Service in a Security Vacuum", p. 11

186 UNMIK (2001): "Police in Kosovo 2001", p. 51

187 Harris (2009): "Police Reform in Kosovo – A Case Study", p. 58

188 Bennet/Friedman/Greene (2012): "Building the Police Service in a Security Vacuum", p. 8

until Zenun Pajaziti, a PDK politician from Gjilan / Gnjilane region took over in January 2008.

The selection of the Chief Executive Officer (CEO) was conducted by an interview board of five senior ministerial members who recommended applicants to the Ministry of Internal Affairs for confirmation.¹⁸⁹ However, as Kosovo was still under UNMIK administration in 2006, the presence of its institutions and its influence were still dominant on the KPS and its policing policies during the initial stage of PIK activities.¹⁹⁰

The activities of the PIK's Department of Inspections role include visits and inspections to police stations and units and ensure that certain management standards are being upheld. The task of establishing accountability for misconduct of officers is being dealt with by the Department of Investigations which under the PIK law from 2010 has authority to "prevention, detection, documentation and investigation of the criminal offences committed by Kosovo Police employees, regardless of rank and position while on duty or off duty" as well as "investigation of all alleged disciplinary offences of police officers having the highest rank of the senior police management level and senior appointed police positions"¹⁹¹

Assessments of the accountability system after the PIK's inception offer a mixed picture on its actual functionality. A major shortcoming is the follow-up of the investigations. In cases of serious disciplinary offenses it was the Senior Police Appointments and Discipline Committee (SPADC) which would determine the penalty upon recommendation of the PIK. However the SPADC was not functional until 2009 which resulted in a substantial backload of 482 cases in 2008.¹⁹² Another problem constituted the appeal process in which large numbers of officers successfully appealed against a disciplinary decision, further reducing the chances of an officer being properly disciplined.¹⁹³

189 Bennet/Friedman/Greene (2012): "Building the Police Service in a Security Vacuum", p. 9

190 Harris (2008): "Holistic oversight of police in Kosovo", p. 57

191 Law No.03/L –231 on Police Inspectorate of Kosovo, 14 October 2010, Article 2/1.1. and 1.4

192 Harris (2009): "Police Reform in Kosovo – A Case Study", p. 66; however this number includes 325 cases of ethnic Serbian officers not showing up for duty as protest against the declaration of independence

193 Harris (2009): "Police Reform in Kosovo – A Case Study", p. 62

The delays in establishing the SPADC also reflected on the PIK as since 2008 the post of CEO has been vacant for more than one year.¹⁹⁴ In an ICG report from 2010 it is also noted that the PIK lacks capacities to function as its existing capacities allow it to process only 400 cases of a total of 1,700 cases in 2009.¹⁹⁵ An additional structural problem of the PIK is the fact that it might be located outside the police, but is still part of the government. This political control raises serious questions on its impartiality especially when it comes to high profile cases and poses the risk that disciplinary actions are used on a selective basis and against police officers investigating cases where the interest of the party in government is vested.¹⁹⁶

Other external oversight mechanisms are provided by the ombudsperson and the Committee on Internal Affairs and Security of the Kosovo Assembly. The office of the Kosovar ombudsperson was established in 2000 to enhance human rights protection in Kosovo. However due to its narrow human rights focus and the inaction of the parliament to follow up on recommendations, the office is not able to provide a comprehensive oversight of police.¹⁹⁷ The Committee on Internal Affairs and Security of the Kosovo Assembly provides parliamentary oversight over the police and receives PIK reports and its recommendations. However there is little evidence that the committee acted upon PIK recommendations.¹⁹⁸

7.4 Accountability after the March Riots 2004

During the March Riots 2004, KPS officers showed the entire spectrum of possible reactions ranging from bravely rescuing minorities to participating in rioting and looting themselves. A UNMIK report from July 2004 states that approximately 100 KPS officers are under allegations of misconduct during the violence.¹⁹⁹ 67 criminal investigations have been opened against KPS officers although none of them resulted in charges, which is surprising concerning the seriousness of some allegations.²⁰⁰ Another 41 complaints were forwarded to the Professional Standards Unit which

194 CoE (2011): "Report to the United Nations Interim Administration Mission in Kosovo (UNMIK) on the visit to Kosovo carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)", p. 10, art. 15

195 ICG (2010): "The Rule of Law in Independent Kosovo", p. 10

196 KDI (2011): "Assessment of Institutional Integrity", p. 162

197 Bennet/Friedman/Greene (2012): p. 10

198 Harris (2009): "Police Reform in Kosovo – A Case Study", p. 63

199 UNMIK Report [S/2004/613], p. 8

200 HRW (2006): "Not on the Agenda", p. 43

resulted in 12 dismissals of officers, although by 2008 all of them have been reinstated.²⁰¹ Overall there were a total of 399 charges brought to court resulting in 301 convictions. Compared to an approximate 50,000 rioters and to 1,400 complaints received by police in relation to alleged crimes during the events, this left many perpetrators unpunished.²⁰²

Figure 6: Accountability after the March Riots

OVERALL NUMBER OF MARCH RIOTS CASES* (MARCH 2004 TO MARCH 2008)		
Number of defendants	Before international judges	36
	Before local judges	206
	In the minor offences courts	157
	Total	399
Defendants convicted or found liable	Before international judges	35
	Before local judges	150
	In the minor offences courts	116
	Total	301

