

DETAILS

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Countdown to legality

- While Kosovo waits for a new copyright law, the TMC clamps down on pirate broadcasting -

by Arben Hajredinaj

Television stations in Kosovo have been given a deadline: 31 March 2004 at 23:59 local time for full compliance with the Temporary Media Commissioner's (TMC) new guidelines on the respect of copyright. The TMC, in harmony with international law and practice regarding the protection of intellectual property, formally issued guidelines that entered into force on January 1, 2004. Kosovo's television stations were given a transitional period to fully comply by 1 April. Every broadcast media license has a paragraph on Copyright Permission which obliges the "licensee to obtain all the proper copyright clearances and permission for any and all programming (including music via CD and other means) prior to the airing of such programming by licensee."

The Media

Lekë Zherka, Director of Kohavision in Prishtinë/Priština says that there is no way for Kosovo-wide TV, including his own, to broadcast pirate films or programs. These stations were at the same time having lots of problems from smaller local private televisions with regard to copyright. Some televisions in Ferizaj/Uroševac, Prishtinë / Priština, and elsewhere broadcast sport packages, films, and other programs just by connecting to digital satellite receivers, whereas KTV needs to buy all programs, films and basically everything that is



Pirated Pirates...When a blockbuster film like "Pirates of the Caribbean" has its Prishtinë / Priština premiere, it is quite likely that it is already available in the nearby CD shops on pirated DVD's.

not their production. Their broadcast license defines the copyright criteria KTV must obey. Mr. Zherka pointed out that KTV has signed a contract with Top Channel TV in Albania whilst a TV station in Ferizaj / Uroševac connects to the satellite receiver and broadcasts the same TV programs without paying any compensation to the author or company.

Florin Kelmendi, Director in charge of RTV 21 in Prishtinë/Priština says that the piracy is primarily affecting their marketing. Smaller local private TV stations broadcast pirated DVD films, other programs and even re-edited RTV 21 programs. On the other hand, he said, the local stations could not keep up with the newest films since they are very expensive to buy. He said the Temporary Media Commissioner had already issued warnings to smaller private TV stations to stop broadcasting pirate films and respect their license, but to no avail.

Feim Kurhasani, Director of RTV Dukagjini says there is piracy in almost every TV station in Kosovo including his station. He said that all Kosovo broadcasters are obliged to submit copies of contracts signed between televisions and other companies providing films, serials, music, and other programs. On the other hand he said that his television's marketing has suffered from the piracy of other TV stations in the Pejë/Peć region. According to Mr. Kurhasani two televisions in Prizren and Gjakovë/Đakovica have a powerful transmitter signal and besides playing pirate films they also copy programs from RTV Dukagjini and other TV stations. There are cases where other TV stations in the region basically copy their whole morning program!

"There is no question that piracy is severely damaging our work", says Liridon Cahani, TV Director of RTK. "We had given our outmost efforts to obtain high quality films which we tested a week before the New Year's eve. Several other local private TV stations have broadcast the same films one or two days before the New Year's eve. Besides the financial loses, our biggest problem is the viewers we lose because of illegal competition from local TV stations." Mr. Cahani added that given the fact that each Kosovo municipality has 1 or 2 such TV stations, then the damage caused is greater than at first sight. He claimed RTK suffers from unfair competition throughout the Kosovo territory.

Film distribution companies are obviously suffering from piracy in Kosovo. The ABC cinema in Prishtinë / Priština has already complained several times.

According to the TMC, it has issued warnings to several private TV broadcasters that continuously broadcast pirate films to demand the necessary copyright paperwork. But while the TMC is clamping down on copyright piracy in the broadcast media, piracy is not an exception but rather the rule on the streets of Kosovo, notably in the CD stores opposite Police Headquarters in Prishtinë/Priština.

Kosovo - A Paradise for Piracy!

Disrespect of copyright is unfortunately widespread in Kosovo. There are hundreds of CD shops throughout Kosovo selling pirate DVD films, music and PC software. Currently

continues on page 3

IN THIS ISSUE:

OSCE Priorities 2004 p. 4,7 & 9

When the locals take over p. 5

Learning from each other p. 8

A documentary is never finished p. 10

Serbs return to Pristina p. 12

OSCE



**Ambassador Pascal Fieschi,
Head of the OSCE Mission in Kosovo**

Dear Details readers,

Many challenges lie ahead for the OSCE Mission in Kosovo in the year 2004. We will continue to play our full part as Pillar III, the Institution Building Pillar of the UN administration in Kosovo.

A sustainable Kosovo must have its own institutions capable of meeting their domestic and international obligations, including the requirements of the Standards for Kosovo. In order to achieve this, the OSCE will assist the institutions of society to accomplish its duties with full respect for universal democratic values - including the interests, rights and representation of all ethnic communities in Kosovo.

But how exactly can this be done? How will the OSCE help "institutions", the foundations of any society, become sustainable? This has been our goal for entire life of the Mission in Kosovo. And we will focus on developing the capacity amongst Kosovans to keep their own institutions in check and ensure that democratic standards are adhered to. We will continue to work with the Provisional Institutions of Self-Government (PISG) as they take ever-increasing responsibility in public life,

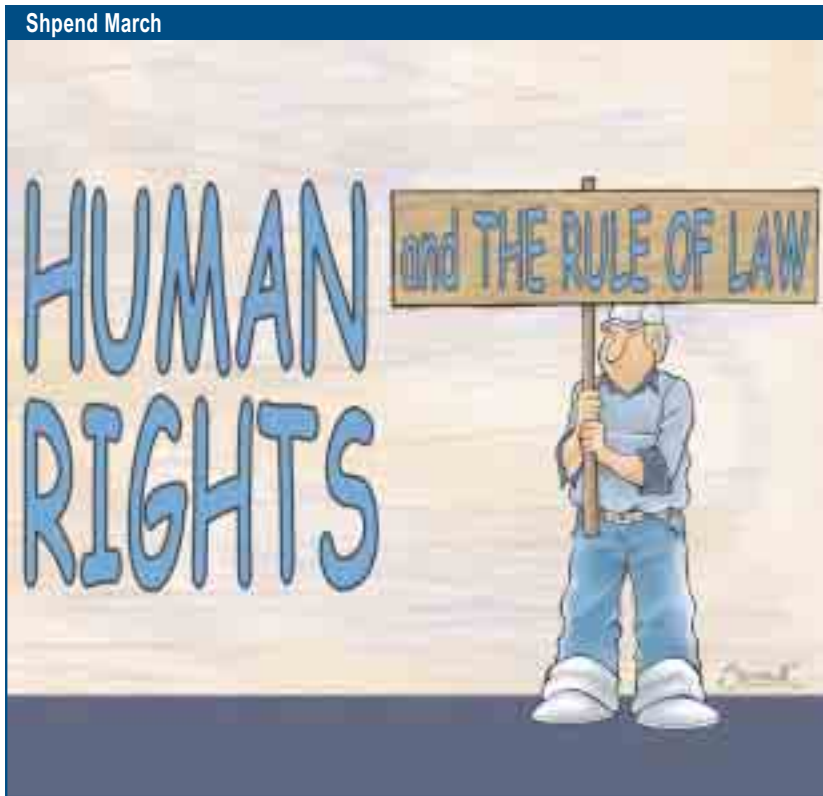
over the daily lives of the people of Kosovo. But we will also strive to ensure that such responsibility is exercised with full regard for human rights and that all communities will be able to participate in all institutions, since Kosovo's institutions are a reflection of its people. This is accomplished in a number of ways - from developing the skills and capacities of elected and public officials to promoting the involvement of people and opinion-formers in public life.