Source: OSCE (2008): “Four Years Later“, p. 24

The reasons for shortcomings are various and involve police, prosecutors, courts and witnesses aggravated by the entry into force of a new criminal procedure code just weeks after the riots.²⁰³ Several police officers are blamed for failing to appear at court as witnesses and violated their duty to testify or contradicted their previous statements during the main trial.²⁰⁴ In the aftermath of the riots an international special policing operation called “Operation Thor” was established to carry out criminal investigations into the March events, resulting from a lack of trust into the KPS to carry out the investigations on their own. However it was not able to bring accountability either and was disbanded in 2005 due to its ineffectiveness.²⁰⁵

201 HRW (2008): “Kosovo Criminal Justice Scorecard”, p. 10f

202 OSCE (2008): “Four Years Later“, 3f

203 OSCE (2008): “Four Years Later“, p. 21

204 OSCE (2008): “Four Years Later“, 7f

205 HRW (2006): “Not on the Agenda“, p. 33f

7.5 Role of Kosovo Liberation Army Veterans

There exists one prominent case of a KLA veteran in a senior position inside the Kosovo Police getting charged with war crimes. Nexhmi Krasniqi, the regional commander in Prizren, got indicted by EULEX prosecutors in July 2011 for the alleged mistreatment of prisoners in the KLA and for operating an improvised detention centre near the village of Kleçkë / Klečka. His indictment was part of the case against Fatmir Limaj a former Minister of Transport and also veteran of the KLA. The arrest of Nexhmi Krasniqi caused some turmoil as police officers at the Prizren station tried to block EULEX police from entering the building but surrendered after two hours.²⁰⁶ Krasniqi got acquitted in May 2012 after the suicide of the main witness for the prosecution. However a mixed panel of three EULEX judges and two local judges ordered a retrial of the case in November 2012 on ruling that the evidence obtained from the main witness before his death is admissible.²⁰⁷

7.6 Conclusion

Oversight and accountability mechanisms in Kosovo's new police service were in a period of constant transformation during the last decade. By now the institutional umbrella for comprehensive oversight is in place although it is still marred by structural problems. A low accountability for offenses is however not the result of a KLA biased oversight system but rather the result of a general failure of oversight mechanisms. During the first years after the PIK's inception power, over the police lay exclusively with UNMIK while the newly created Ministry of Internal Affairs was headed by LDK ministers, both having a strong interest against creating KLA-biased institutions. A more severe threat for accountability is a lack of political will to punish offenders, for which the creation of the PIK does not help much because it is still politicians who control the PIK.

On cases of war crimes and ethnically motivated violence accountability is generally low for perpetrators inside the police as well as outside as was shown in the aftermath of the March 2004 riots. Accountability in these cases depends on

206 Balkan Insight (2011): "EU Officers 'Blocked' by Kosovo Police During Arrest", <http://www.balkaninsight.com/en/article/eu-police-confronted-by-kosovo-police-over-arrest>

207 EULEX (2012): "Supreme Court orders retrial against Limaj for war crimes", <http://www.eulex-kosovo.eu/en/pressreleases/0375.php>

functionality of the Kosovar judiciary system and the international civilian presence in the form of UNMIK und EULEX. The arrest of the regional commander of Kosovo Police in Prizren Nexhmi Krasniqi for war crimes showed that a high ranking position in the police does not save veterans from prosecution, while his acquittal in the wake of the main witness' suicide shows that there are much deeper lying obstacles to accountability.

8 Public Acceptance

8.1 Introduction and Definition

Public acceptance is defined by Peake et al as "... that the community accepts the police as an legitimate institution that protects and upholds the rights of all of the people it is supposed to protect in an even and transparent fashion."²⁰⁸ Especially in post-conflict countries this acceptance is difficult to establish but a necessary condition if the public should see police as an impartial enforcer of law and order and not as an instrument of ethnic repression.

This indicator has been chosen as in Kosovo during the 1990s the police was deeply partial towards ethnic Serbs and was used as a tool to remove members of other ethnic groups, particularly during the war. In order to overcome the legacy of war and to restore trust that the new police is not simply following the course of the old one (only in favour of Albanians this time), establishing public trust among all ethnic communities is the most important objective of the Kosovo Police in the field of public acceptance.

The hypothesis of a continual, unified and criminalized KLA network would assume that KLA veterans would follow their wartime goals and allegiances after the war as well, which were centred on the Albanian-Nationalist cause of uniting Kosovo with Albania and restoring its perceived Albanian character. The rhetoric and actions of some veteran's organisations also seems to be opposed to the international agenda of building a multi-ethnic Kosovo.²⁰⁹ If this wartime mentality would continue among veterans who joined the police it would be difficult to convince members of non-Albanian communities that the withdrawal of Serbian control in 1999 meant a genuine new beginning and not merely the change of one ethnicized rule with another one.

8.2 Acceptance among Non-Albanian Communities

8.2.1 Integration of Non-Albanian Officers

The ethos of the Kosovo Police Service from its establishment onwards was a multi-ethnic one, which was an issue the international community put great emphasis

208 Peake et al. (2006): "The PRIME System", p. 20

209 Ströhle (2010): p.506

on. This is reflected in the motto of the police academy which is: “Police are the People, the People are the Police”, and in the KPS oath which says: “I do solemnly affirm that I will fairly, justly, and faithfully enforce the Constitutional Framework for provisional self-government, applicable laws of Kosovo, regulations of KPS, that I will obey the lawful orders of my superiors, for the best interests of all inhabitants of Kosovo without regard to race, religion, color, gender, or ethnicity.”²¹⁰

Accordingly, a special emphasis was put on getting members of non-Albanian communities into the police through a quota system. The result of it was a share of 10% ethnic Serbs and 5% of other non-Albanian ethnic groups, a share that is higher than their proportion among the population which according to estimates would be 5-6% Kosovo Serbs and 4-5% other non-Albanian groups.²¹¹ The reason for this is that the pre-war population composition has been taken as a basis for the quotas. Although their number in leading supervisory positions is still lower than their overall number in the police still 13.5% of supervisory and management ranks in 2009 were ethnic Serbs and other minority groups.²¹² The interethnic climate both in the KPS School and in the police has been described as good in surveys and in interviews alike.²¹³

8.2.2 Community Policing

Community policing has been an integral part of policing in Kosovo after 1999. Introduced by the international presence, community policing aims to improve the relation between the police and the communities it is working with on the local level. This is done by establishing a council on local and municipal level including representatives of all communities living in the municipality with the purpose to “...develop awareness related to the nature of crime, disorder and violent behaviour in the local community, to identify the concerns regarding public safety and security and

210 KPS oath, KPS Policy and Procedures Manual (2004)

211 Minority Rights Group International (2011): “Kosovo Overview”

<http://www.minorityrights.org/?lid=2458>, a census has been conducted in April 2011, however it was boycotted in North Kosovo which is why its numbers do not give sufficient information on the overall ethnic distribution

212 Harris (2009): “Police Reform in Kosovo – A Case Study”, p. 63

213 O’Neill (2012): „Police Reform in Situations of Forced Displacement”, p. 13, see also Chapter “Creation of the KPS/Training”

to recommend action plans, to address those concerns through the cooperative efforts of municipal authorities, local communities and the Police.”²¹⁴

Community policing in Kosovo started in 2003 with the introduction of OSCE/ICITAP funded Community Safety Action Teams. These Action Teams were superseded by Local Public Safety Committees in 2005 and complemented by Municipal Community Safety Councils in 2006. Most of the impact of community policing has been achieved in the areas of ethnic relations, traffic safety and freedom of movement for minority groups. Community-Police-Relationships are rated quite favourably by Albanians and other minorities of whom only 4-6% see them as “bad” or “very bad”; on the other hand 31% of Kosovo Serbs rate them negatively²¹⁵, a number be that might be much higher without community policing.

8.2.3 Police during the March 2004 Riots

A drastic setback against inter-communal relations happened during March 2004 when rioting by approximately 50,000 Kosovo Albanians directed against Kosovo Serbs, other non-Albanian communities and UNMIK staff left hundreds of houses and dozens of orthodox churches destroyed leading to a further departure of non-Albanians from Kosovo.²¹⁶ Both international and local police were unable to cope with the sudden eruption of violence. However the local police at this time still stood in the shadow of UNMIK and had no significant authority for policing.²¹⁷

Neither CIVPOL nor KPS were equipped or prepared to stop rioting and in the chaotic situation that followed, KPS officers showed a broad spectrum of different reactions ranging from bravely rescuing minorities to actually participating in the riots.²¹⁸ This was increased by a lack of trust from the international presences, especially by KFOR which ended up being responsible to contain the violence. ICG reported that KFOR tried to disband the KPS station in South Mitrovicë / Mitrovica during the heaviest days of rioting instead of using their officers to quell the riots

214 Law on Police Law No. 04/L-076, Article 7.4

215 UNDP (2012): “Public Pulse Report 4”, p. 18

216 HRW (2004): “Failure to Protect”, p. 61

217 Harris (2009): “Police Reform in Kosovo – A Case Study”, p. 15

218 ICG (2004): “Collapse in Kosovo”, p. 20

together. Additionally KPS officers themselves got targeted by rioters as they were seen as part of the UNMIK resulting in 58 injured KPS officers.²¹⁹

Responsibility for the inability to stop the violence lies on many shoulders, but the least of it on the KPS. CIVPOL as well as KFOR were deployed in higher number than KPS and had better equipment and weaponry than the local police. There were only few local officers in higher ranks and the overall control of the province was still firmly held by UNMIK. On the individual level there was of course evidence of misconduct, however on an institutional level the role that has been assigned to the KPS by the international presence was far too insignificant to put responsibility on them.

8.2.4 Approval Rates

The Kosovo Police has been praised as one of the most successful internationally-built institutions and described with honorific titles such as the “jewel in the crown of the efforts of the international community”. These praises were often based on the high approval ratings it received and indeed it received much higher ratings than other institutions. According to the UNDP by 2012 satisfaction with KPS performance stood at 71% compared with 33% for the Assembly, 21% for the Government, 18% for the courts and 16% for the prosecutor’s office.²²⁰