Another standard that the OSCE has focused much effort on is the rule of law, as equality before the law is a fundamental pre-condition for viability and sustainability. The OSCE will continue to help establishing well-functioning police, justice and penal systems based on impartiality and respect for human rights. Yet rule of law also holds true in the practice of government at central and local level. The overall goal, one which is central to the OSCE's work, is to uphold the right of all people to live in safety and security as fully integrated members of society.

Three cross-departmental strategies, spreading through all OSCE activities, will continue to be a priority for 2004. The first is: Securing adequate conditions for minorities to remain in Kosovo and for sustainable returns. The second: Promoting reconciliation and tolerance and the third: Promoting the Right to Return.

Dear reader, OSCE has, as the Institution Building Pillar of UNMIK, created several institutions towards achieving our goal of assisting Kosovo in its transition to a democratic society based on the rule of law.

Let us quickly remind you of the institutions created by the OSCE in all of its field of activities that will continue our work here after we are gone. The Kosovo Police Service School, The Ombudsperson, The Kosovo Judicial Institute, the Criminal Defence Resource Centre, The Kosovo Law Centre, Community Centres and NGO centres, Radio-Television Kosovo, The Independent Media Commission, The Central Election Commission and its Secretariat and hopefully KPSS. The responsibilities of some of these institutions have already been transferred, while others will be later. Dear reader, as you will see in separate articles on the various programmes run by our Mission's Departments, the OSCE will in 2004 in many fields give more responsibilities to local officials in tune with its institution building role. At the end of the year we hope to be a step nearer the goal of a sustainable democratic Kosovo.



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Mission in Kosovo

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continued from page 1

Kosovo is considered to be an important market for pirated intellectual property. It is well known that developed and democratic countries have strict laws protecting the copyrights and the intellectual property of individuals or companies. Four years after the conflict, Kosovo still does not have a proper law on the protection of authors' rights and the intellectual property. It is expected that a copyright law, currently being drafted by the Authors' Agency, will be introduced in the Kosovo Assembly in March.

Despite this situation, many people say that it is wrong to take advantage of somebody else's property without a legally regulated compensation, yet many still take advantage of this situation as a consequence of a missing law that would enforce the proper compensation of intellectual property.

The Internet also contributes to the piracy development in Kosovo. The millions of web sites that allow users to download films, music, and software, have contributed to the piracy development over the last four years.

The Authors' Agency

"There are two fundamentals - the authors' rights and the code of conduct for the media" says Mrs. Luljeta Bajčinovci, Head of the Authors' Agency in Prishtinë/Priština. She said that most of the Kosovo media take advantage of the lawless situation not respecting authors' rights not only in showing films, but also broadcasting music which makes some 70-80 percent of their program schedules. Mrs. Bajčinovci said that the former Yugoslav federation law on authors' rights is still applicable in Kosovo and that every existing case is dealt within the obligations set by this outdated law from 1989. She said the new law should be based on European and modern standards of copyright laws.

Even public companies like PTK (Post and Telecom of Kosovo) do not respect copyright. PTK has been criticized for using a photograph by a well-known Kosovo photographer without his consent or any compensation, placing it on prepaid scratch cards, selling hundreds and thousands of them for commercial profit. PTK was taken to court but for two years the pro-

cess has been pending due to slow court procedures. Mrs. Bajčinovci said the new draft law is being translated and will soon be put into a public debate to be then processed through the Ministry of Culture to the Kosovo Assembly for adoption. She also expressed her concern over modifications to the draft law by non-experts in the Assembly's working groups. She said that in the past laws affecting cultural matters have been so distorted by the Assembly that the authors' agency did not recognize its own drafts. Mrs. Bajčinovci said that once adopted and promulgated, this law will have an overwhelming impact on the film, music, literature, and other categories that have been pirated in Kosovo. Besides, this law will engage competent authorities to take legal measures against the violators of authors' rights. The Authors' Agency has continuous co-operation with other Authors' Agencies in the neighboring countries pointing out Croatia and Slovenia as more relevant partners in the Balkans.

Mr. Robert Gillette, the Temporary Media Commissioner, said that he did not foresee that the new law would be the beginning of the end for many of Kosovo's broadcasters. Broadcasters could network and buy films or other packages of programs, which would provide more stability for future developments in the area of copyrights.



One of the many CD corners at the main Prishtinë / Priština streets, selling pirate CD

The people

A CD salesman near the UNMIK headquarters in Prishtinë/Priština who didn't want to give his name, says that selling pirated goods is a good business for him and that it's not his intention to quit selling pirate DVD movies or other software for only 2,5 Euro. "Piracy exists almost everywhere in the neighboring countries. Most of the films on CD-ROMs that one can buy in the street are 'imported' from Serbia, Montenegro, Romania and Bulgaria," he says. Despite existing copyright laws, he pointed out; these countries still reproduced DVD movies and exported them to places such as Kosovo. He also said he was not afraid of any incoming laws on copyright, since even municipal government was deeply involved into this business.

He even said that most of the CD salespersons were more preoccupied with the adverse effect on their business by local TV's broadcasting of pirate films than new laws.

Business is booming and Details' interlocutor points out that it is no coincidence that most of the CD Shops are located in the so called Police street in Prishtinë/Priština near the International Organizations whose members he says are the most frequent customers.

Building tolerance through cultural events

The Director of the Cultural House in Štrpce/Shtërpçë, Mr. Ljubiša Racićević, has been one of the first main initiators promoting multi-ethnic, cultural activities between the Kosovo Serb and Kosovo Albanian communities in this municipality.

by Hasan Sopa

Even though historical and cultural ties exist, Kosovo Albanian and Kosovo Serb communities have been unable to re-establish egalitarian societal norms and develop inter-ethnic tolerance. The Cultural House Sveti Sava approached OSCE Office Štrpce/Shtërpçë, with

the idea to facilitate protracted initiatives to build a climate of confidence and promote the development of a multi-ethnic society, in particular in non-political environment field.