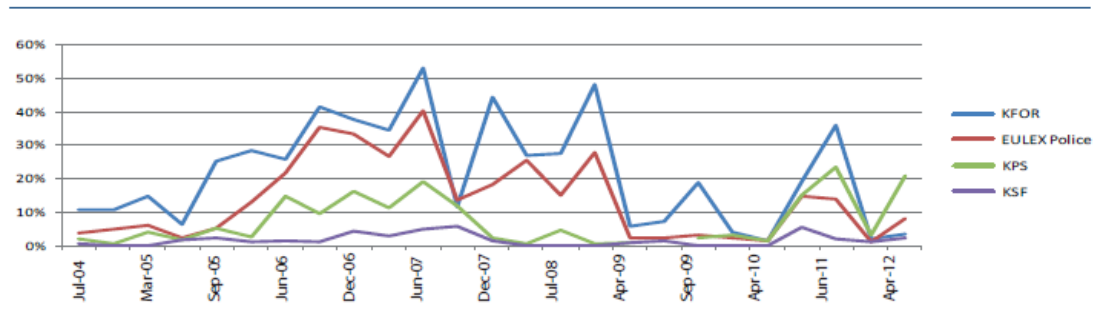
However approval rates among non-Albanian communities are significantly lower and there are surveys other than the UNDP that put the satisfaction of the total population much lower as well. UNDP itself in 2012 puts the satisfaction of Kosovo Serbs with the Kosovo Police at 20% which nevertheless is still higher than with any other security institution. Although the high fluctuation of these numbers over time makes it seem doubtful that they reflect a genuine assessment of performance or an overall satisfaction or dissatisfaction with the status process.

219 OSCE (2008): “Four Years Later”, p. 4

220 UNDP (2012): “Public Pulse Report 4”, p. 5

Figure 7: Percentage of Kosovo Serbs satisfied with security institutions

Figure 4.3: Percentage of K-Serb respondents satisfied with security institutions ⁴



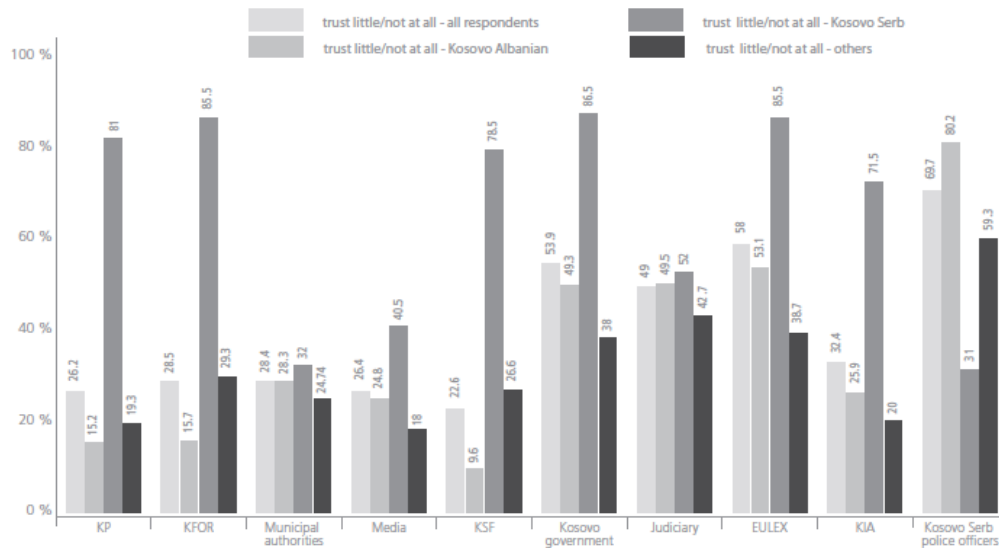
Source: UNDP (2012): “Public Pulse Report 4”, p. 18

Another survey is provided annually by the NGO Saferworld which asks the question if respondents trust the police. In response to this question, a mere 4% of Serbs trust the KP “fully” or “very” much while a vast majority of 81% trust it “little” or “not at all”. In comparison the number for Kosovo Albanians with low levels of trust is 15% and for other communities it is 19%. Trust levels for ethnic Serbian officers in the KP are better among Kosovo Serbs with 37% putting high trust in them and 31% low trust. Conversely the level of trust among Kosovo Albanians is significantly lower with up to 80% putting little or no trust in them.²²¹

²²¹ Saferworld (2012): „Still Time to Act“, p. 13ff

Figure 8: Trust in Institutions and Security Providers

Figure 7. Trust in institutions and security providers (low levels of trust)



Source: Saferworld (2012): „Still Time to Act“, p. 15

8.3 Trends in Acceptance

Both UNDP and Saferworld show in their statistics that public acceptance of the police was higher in the past than it is now. While UNDP shows a relatively steady decline from 87% in 2005 to 71% in 2012, Saferworld states a sharp decline from 77% in 2009 to 45% in 2010. A decline took place mostly among the Kosovo Albanian respondents whose approval ratings went down from 91% to 48%.²²² The distribution of overall approval is dependent on the region as well with the Prishtinë / Priština region and the Gjilan / Gnjilane region producing much lower numbers of approval than the national average.²²³

The decline of approval after the declaration of independence poses the question how much intertwined these two are. One explanation might be that the high approval rates of the past may not necessarily be based on the actual performance but rather on a sense of national pride of the local police force.²²⁴ This would put the local police in

²²² Saferworld (2010): “A matter of trust” and Saferworld (2011): “Time to act”

²²³ According to UNDP statistics provided to the author satisfaction with police in these two region is around 51% with an average satisfaction of 71% countywide

²²⁴ Bennet/Friedman/Greene (2012): “Building the Police Service in a Security Vacuum”, p. 14

comparison with the Serbian police in the past and the international police in the present both of whom were distrusted by the majority of inhabitants of Kosovo.²²⁵

Another source of dissatisfaction might be the growing politicisation of police with an increasing number of Kosovars perceiving the police as partial, a number that rose from 40% in 2010 to 53% in 2011.²²⁶ Additionally the frequent changes in leadership, happening after scandals such as the evidence room theft in 2009 resulting in the dismissal of Sheremet Ahmeti and the death of one officer in North Kosovo in 2011 resulting in the dismissal of Reshat Maliqi, certainly did not contribute to higher trust into the police.