Under the direction of OMiK DD and in co-operation with the director of Education department Mr. Sulejman Selmani, in village

Firaja (the main Kosovo Albanian village), the Sveti Sava Cultural Center organized two dance and cultural presentations in Štrpce/Shtërpçë's Kosovo Albanian dominated areas. Joint cultural events such as this one will be organized in the future as well in promoting community tolerance in the area.

OSCE Priorities 2004:
Increased responsibilities
Of locals in
running
elections

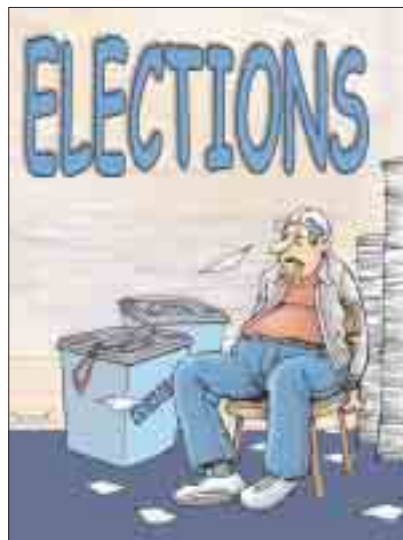
“There will be significant changes in this years elections as OSCE has started to hand over certain responsibilities to the newly established Central Election Commission Secretariat” says Lars Lagergren, Director of the Department of Elections.

Over the last years, OSCE has been responsible for organising free, fair and democratic elections in Kosovo but now has come the time to build up local capacity to run elections.

“There will be a shift from OSCE staff to civil servants. The CEC Secretariat will be responsible for planning at central level, and with the Municipal Election Commissions, it will take over operational tasks to be implemented at the local level” says OSCE’s Lars Lagergren.

The OSCE’s Election Department will nevertheless not step totally aside. It will advise the Secretariat and retain operational responsibility for certain sensitive activities. It will be responsible for the preparation of the voters’ list, a modified version of the voting programme for out of Kosovo voters, the planning and running of the Count and Results Centre. In addition, the OSCE will maintain a political party registration and financial audit office. There will be an appeals body to settle complaints filed in connection with election preparations and Election Day activities.

A.S.



Freedom of expression vs responsibility to the public

Can 120 Radio and TV stations survive in Kosovo?

by Mustafa Eric

The concept of democracy refers, among other things, to freedom of people to hear a multitude of voices, and in every society in transition from totalitarian rule to pluralistic democracy, freedom of media has been one of the basic standards promoted by international organisations and donor governments and agencies. Kosovo is no different.

Since the military conflict ended and the UN presence established itself in Kosovo in 1999, there has been a steady increase in the number of electronic media outlets in the territory, thanks to two factors, technological advances and donor generosity: The former has rendered the establishment of a radio or TV station relatively inexpensive and the latter made it possible for many clever but unemployed people to seek opportunities for generation of income in media business, regardless of their capabilities or professional background to operate such media outlets. Add to that the ease, with which licenses could be obtained from the provisional regulatory authority, the Temporary Media Commissioner, and you have the current situation in hand: More than 120 local radio and TV stations throughout the territory of Kosovo with little standardisation or professional quality.

Audience of 15,000

An overwhelming majority of these small broadcasters appeal to audiences, averaging 15,000 people, with an optimistic estimate. This is hardly a market big enough to support the operations of an electronic media organisation if it is to rely only on the revenue to come from advertising to the local population. This obvious drawback in the operational mode has been forcing managers or operators of stations to resort to extreme solutions, which, apparently, have little to do the proper concept of broadcasting: One TV station in the Mitrovicë/Mitrovica region, TV Mitrovica has been taping private wedding ceremonies and running these tapes as “programs” in return for a fee of Euro 100.

One can argue, of course, that those stations, which resort to those “creative” ways of raising funds to sustain their operations could be or should be deemed “innocent”; after all they are “private businesses” and as long as they don’t “violate the laws”, they should be free to raise funds from any legal source.

Well, it is not so simple: Urban transport companies, operating taxis or minibuses, have to abide by certain regulations: They can not employ unlicensed drivers, they can not use vehicles that are not “roadworthy”, they can not accept number of passengers exceeding the limits set by regulations, etc. That is, even

though undertaken by private entrepreneurs, urban transport is a public service and in performing this service, minimum standards must be accommodated



Waiting for the IMC

Broadcasting, by nature, is a public service regardless of the status of the ownership of the equipment that loads signals to the airwaves to be intercepted by radios and TV sets of the population. And in an environment, where the multiplicity of such signals leads to interference in one’s frequencies by other broadcasters, time seems to have come for rewriting rules and regulations for the good of the public.

Fingers are crossed at the moment with many stakeholders waiting for first adoption, and then promulgation of the long-delayed bill on the creation of the office of Independent Media Commissioner (IMC). Once this happens, the scene will be set for the introduction and enforcement of regulations that will hopefully ensure the realisation of proper standards in broadcasting in Kosovo.

It is universally accepted that control of media by and from within media is a much better option when weighed against other alternatives, such as being controlled by financial interests or by political influences or by governments. One has to agree, however, that media establishment in Kosovo, with very few exceptions, has still a long distance to cover to mature to the point of being able to exercise professional and ethical self-control. Unless and until that point has been reached, regulatory control of media in Kosovo will have to remain an indispensable mechanism to ensure that this public service really serves the public.

When the locals take over

OSCE is handing over Community Centers in 8 Municipalities to local NGO's

by Arni Snaevarr

A cock crows proudly on the steps of the Community Center of Veliko Ropotovo/Ropotovë e Madhe and greets visitors, a reminder that it is in the midst of a rural farming community in Kamenicë/Kamenica, the easternmost municipality of Kosovo, bordering Serbia. The Community Center serves a Kosovo Serbian enclave consisting of fifteen villages, and approximately 8000 people. The OSCE created the Community Center in 2001 but now it is time to hand over the activities to the locals. The three staff members have founded an NGO with a dozen other members to continue the task OSCE took on three years ago.

"The Community Center is very important for the local population," says Co-manager Ivan Krstic. "We hope to make it self sustainable and continue after the handover." A Memorandum of Understanding between the NGO and OSCE is expected to be signed in the next couple of weeks.