8.4 Role of Kosovo Liberation Army veterans

Veterans of the KLA shared all one important characteristics, that they took part in an ethno-national conflict between ethnic Serbian security forces and ethnic Albanian insurgents. However the similarities end here. Albanians joined and fought with the KLA for a variety of reasons ranging from the unification of all Albanian inhabited territories to protecting simply their own village and family.

However there are indicators linking KLA veterans with efforts after the war to remove ethnic Serbs from Kosovo in an attempt to increase Albanian control and diminish the influence of Belgrade. This was exemplified during the March riots in 2004 when KLA veteran's organisations played an inglorious role in being linked with organising and leading many of the demonstrations that turned into riots.²²⁷ However these were carried out mostly by veterans outside of the security institutions.

Compared to KLA veterans in the KPC or outside any state institutions at all, veterans in the police were less involved with any organized instability. This is shown in a US Presidential Order from June 2001 blocking property of persons who "threaten international stabilization efforts in the Western Balkans", mostly by

225 Of course not on the same level

226 Saferworld (2011): "Time to act" and Saferworld (2012): „Still Time to Act“

227 SETimes (2004): "UN Police Arrest KLA Veterans for Mid-March Riots"

http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/newsbriefs/2004/05/040503-IVAN-004

supporting extremist violence in Macedonia and southern Serbia.²²⁸ Of 23 ethnic Albanians on the list 5 are commanders in the KPC, but no member of the KPS is on it. On the contrary, KLA veterans in the police, such as Nuredin Ibishi, have been praised by international staff for using their authority among Albanians to encourage cooperation across ethnic lines and for contributing significantly to the multi-ethnic ethos of the police work.²²⁹ Accordingly, only 17% of ethnic Serbian police officers and 15% of officers from other communities stated in a 2003 survey that incorporation of former combatants represents a threat to the efficient functioning of the multi-ethnic police.²³⁰ This is a view that is held by only 7% of the ethnic Albanian officers, considering that a substantial part of them have been KLA veterans themselves. The integration of KLA veterans was most likely accepted among a majority ethnic Albanians who identify with the KLA and their armed struggle, however the positive image of the KLA has been damaged by the criminal acts of many actual or claimed KLA members in the immediate post-war years.²³¹

8.5 Conclusion

Comparing it to other internationally created institutions like the KPC or the judiciary system, public acceptance of the Kosovo Police among all ethnic communities can be seen as a success. It managed to reach its goal of integrating members from all ethnic groups and enjoys a considerably higher trust among non-Albanian communities than the KPC or its successor the Kosovo Security Forces (KSF). The integration of KLA veterans did not turn out to have a negative impact on the integration of non-Albanian communities and there are even indicators which suggest it had a positive impact.

However although the approval rates of the police are higher among non-Albanians than those of the KPC / KSF, there is still a majority of Kosovo Serbs distrusting the police and approval among the overall population is declining as well. The police might still be the “jewel in the crown of the efforts of the international community”,

228 US Presidential Executive Order 13219 (2001): “Blocking Property of Persons Who Threaten International Stabilization Efforts in the Western Balkans”, <http://www.gpo.gov/fdsys/pkg/FR-2001-06-29/pdf/01-16668.pdf>

229 Interview with Steve Bennett, conducted by the author on 13th November 2012

230 Stodiek (2006): “The OSCE and the Creation of Multi-Ethnic Police Forces in the Balkans”, p. 102

231 IKS (2011): „A Power Primer“, p. 40

but if it does not get constantly polished it might lose its shine over the years, especially as allegations of partiality and political infiltration are on the rise.

9 Political Independence

9.1 Introduction and Definition

Political Independence is described by Peake et al as the “adequate insulation from political influence to maintain neutrality and protect all citizens”. This is being done by preventing the police from being used to “... pursue politicians’ agendas such as exerting intimidation on political contests, providing personal protective services or suppressing rivals to power.” Particularly in post-conflict societies, police services are “... susceptible to becoming a pawn of local and national politics, especially after international actors leave.”²³² This is also reflected in the Kosovar Law on Police which states in Article V that: “The Minister’s authority does not include the operational management of the Police.”²³³

This indicator has been chosen as the explicit links between the KLA and some of the political parties founded by high ranking KLA veterans make the police vulnerable to political intervention through networks of the veterans. Additionally some KLA veterans are linked already with political intimidation and violence during the chaotic post-war years. This is particularly a threat as the international community already set the roots for future politicisation themselves by basing recruitment and promotion on non-merit categories. During the first two years of the recruiting process, around 70% of the officers were recruited through various quota systems.

The hypothesis of a continual, unified and criminalized KLA network would assume that KLA commanders in politics are still able to exploit their wartime authority to obtain influence over the operational management of police and in turn make sure if they are in power that their former comrades would get into senior positions. Accordingly the police would support the two major KLA linked parties PDK and AAK and police operations would be misused to increase their political influence.

9.2 Politicisation of the Kosovo Police

The highest authority within the Kosovo Police until the end of 2008 was the position of the UNMIK Police Commissioner which was filled by an international

²³² Peake et al. (2006): “The PRIME System”, p. 7f, p. 15ff

²³³ Law on Police Law No. 04/L-076, Article V,

police officer. Although in 2006 a Kosovar Minister of Internal Affairs was appointed, it was still the UNMIK Police Commissioner who exercised authority over the police.²³⁴ The 2006 established structure of control over police also included the newly created Police Inspectorate of Kosovo (PIK), which supported the ministry in exercising oversight over police. The structure of political control in Kosovo was created by UNMIK and envisioned a greater deal of separation between police and the ministry than the traditional Yugoslav model based on a principle of centralised control over police.²³⁵ The PIK as an independent oversight mechanism reinforces this separation of powers.

The politicisation of the police already started during the UNMIK era when it was appointing and promoting candidates, chosen in a rather non-transparent selection procedure, and filling the highest positions. The senior positions were filled mostly by former Yugoslav police officers whose experience was needed at that time. However the method of selection resulted in criticism that they were selected because of their loyalty to the international presence rather than their actual competences.²³⁶

With the beginning of transitioning authority to local counterparts, voices were raised that feared a growing politicisation of the police among the two major parties LDK and PDK.²³⁷ This was not without reason as the Kosovo Police is a newly established service in a newly established country with a lack of institutional memory or constitutional experience to know where the limits of politicians should be.²³⁸ The Ministry of Internal Affairs was founded in 2006 as part of the Provisional Institutions of Self-Government (PISG) which were governed by a coalition built around LDK and AAK at this time. Accordingly, the first two Ministers of Internal Affairs came from the LDK. The first one was Fatmir Rexhepi, an engineer from the Gjilan / Gnjilane region, the second one was Blerim Kuçi a KLA veteran from the Suharekë / Suva Reka region, who was in Office from February 2007 to January 2008. Blerim Kuçi defected later to the AAK and is today mayor of Suharekë / Suva Reka. During this time most of operational responsibilities still lay with the UNMIK police

234 Harris (2009): "Police Reform in Kosovo – A Case Study", p. 50

235 Harris (2009): "Police Reform in Kosovo – A Case Study", p. 51

236 See also Chapter 5.3

237 IWPR (2005): "Kosovars Concerned New Ministries May be Politicised", <http://iwpr.net/report-news/kosovars-concerned-new-ministries-may-be-politicised>

238 Interview with Iver Frigaard, conducted by Arthur Boutellis on 28 July 2008, published online, p. 9

commissioner, therefore the power of the Minister of Internal Affairs was rather limited.

This changed with the declaration of independence in February 2008 and the subsequent withdrawal of the UNMIK police component, resulting in transferring full authority of the now renamed Kosovo Police (KP) to the Ministry of Internal Affairs. By then a change of government took place leaving both the office of the Prime Minister and the Minister of Internal Affairs in the hands of the PDK which emerged as strongest party from the 2007 elections. Since then the General Director, the head of the Kosovo Police has been changed four times. The first three of them²³⁹ have all been promoted to the most senior ranks in the first round of appointed promotions in 2001 and had all previously served in the Yugoslav police. The fourth and current General Director is Shpend Maxhuni a KLA veteran from the Mitrovicë/Mitrovica region. According to the 2010 version of the Law on Police, candidates for the position of the General Director are selected by a commission established by the Minister of Internal Affairs which submits its proposals to the Prime Minister who eventually appoints the General Director.²⁴⁰

Frequent changes of senior leadership in the Kosovo Police are being seen critically by observers inside and outside of Kosovo. A European court of auditors report describing them as “...partly linked to political interference, risks undermining efforts to build up management capacity on sustainable basis”²⁴¹ And a report of the Kosova Democratic Institute states “Appointment of senior staff in the law enforcement agencies is seen as a highly political process not based on merit and professionalism. Clans or groups of interest are well established in the Kosovo Police, thus influencing appointments in this institution.”²⁴² Additionally EU progress reports cite political interference as reasons for shortcomings in the fight against organized crime.²⁴³

239 Sheremet Ahmeti, Behar Selimi and Reshat Maliqi

240 Law on Police Law No. 04/L-076, , Chapter IV

241 European court of auditors (2012): “European Union Assistance to Kosovo related to the Rule of Law”, p. 29, art. 65

242 KDI (2011): “Assessment of Institutional Integrity”, p. 155

243 European Commission (2012): Commission Staff Working Document accompanying the feasibility study, p. 55

9.3 Role of Kosovo Liberation Army Veterans

KLA veterans are holding leading positions of the Kosovo Police including the post of the General Director. The majority of regional commanders are former veterans as well as a significant portion of the senior officers in the Investigation Department. As the party in control of the Ministry of Internal Affairs was founded as a successor to the political wing of the KLA, this opens the possibility for political influence on the veterans. However, KLA membership does not necessarily imply allegiance with the PDK and vice versa not all KLA veterans within the police are aligned with the PDK. An example of this is Behar Selimi, a former Yugoslav officer from Drenica, who was the third General Director of the Kosovo police and became a Deputy to the Kosovo Assembly for the PDK afterwards. Behar Selimi was already promoted to Lieutenant Colonel during the first round of appointed UNMIK promotions in 2001 when there was no local control on any functions of the police. The numbers of KLA veterans in leading positions is also explainable by the fact that they joined the police very early resulting in an advantage of seniority over other officers. Of all the KLA veterans who joined by 2006, half of them joined within the first year and they constituted 45% of the overall recruits during the first year.²⁴⁴