It is a part of a network of OSCE created Community Centers and NGO Resource Centers. The overall goal is to work with civil society aiming to improve the capacity of Kosovo's citizens to keep their institutions in check. This comes through better-informed citizens, increased citizen participation on public policy, and more accountable and transparent local and central governance. OSCE has created NGO resource centres in 5 Municipalities and Community centres in a further 8 to support the civil society sector. The resource centres' have already been handed over to local NGO's and this year the OSCE will hand over the running of 5 community centres to local NGO's in addition to two whose functions have already been taken over by local actors.

Community Centers in Štrpce / Shtërpçë and Leposavić / Leposaviq have already been handed over to local NGOs, while those in Ropotovo / Ropotovë, Dragash / Dragaš, Zubin Potok, Mitrovicë / Mitrovica north and Fushë Kosovë/Kosovo Polje have begun the process to local ownership.

"The Community Centers will be partially supported by the OSCE during 2004" says OSCE's Bujar Maxhuni. "It is our strategy to make all centers fully independent and sustainable by themselves."

While the Community Centers have the same purpose as the NGO Resource Centers they are also serving and addressing the issues of concern of the communities in their areas. The Community Centers have tried to help local people addressing difficulties in accessing local government or other institutions.

This is true of Veliko Ropotovo / Ropotovë e Madhe Community Center. "We give simple,

basic but very important services" says co-manager Katharina Ristic. The Community Center took the initiative to create a Village Leader Network. Village leaders in the area meet every month, sometimes with Municipal leaders, in order to bring the community closer into the Municipal Structures. "We try to connect ordinary people to their delegates in the Municipality and vice versa, the delegates to their constituency" says Daiana Falloni of OSCE's Department of Democratization.

The Community Center serves as an information center for the community and provides assistance and guidance for local people to find available services. A monthly newsletter published by the Community Center is an important tool in trying to keep the local population updated. The Community Centers' activities range from giving agricultural training, and computer classes to help locals with their problems with customs.

"We give accurate information - which is important given all the rumours that circulate in such a community," says Ivan Krstic.

The children are not forgotten: As Details visits, children spend time during a school recess watching Harry Potter on video! Grown ups have also been provided with access to computers and hopefully Internet access will follow. What chances has a Community Center in such a small community has of being sustainable? The Center will be eligible to apply to other donors, as it becomes independent from the

OSCE. But there are other possibilities. "An Internet Cafe is an option" points out co-manager Katharina Ristic.

"There are several possibilities for the Centers to become self sustainable and generate incomes to cover their expenses," says OSCE's Bujar Maxhuni. "Some Centers have already managed to establish their own run Internet cafe and are very successful in providing net service." But landline telephone connections have proven unreliable, and the Community Center has run into obstacles while trying to get better telephone services. As with many Kosovo Serbian enclaves, it is caught between a rock and a hard place, not knowing where to turn when local services are hard to come by. If services from Serbian providers give a better or more reliable coverage than Kosovo-based providers, it is always tempting to prefer the former.

But Internet is not the only solution. "By delivering training and becoming contact/focal or liaison point between their communities and other stakeholders such as central and local government, NGOs, they can charge for the services that they are providing" points out OSCE's Bujar Maxhuni. The Co-managers admit that the "big plan" is to get a certification for a Vocational Training Center from the Ministry of Labour and Social Welfare to upgrade skills of people who have basic education. Meetings have already taken place with the Ministry, which has reacted favorably stressing its increased interest in reaching out to minority's communities.



One of the village leaders networks meetings held on a monthly base in Ropotovo/Ropotovë Community Centre

Kosovo Judiciary System

“The future of the Kosovo Judiciary is in the hands of a new generation. They speak a number of foreign languages, enabling them easy access in the field of research,” says Kosovo Supreme Court President Rexhep Haxhimusa

Interview by Hasan Sopa

When UNMIK was established five years ago in Kosovo, one of the first tasks for the international community was to work together with the local community to establish a functioning multiethnic judiciary. Of course, this was not an easy process, but it had to be done. In the period between June and September 1999, the Emergency Judicial System was established but since then the Kosovo Legal System has undergone major developments.

Prosecution principle applied

One of the major changes that occurred recently, is the approval of Criminal Code and the Criminal Procedure Code by the Special Representative of the Secretary General. Now the challenge is the way these regulations will be applied, considering the fact that they both have a lot of innovations. Mr. Rexhep Haxhimusa president of the Supreme Court estimates, that in comparison with the South-eastern Europe region, Kosovo has taken a courageous step in terms of the development of legislation.

He thinks that our judiciary is among those that apply the prosecution principle. “This means that parties to the proceedings are equal, i.e. the prosecutor is equal with the attorney and the defendant, whereas the court will have an absolute arbitrary role”, explains Mr. Haxhimusa. Different forms, like surveillance of the incriminated persons, different witnesses such as, collaborator witnesses, anonymous the protected witnesses, according to him, enhance the possibility of fighting crime more successfully.

Working conditions and the position of the judge

After the 1999 conflict, the Kosovo Judiciary can be considered as a new judiciary, not by its staffing table structure but as an institution. “While we are still based in part on laws of the past, these laws mainly support the best part of the international conventions that deal with Human Rights and Freedoms.” says Mr. Haxhimusa. “During this period we have taken a step forward in building up a judicial system in which the society should have faith. Not an unverified faith, but a faith based on enforcement of the law with the highest professionalism.”

Kosovo is going through a difficult transitional period, which necessarily determines conditions and the position of the judiciary. Mr. Haxhimusa thinks the Judiciary is essential in checking powers, which is in the interest of Kosovo’s peoples. He also thinks that professional income, mandate, position in society and



Biography

Rexhep Haxhimusa graduated from law school in 1966, soon working as deputy prosecutor in the Ferizaj/Uroševac municipality where he served as president of the Municipal Court. In 1979, he was nominated as a judge at the Supreme Court in Prishtinë/Priština, where he worked until 1982. In 1982, he returned to Ferizaj/Uroševac, serving as president of the previous Municipal Assembly and as president of the executive council. After one year away from the political landscape, he started work as a lawyer, dealing primarily with criminal issues. As a lawyer he was known for his engagement with the so-called political processes of the time. Almost immediately after the conflict, Haxhimusa again worked at the Supreme Court and has been president of the court since the year 2000.

personal safety of the judge, might determine the motivation for work. However, this should not effect the commitment of each and everyone, in setting up an authentic Judiciary.

In terms of the position of the judge, he thinks that first and foremost a judge should be independent, impartial and unswayed on decision-making and executing the law.

Criminal Code and Code of the Criminal Procedure

According to Mr. Haxhimusa, legal system of a country depends on laws and the reflections of these laws in the society. “I think that a number of applicable laws fulfil the standards, as long as they are not discriminating and in confrontation with international standards,” says Mr. Haxhimusa. “By promulgation of the Criminal Laws: Criminal Code and Code of the Criminal Procedure, there has been a big step forward. Furthermore, with the preparation underway for the passing of the Civil Code and Regulations on property and transformation of property, as well as other laws that regulate the field of the Civil Law, together with Administrative Law, show that we are at the end of the phase of temporary laws.

Laws in the region should have common clauses

There is a tendency of developing the legislation of the South-eastern Europe, in a way that laws have common clauses within one region. “If we assume European integration, it is a necessity that the legislation fulfils required standards that are set-up by the developed countries that have experience in this field. We are talking here about a legislation that enables economic development, free exchange of capital and labour force, the right to work and possess private property, including organisation of the economy and the jurisdiction”, explains further Mr. Haxhimusa.

According to him, soon will be established a group of experts who will deal with the development and the structuring of the judiciary. Mr. Haxhimusa says that it is necessary to use international experts from organisations, such as UNMIK and the OSCE, because of their experience.

Reforms are necessary

The rule of law aspect which deals with Justice is a reserved power of the Special Representative of the Secretary General. “I think that time has come and some reforms in the administration and management of the judi-

ciary are necessary. The way it is now, there are often misunderstandings and obscurities and it might have consequences both for the people and the other parties participating in the proceedings," says Mr. Haxhimusa. "Furthermore, we are all aware that in one part of Kosovo the Serbian judiciary system remains, which has a specific procedure, not coinciding with the applied procedure. This by all means dama-

ges and obstructs organizing and functioning of the judiciary as a separate power from the legislative and executive powers," he continues.

A series of training sessions that were held at the Kosovo Judicial Institute (KJI), but also at the other institutions, have increased the general professional level of judges and pros-

ecutors. Mr. Haxhimusa considers KJI as a mechanism that builds up judges professionally through different seminars and workshops. "Those that were sent abroad for training were lucky and gained an incredible experience, as they had the chance to see how things work in practice. Therefore, the future of the Kosovo Judiciary lies in the hands of the new generations," concluded Mr. Haxhimusa.

OSCE Priorities 2004:

Democratization in the times of standards

"Our aim is to support the development of effective and democratically functioning institutions at central and local level through capacity building efforts that ensure effective legislation and public service provision" says Johan de Velde, OSCE's new head of Democratization, about the challenges that lie ahead this year in the field of his department.

"Another aim is to increase citizen participation in the policy- and decision-making process and make government bodies accountable to citizens' concerns. Finally supporting the emergence of professional and accountable media institutions and outlets."

by Arni Snaevarr

Working with local and central government

Let us look more closely at Democratization's programme priorities. At the central government level, the OSCE co-ordinates assistance to the Assembly of Kosovo and works across party lines to improve the work of Assembly members and committees. The OSCE Assembly Monitor will continue to monitor the Assembly consistent with the provisions of the Constitutional Framework. The OSCE will continue to give support to the civil service through building up capacity with the Kosovo Institute for Public Administration (KIPA).

The OSCE's objectives are to give direct support to the Provisional Institutions of Self-Government (PISG). OSCE Advisors build up capacity in the Advisory Offices working with the Prime Minister and the Ministries. These Advisory Offices oversee the Ministries governance practises, review draft legislation, and develop guidelines for implementation in the areas of good governance, human rights, equal opportunity, gender, and community affairs.

The local governance programmes co-ordinate assistance to municipal assemblies and works with them to provide training and practical advice. Last year we trained almost 2,500 Municipal Assembly members in all municipalities across Kosovo. It also works with the Association of Kosovo Municipalities (AKM) to build up an institutional component to all training programmes delivered.

Civic participation

Hand in hand with governance programmes working at both central and local levels is our work with civil society, which aims to improve the capacity of Kosovo's citizens to

keep their institutions in check. This comes through raising awareness among citizens, increasing citizen participation on public policy, and making local and central governance more accountable and transparent. OSCE has created NGO resource centres in 5 Municipalities and community centres in a further 8 to support the civil society sector. All the resource centres' have already been handed over to local NGOs and this year the OSCE will hand over the running of 5 community centres to local NGOs in addition to two whose functions have already been taken over by local actors.

More responsibility to locals in Media supervision

One of the Mission's main goals is to create

proper conditions for the development of a free, professional and responsible media. In 2004 OSCE will hand over media training activities to local institutions. OSCE in co-operation with the Temporary Media Commissioner and local partners is working to establish a Press Council in Kosovo, to function as the main self-regulatory body for the print media. Through the code of conduct, the Council will aim to uphold European standards of ethics and professionalism in print media outlets. It is hoped that this year relevant legislation will be passed and a local institution, the Independent Media commission will assume the responsibilities of the Temporary Media Commissioner who has served as a regulatory agency for broadcast media and also assumed responsibilities for a temporary licensing regime.



Learning from each other

From 15 to 19 December 2003 the main Kosovo political leaders met key negotiators and decision-makers from countries around the world to discuss about leadership and negotiations. The setting was the picturesque castle of Burg Schlaining in Austria, where an intensive exchange of experiences with participation from Northern Ireland, the Republic of Ireland, Israel, Palestine, South Africa and Chile took place.

by Franklin De Vrieze

What do these regions and countries have in common with Kosovo? Where do they differ? An immediate reaction might be to stress the differences - geographic, historical and political. Upon reflection, commonalities begin to appear.

What these countries and regions have in common is a long and bloody history of conflict, an ethnic or political conflict, with some religious aspects. This is true in particular when it comes to the fate of its peoples, a fate frequently characterised by the total absence of basic human and political rights, economic and social hardship and cultural deprivation.

What better idea than to bring together representatives from these affected regions to compare experiences and listen to those who went through similar situations or are still in the middle of a deep rooted conflict, like the one between the Israelis and the Palestinians. Or, for that matter, to learn from those who successfully overcame apartheid, as in the case of South Africa where whites and blacks fought a winning battle against racism.

This conference was of particular importance as it saw the full participation of the five senior Kosovo leaders: President Ibrahim Rugova; Prime Minister Bajram Rexhepi; President of the Assembly Prof. Nexhat Daci; President of the Democratic Party of Kosovo Mr. Hashim Thaçi; and President of the Alliance for the Future of Kosovo, Mr. Ramush Haradinaj. While representatives of Kosovo's Turkish, Bos-

niak and Ashkali communities participated in this conference, Kosovo Serbs representatives declined their invitations.

"Crafting strategies for negotiation" was the theme of this highly interesting meeting which dealt mostly with technical issues, like how to prepare for negotiations, how to build capacity, how to establish working relationships or how to deal with multiple parties and interests in a negotiating process.