A completely different level of political influence is the presence of SHIK members in the police, as SHIK is clearly pro-PDK partisan and accused of killing and intimidating political opponents. SHIK is accused by opposition parties of infiltrating the police and using their influence there to harass parties in opposition to the PDK.²⁴⁵ Also Nazim Bllaca, a self-declared SHIK hitman, accused Kadri Arifi, at that time the Assistant Director of the Investigation Pillar, of being a member of SHIK which resulted in Arifi's transfer to the Personnel and Training Pillar in 2011.²⁴⁶ Bllaca also accused Fatmir Xhelili, former Deputy Minister of Internal Affairs, of being one of the three highest-ranking SHIK members, which led to EULEX investigations against Xhelili without, however, resulting in an indictment.²⁴⁷ As there

244 Data provided by the Kosovo Academy for Public Safety (KAPS)

245 SETimes (2011): "Mustafa accuses Kosovo Police of political blackmail"

http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/newsbriefs/2011/04/29/nb-13,

246 ZËRI (2011): "Kadri Arifi, "viktima" e Bllacës" <http://www.zeri.info/artikulli/1/1/23457/kadri-arifi-viktima-e-bllaces/>

247 Bota Sot (2010): "Fatmir Xhelili vizitohet nga EULEX-i" <http://www.botasot.info/kosova/80194/4BPqDgB/>

has been no conviction, it is difficult to assess the scope of SHIK activities in the police.

9.4 Conclusion

Political interference by the governing PDK is a severe problem in the Kosovo police which is undermining the long-term goals of police reform to create an impartial and accountable service and raising questions on the sustainability of the achieved reforms. It is also eroding trust in the rule of law and jeopardizing the EU integration perspective of Kosovo. Political interference is to some extent linked with the integration of KLA veterans as some of them have their political home with the PDK. This is even more so in regard to SHIK members inside the police who are much closer linked to the PDK's agenda.

However it is not necessarily only KLA veterans who are aligned with the ruling party instead the politicization of the police is a much wider phenomenon which is making use of clan and regional loyalties, which in many cases overlaps with KLA links. Furthermore, policy was made by the now ruling party PDK only from 2008 onwards; the nine years before it was mostly UNMIK and to some extent LDK who were in charge.

11 Conclusion

Despite the large numbers of KLA veterans who were integrated into the police and despite their ambiguous role during the security and policing vacuum after the war, their impact on police performance is rather limited. The hypothesis of a continual, unified and criminalized KLA network undermining police work cannot be sustained as the KLA's rapid mobilization under conditions of armed conflict and its loose organization due to the fragmentation of the Kosovo Albanian society did not allow it to develop an institutional character that could be exploited by its leaders afterwards. It never developed a centralised leadership and was heavily rooted in the clan structures and regional allegiances of rural Kosovo even leading to violent rivalries within the KLA which continued after the war was over. The mobilization methods of the KLA did not create new forms of networks but rather took advantage of already existing clan based structures which strengthened through oppression by the Serbian state. Individual KLA members certainly belong to a variety of informal networks which undermine Kosovar institutions; however these networks are not limited to KLA veterans and rather transcend into the wider society.

Police performance is impacted by a lack of accountable and transparent state structures in the past resulting in a wider informalization of society as well as by failings of other institutions such as the judiciary. Additionally the international presence on the ground bears responsibility for police performance as well as it was UNMIK which had executive control over the police until 2008. Structural problems such as a lack of awareness of the local culture and frequent changes in international police advisors compromised the institution building. Control was transferred only gradually to Kosovar counterparts who, in the most senior positions, were exclusively former Yugoslav police officers rather than KLA veterans. As a result it is factors other than the KLA which had the most severe impact on shortcomings of the Kosovo Police in most of the focus indicators examined in this thesis.

Authority and reach of the Kosovo Police are significantly undermined by informal networks including organized crime groups. These groups consist of KLA veterans as well as non-KLA veterans and thrive from the social system of clan structures which is historically receptive for informal networks. An informalization and partial criminalization of parts of the Kosovar society predate the KLA's emergence and are

part of a pattern that is spread in the wider Balkan region shown by the fact that other countries without any wartime experience face similar problems as Kosovo. Although there is substantial evidence linking parts of the KLA with organized crime, the view that the entire column of KLA veterans was criminalised would be inaccurate and would block the view to the deeper roots of organized crime in Kosovo.

Oversight and accountability especially for war crimes and ethnically motivated crimes is still very low for perpetrators inside the police just as well as for perpetrators outside the police. Accountability in these cases depends on functionality of the Kosovar judiciary system and the international civilian presence in the form of UNMIK und EULEX. Internal oversight mechanisms are in place although they are still marred by structural problems caused by constant transformation within the police during the last decade. Lack of oversight not the result of a KLA-bias but rather of a general failure as the oversight mechanisms until 2008 were either in control of UNMIK or the LDK-led Ministry of Internal Affairs. The arrest of the regional commander of Kosovo Police in Prizren Nexhmi Krasniqi for war crimes showed that a high ranking position in the police does not save veterans from prosecution, while his acquittal in the wake of the main witness' suicide shows that there are much deeper lying obstacles to accountability.