But more than just learning the political and diplomatic skills for brokering a political deal, the personal histories of these peace negotiators from around the globe made strong impression: David Ervine, the Irish activist who spent ten years in prison only to devote his later life to peace and reconciliation; Ismail Ebrahim Ebrahim, the South African who had spent twenty years in prison, together with Nelson Mandela, and who decided to reach out to his former oppressors in order to win a just peace for everybody in his country; his white South African counterpart who as an official of the apartheid regime decided to join forces with the suppressed majority. These modern day heroes provided convincing testimony to the power of justice and human freedom. For Wolfgang Petritsch, the Permanent Representative of Austria to the United Nations in Geneva, the "secret of success seems to be to depart from past recriminations and exclusionist attitudes."

At the closing session of the meeting, Presi-

dent Ibrahim Rugova stated that the discussions had been refreshing and useful, and that he considered the meeting a great success. Mr. Hashim Thaçi added that Kosovo needs to gain the trust of the international community and that he hoped that this meeting would initiate a fresh effort to cultivate new international relationships. Upon returning to Kosovo, Prof. Nexhat Daci commented to the press: "Participation in this seminar was of dual importance to us. The first benefit was learning from participants from countries that have overcome problems and built their states, such as South Africa, and from countries such as Ireland where there are important lessons to be learned. The second benefit was that we were isolated for three days from our daily problems and all the leaders had excellent communication." Dr. Friedhelm Frischenschlager, former director of the OSCE Mission's in Kosovo Democratization Department stated: "The world has suffered from these problems before and still does. And these actors who come here with great experiences, have illustrated to the Kosovo political leaders that they should shake each other's hands when it is necessary to find a solution."

The conference on "Crafting Strategies for Negotiations" was organised by the Harvard University and the OSCE Mission in Kosovo and was supported also by the Kosovo Institute for Policy Research and Development (KIPRED) and the Olof Palme International Center in Sweden. Several international leaders, including former U.S. President Bill Clinton, endorsed this initiative. Among officials who took part in it were: John Biehl, Advisor to the Government of Costa Rica during the Central

American Peace Accords in 1987 and former Secretary General of the Presidency of Chile

Ismail Ebrahim Ebrahim, Political Advisor to the Deputy President of South Africa and senior African National Congress participant in the multi-party negotiations in South Africa

David Ervine, Senior Negotiator in the talks leading to the 1998 Good Friday Agreement and Chief Spokesman of the Progressive Unionist Party in Northern Ireland

Pini Meidan, former Foreign Policy Advisor and senior negotiator for

Israeli Prime Minister Ehud Barak in the 2002 Camp David talks

Roelf Meyer, former Chief Negotiator for the De Klerk Government and former Minister of Constitutional Affairs of South Africa

Albert Reynolds, former Prime Minister of the Republic of Ireland and key participant in the Northern Ireland peace process.



Kosovo leaders together at the castle of Burg Schlaining in Austria

OSCE Priorities 2004:

Human Rights Experts to be deployed in municipalities and ministries

by Arni Snaevarr

"The Human Rights Division's goal in 2004 is to shift its focus from a primarily external human rights audit to an intra-governmental approach" says Carsten Weber, the director of the Human Rights and Rule of Law department of the OSCE. "This we will do by providing experts to work on human rights related issues (decisions, legislation, policies) with municipalities, ministries and the Police in an advisory- and capacity building role."

OSCE is currently in discussions with the PISC to determine how this programme is being implemented. "Our idea is to deploy Human Rights experts to each of Kosovo's 30 municipalities as well as the five regional police headquarters. Additionally Senior Human Rights Experts would be placed in selected ministries" adds Carsten Weber.

Additionally the Human Rights Division will maintain three units at headquarters level: Legal System Monitoring, Capacity Building and Trafficking Focal Point

"Sustainability is key for all departmental activities" says Carsten Weber. With that goal in mind, the Department of Human Rights & Rule of Law will intensify its efforts to hand over human rights monitoring- and reporting operations to domestic human rights NGOs by creating the general understanding of the significance of non-governmental monitoring, providing training to these NGOs and assisting them in fund-raising activities.

Regarding the Rule of Law programme, there will be a shift in focus from supporting the development of OSCE created institutions - to

strengthen the rule of law and ensure access to justice - to advising these institutions. The Programme will support the Chamber of Advocates in building up training to promote the rule of law. The Kosovo Law Centre will continue to support law faculties in Kosovo and continue implementing its street law programme. The Kosovo Judicial Institute will continue providing further legal education for all Kosovo judges and prosecutors. It will eventually be turned into Kosovo's first School of Magistrate. And the Criminal Defence Resource Centre, founded by the OSCE to provide legal expertise to local defense lawyers in applying international legal and human rights, is now fully operating as an independent NGO.

KPS: Full strength to be reached 2005

by Arni Snaevarr

The Kosovo Police Service School aims to train more than 6,500 basic level Kosovo Police Service or KPS officers. This year it will train 700 officers. 6,223 Basic Recruits have already graduated but only 5,643 of them are currently deployed since 616 are for various reasons not serving in the police force. "This means that the goal of 6,533 officers or the full strength of KPS will be reached by the end of 2005" says Steve Bennett, head of OSCE's department of Police Education and Development.

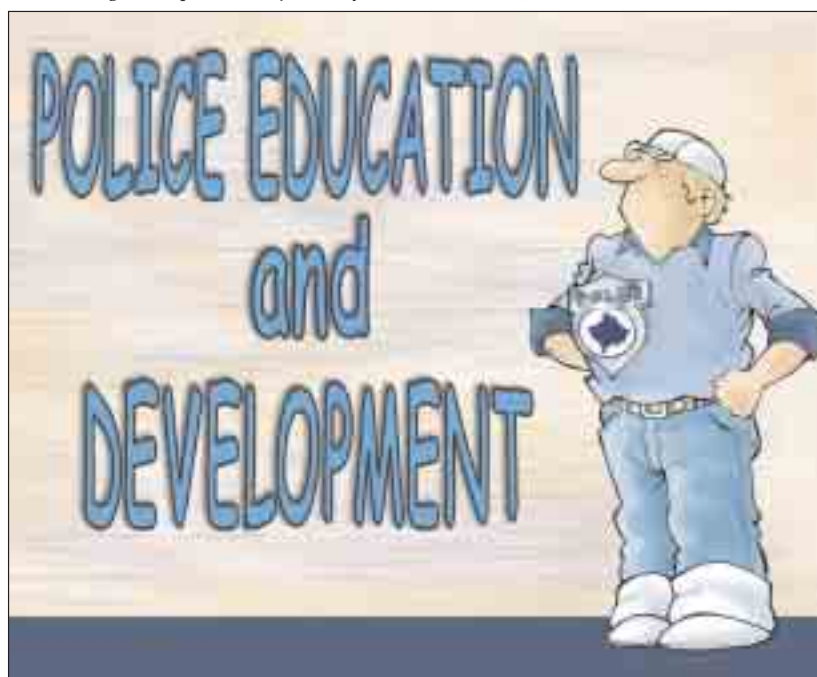
Significant attention has shifted from basic training to advanced and specialised training. This training builds capacity with the Kosovo Police Service so that it can assume greater responsibility for day-to-day police operations and complements transition from UNMIK Police to the KPS.

"In 2004 the Police School will emphasise continuing professional development" says Steve Bennett. "A significant number of this year's programmes are dedicated to local capacity building to enable local staff to replace international staff in selected institutional functions" says Steve Bennett.

Penal Codes, Criminal Procedure Codes, and

Traffic Codes have been revised or are under revision which will require extensive remedial training of all police and justice system

employees. During 2004 approximately 300 KPS Officers will be trained in supervision and management courses.



A documentary is never finished, merely abandoned

The trainer Keith Bowers, former BBC producer says that a documentary is never finished, it is an ongoing work that one can always edit in different ways. He says there are a million ways of editing a documentary.

By Lizabeta Paloka

The OSCE Mission's Democratization Department/Media Support/Media Training, in co-operation with the Norwegian Mediehogskolen, successfully completed a twelve-day training/production course on documentary production from 19 to 30 January. Four crews, made up of trainees, in co-ordination and under supervision of the trainer Mr. Keith Bowers, a former BBC producer, produced four feature stories focusing mainly on social life, gender equality and Kosovo's historical heritage in the form of old monuments.

"I think television in Kosova has made considerable progress since I first came to Pristina more than three years ago. It seems a considerable number of television journalists have come to grips with the basics of television journalism and there is an atmosphere of energy and purpose," concluded Mr. Bowers

Participants in this course were journalists of RTK, KTV, TV 21, TV Festina (Ferizaj/Uroševac), TV Syri (Gjakova/Đakovica) and TV Dukagjini (Pejë / Pec) and their feature stories will be broadcast by the participating TV stations. The concept of the project involved two aspects: training the journalists in telling their stories using pictures and to reflect on the social problems or inform the public about various issues.

The quality of the final product was better than could have been expected and the trainees learned new skills and retained their enthusiasm throughout the process.

"It would be great now to see a commitment by editors and managers to press ahead and determine to develop standards of excellence in their staff," says Keith Bowers, "This may be difficult given the political and economic climate here, but a start can be made by an acceptance that there is still more to achieve in terms of professional expertise. Young journalists need to be given the time and encouragement to develop their written and visual skills. The goal must surely remain to reach the craft standards of television journalism in Western Europe. This will not be easy to achieve but there must be a common will to keep on striving to improve."

The most essential element of the project was that the participants were exposed to key methods employed in making documentaries.

The coaching approach with the emphasis on real-life professional techniques also appeared to produce positive results. Another pleasant feature of the course was the close co-operation among the trainees. These are the overviews of the stories:

The forgotten place

Among other hardships Kosovans are facing in their daily lives life is lack of drinking water - a fundamental need for every human being. Production trainees brought this issue up by featuring a village in the Malishevë/Mališevo region. The main character of this feature story, Mr. Ismajl Kastrati, (65) never thought that the problem of his lifetime, lack of pure drinking water, would remain an insolvable problem for his children and grandchildren as well. The wells in the village are polluted just like the river, which dries out completely in summer. Even though his family manages an average living standard, the family income can not solve the problem. Carrying water from a distant, but cleaner river three times a week is affordable only by those "well off" families, as tanks, generators and tractors are the indispensable tools to transport the fundamental need of their homes, whereas other families often use the water directly from the so polluted river. An appeal went out to the municipality to solve this issue. The head of the municipality stresses the fact that the issue was raised with many international donor organisations but they were never given a positive response. The centre of the municipality, itself, faces the same problem and a project is expected to start in spring to bring water to the town and to the neighbouring village of Bajë/Banja, leaving the problem of Turjakë/Turjake village to be solved in 2006. The inhabitants of this village would be very relieved if this would come true. For some people this is an untenable situation, but not for this village. The feature story concludes with the wrinkled faces of children carrying water to their houses, contributing to the family's struggle of survival.

Kosovo Police Service

This feature story is meant to familiarise the population on the role, difficulties and challenges of women in Kosovo Police Service with a gender balance, which includes a 15% participation of women in KPS. The main character of this story was Ms. Alije Elezi, a single woman in her late 20s, a policewoman a graduate of the KPS Police School Basic training course 22, who joined the KPS a year and a half ago in the north police station in Prishtinë/Priština. Through her a day of a policewoman is portrayed, the job assignment, some of the regulations that they have, how they are allowed to behave in particular dangerous cases, which are the tools, they wear, etc. Her hobby is karate that helps



Participants at the training course on documentary production held from 19-30 January in Prishtinë / Priština



Participants assessing a documentary done by their own colleagues

her enormously in her work. As a woman she finds herself comfortable in her job even though policemen and women face constant danger but the support given by the Kosovan population and the will to contribute to the security in Kosovo makes her work easier.

Rails of misery

The railroad goes right through the middle of the town of Ferizaj/Uroševac, causing numerous accidents resulting in deaths. The documentary on this subject, reflects the quite obvious reasons behind the problem: There are no barriers at the intersection. While railway authorities say it is the duty of the municipality to set up the barrier, the Municipality complains of lack of funds to build the barriers, leaving in a vacuum the security of the citizens and cars passing through intersection. The film shows survivors of accidents talk about the horrors they endured and reflects citizens' worries about lack of attention to the problem on the part of authorities.

The Hamam

The Hamam of Prishtinë / Priština is one of the oldest historical monuments in Kosovo. It was built in the fifteenth century and was functional until 1970. The program aims at drawing the attention of municipal authorities to the need to take care of the old monuments, which are of a great interest to the citizens, as they stand witness to history to be learnt by younger generations. The program gives an overview of the old Hamam and the ruins of the current one, apart from a part of the building, which has been reconstructed as to serve as a teahouse. A woman speaks nostalgically about the times she went to the Hamam as a child and says it is a pity to let such monuments fall into ruin.

A project has been submitted to the municipality but the common phenomenon - lack of funds - is an impediment.

“We hope to be accepted”

“This is the first time in five years that I am celebrating my birthday at home in Pristina,” said Vukosava Mitrovic, standing on the stairway of her refurbished house in central Prishtinë/Priština. On 22 February, nearly a month after returning to Kosovo, Vukosava was able to celebrate her 68th birthday in the town where she was born.

by Olja Stojanovic

“I am very excited - that’s why I am crying,” explained Vukosava. “I didn’t believe I would ever come home again, that I would see the place where I grew up, where I met my husband, where I spent all of my life.”