Public Acceptance of the Kosovo Police is very strong among the Kosovar population, especially when compared to other institutions created by the international presence such as the KPS or the judiciary. The integration of KLA veterans did not turn out to have a negative impact on the integration of non-Albanian communities and there are even indicators which suggest it had a positive impact. Approval rates among non-Albanians are higher than those of the KPC/KSF, but there is still a majority of Kosovo Serbs distrusting the police while approval among the overall population is declining amid allegations of growing partiality and political interference in the police

Political independence is severely under threat by rising interference by the governing PDK which has both the office of the Prime Minister and the Minister of Internal Affairs under its control since 2008. Political interference is undermining the long-term goals of police reform to create an impartial and accountable service and raising questions on the sustainability of the achieved reforms. KLA veterans are considerably linked with this phenomenon as many of them have their political with

the PDK. However even in the case of political independence it is not only the PDK who politically influenced police as the political control over police lay with UNMIK and to some extent the LDK until 2008.

Due to their sheer number, individual veterans certainly had a negative impact on police performance. However there is no pattern that would allow to blame the integration of veterans itself as veterans were too diverse and had too little power within the police to actually have an impact. The concept of a coherent KLA network is a clear simplification of the system of loyalties and affiliations existing in Kosovo and an exaggeration of institutional coherence in a rather loosely organized KLA. Putting the blame for the shortcomings in police performance on the integration of KLA veterans is misleading and diverting attention from deeper lying problems within the police and the wider Kosovar society.

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- Gllareva, Bekim, National Programme Officer, OSCE Security Monitoring Section, 23.11.2012, Regional Center Mitrovica
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Curriculum Vitae

Personal Information

Name	Mayerhofer Michael
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My Profile

Political science graduate with **intimate knowledge of conflict environments and cultural sensitivity**. Work experience with embassies, think tanks, international organizations and development cooperation agencies as well as fifteen months of service in the Austrian Armed Forces including a six month deployment in Kosovo.

Key Skills

Security-Related Analysing

Analysing experience in various work environments in the field of security; academic focus on peace and conflict studies

Intercultural Sensitivity

Experience in volunteer work on intercultural and interreligious dialogue focused on Islamic cultures

Work Experience

- Six months internship at **Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)**, Open Regional Funds (ORF) for Southeast Europe, Sarajevo; January - June 2013

Tasks: Supporting the ORF in conducting a peace and conflict assessment with focus on the regional conflict context to implement conflict sensitive programming, creation of a context analysis in preparation for a Do-No-Harm workshop

- Five months internship at **OSCE Mission in Kosovo**, Department for Security and Public Safety; August - December 2012

Tasks: Supporting the department's management with analysis and consulting about developments in the Kosovar security sector; creation of a background report on the institutional landscape of intellectual property rights enforcement in Kosovo, preparation of project proposal for subsequent capacity building training in that field

- Two month work as external researcher at **Austrian National Defence Academy**; February - March 2012

Tasks: Providing analysis on security related developments in the Western Balkans region

- Three months internship at **Austrian Cultural Forum Brussels**; April - July 2011
Tasks: Coordination of events for the Cultural Forum, creation of the monthly newsletter, maintenance of the website
- Two months internship at **Austrian Embassy Addis Ababa**; August - October 2010
Tasks: Analysis of the regional integration process and the African Union's role in Somalia
- Fifteen months service in **Austrian Armed Forces** as enlisted soldier, including six months **deployment with KFOR/Kosovo** as part of Maneuver Battalion Dulje, 1st armoured infantry company; July 2007 - September 2008

Education

- **Master Political Science** at University of Vienna; 2011 - 2013 (master exam still pending)
Title of master thesis "**From Combatants to Cops**: The Integration of Kosovo Liberation Army Veterans into the Kosovo Police and its Impact on Police Performance
- Four weeks Vienna International Christian Islamic Summer University; July 2012
- Four weeks Arabic classes at El-Manar University, Tunis; August 2009
- **Bachelor Political Science** at Free University Berlin; 2008 - 2011
Title of bachelor thesis: "**Ethnischer Föderalismus als Legitimation autokratischer Herrschaft?** Eine Untersuchung anhand der äthiopischen Reautokratisierung 2005 - 2010"

Voluntary Work

- Volunteer at Contact Centre for Christian-Islamic-Encounter of the Archdiocese Vienna; August 2011 - July 2012
- Mentor with Project Nightingale of FU Berlin, mentoring a 12 year old boy with Afghan migration background; October 2010 - February 2011
- Volunteer for tuition at Caritas INVIA Youth Migration Service in Berlin/Wedding; January 2010 - August 2010

Language Skills

German: Mother Tongue

English: Proficient User

French: Basic User

Elementary Knowledge in Arabic, Albanian and Czech

Additional Information

- Participation in: Saudi-Austrian Forum 2012 (Vienna), National Model United Nations 2009 (New York) and European Student Forum 2009 (Maastricht)
- Elaborated MS Office skills, basic computer programming and web design skills