Vukosava and her husband, Dragoljub Mitrovic, are the first displaced Serbs to return to Prishtinë/Priština from Serbia proper, where they have spent five years.

Their return was facilitated by the international community, including the Danish Refugee Council and the United Methodist Committee for Relief (UMCOR), and Habitat.

The organisations refurbished their damaged house and provided basic food, hygienic items, and firewood. The Mitrovic couple was also given furniture, such as plastic chairs, a table, and two sofas. The refurbished house still smells newly painted walls and panelling.

“My greatest wish is that we now can live normally and that everybody will be tolerant,” said Dragoljub, who is aged 70. “An Albanian neighbour who we know from before came by our house to welcome us. We hope that others will accept us as well,” he added.

When they first arrived in Prishtinë/Priština a month ago, Vukosava and Dragoljub stayed at home most of the time. “When we had just returned, we were busy cleaning and setting up our house,” Vukosava told Details. But now they have started venturing outside.

“When we have time, we visit friends or go to Gracanica,” she said. They go to Gracanica to do their shopping since their pension, the equivalent of 130 euro, comes in dinar. They can also get medical care in the Serbian enclave in case they need it. “Municipal authorities provided a regular bus line to Gracanica,” they explained.

Dobrila Milic, a 70-year-old Serbian language teacher, is the third member of the small returnee group. She lives temporarily in the Mitrovic’s house but expects to return to her apartment sometime during the spring, after the Albanian family that currently lives there has left.

Dobrila, who returned to Kosovo alone, said that she was not afraid of going home. She goes out for walks and to the market. As she points out herself, she was determined to return home.

“I have decided not to be afraid. This is my

home. I hope to be able to make some contacts with my neighbours. It might be difficult in the beginning but I do believe we will succeed,” Dobrila stated.

Vukosava, Dragoljub, and their friend Dobrila hope that they will not be the only ones to return. They would especially like their families to join them in Prishtinë/Priština. They know, however, that conditions need to improve for mass returns.

“We have no problem with the fact we live together with Albanians. This is a reality we accept,” Dragoljub concluded.

This small group of returnees is the first - but not the last to return to Prishtinë/Priština. The international community has made it a top priority to assist displaced people and refugees who wish to return to Kosovo - a priority also for Vukosava, Dragoljub, and Dobrila, who wish to integrate as well as to persuade others to come back.



Prishtinë / Priština

A difficult journey towards free speech for all

The journalist association 'Mediawest' organises training in different areas of journalism for a multiethnic group of students.

by: Dafina Elezi

For a full year, 42 students from different ethnic communities in Kosovo sat together in a bare classroom to participate in seminars and lectures on journalism. The training was run by the indefatigable Professor Musa Berisha, a media expert trained by the American Institute for Democracy. His aim was to prepare the students for a difficult journey towards a greater understanding of journalism.

I took part in this journey, and would like to share my experiences in this report. After a year of training, I now stand on a solid foundation from where I can go on, in search of the truth. "Wherever you go, you go with courage and professionalism. The search for truth is the core of journalism." - I still remember the words of professor Berisha

Lessons from Accomplished Journalists

Professor Musa Berisha gave lectures on the Theory of Journalism, while other experienced writers from several Kosovo dailies, such as Ibrahim Kelmendi of 'Koha Ditore,' Enver Ulaj of 'Zëri,' and Rrahman Jasharaj of 'Epoka e Re,' spoke about the practical elements of their profession. Sali Kelmendi, a well experience journalist and the Brussels-based correspondent of 'Koha Ditore,' Augustin Palokaj, taught sessions on reporting and writing about international affairs and diplomacy.

"My future colleagues, this 'school of journalism' is on the right path towards teaching first-rate journalism," Palokaj told us, adding that he was happy the school had started in his own town.

The Success of 'Mediawest'

The training sessions were organised by the

journalist association 'Mediawest' in Pejë/Pec, which comprises professional journalists of several Kosovan dailies. The director of the school, Ibrahim Kelmendi, said that the training was a courageous step in educating Kosovo's future journalists. It was a chance for talents to be fostered so that budding journalists could work with confidence and persistence in their field.

The school also embraced different ethnic communities. For example, 15 students from the Bosniak community attended the training.

Mr. Kelmendi considers the first school-term a success. Seven graduates are already employed in different print and broadcast media, while the rest are looking for jobs not only with Kosovo media but also with international media.

In the Western Spirit

Established in 2000, 'Mediawest' is the only association that teaches journalism Kosovo-wide in the 'Western spirit'. At the same time, the association aims to develop civil society and democracy through its training. Since February last year, the association has trained 42 students on the theory and practice of journalism for both print and broadcasting media.

USAID, SOROS, and IOM as well as OMiK financed 'Mediawest'. "As we knew that the aim of this association was to train future journalists, we did not hesitate to finance this project. It will give opportunities to talented youth," said Xhemë Ibraj, Media Officer at the OSCE Office in Pejë/Pec. Mr. Ibraj expresses the readiness of the office to finance similar projects in other parts of Kosovo, for example in Deçan Municipality.



Young journalist following lessons on basic journalism organized by the Journalist Association "Mediawest" in Pejë / Pec

Launching of the Civic Herald

by Valentin Mitev

On Friday 30 January 2004, the OSCE Mission in Kosovo's Democratization Department (DD) and the Civic Participation and Reconciliation Support team (CPRST) released the first issue of the Civic Herald electronic newsletter. The newsletter is disseminated to over 500 addressees, which have been engaged or have attended events of the civic dialogue or related activities. Recipients are local and international NGOs, local and regional media, liaison offices of governments in Kosovo, gender focal points, interested individuals, and opinion makers.

The Civic Herald aims at promoting and informing the public about civic dialogue initiatives in South-Eastern Europe with a focus on Kosovo and the civic dialogue project with Serbia. The Project is implemented by the Mother Theresa Society (MTS) from Prishtinë/Priština and the Centre for Regionalism (CR) from Novi Sad with the assistance from the OSCE's Department of Democratization and the Freedom House Foundation.

The newsletter will be produced on a bi-monthly basis and sent out in three languages - English, Albanian, and Serbian. Developed with the OSCE's resources, this valuable service, aims at facilitating local and regional networking, sharing of ideas and positive practices, etc., which will be produced with the increasing participation of the MTS and CR. Thus a high standards newsletter and developed communication capacity will be fully taken over by local counterparts to the benefit of the civil society groups from the region and the interested agencies from the international community.

Contact details of prospective subscribers and receivers are also of interests. Please, forward your comments or subscription request to: mario.maglov@omik.org



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