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Republika e Kosovës
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EX-POST EVALUATION REPORT ON LAW NO. 08/L-177 ON THE INSTITUTE FOR CRIMES COMMITTED DURING THE WAR IN KOSOVO

[1] The Ex-post Evaluation Report on Law No. 08/L-177 on the Institute for Crimes Committed During the War in Kosovo was approved at the 13th Meeting of the Government of the Republic of Kosovo, by Decision No. 02/13, dated 23 November 2026

Proposing Institution	Legal Office in the Office of the Prime Minister
Title of the *Ex-Post* Evaluation Report	*Ex-Post Evaluation Report* on Law No. 08/L-177 on the Institute for Crimes Committed during the War in Kosovo
Contact Person	Prof. Asst. Dr. Mentor Borovci – Director of the Legal Office in the Office of the Prime Minister – Government of the Republic of Kosovo
Working group	The Working Group for drafting the Ex-Post Evaluation Report on Law No. 08/L-177 on the Institute for Crimes Committed during the War in Kosovo, established by Decision Ref. 042/2025 dated 05 May 2025, with the following composition: 1. Mentor Borovci, LO/OPM, Chair; 2. Sevdie Tahiri, ICCWK/OPM, Member 3. Liridona Hoti, LO/OPM, Member; 4. Alberita Hyseni, LO/OPM, Member; 5. Feride Podvorica, LD/MJ, Member; 6. Azem Reqica, CBD/MFLT, Member; 7. lir Gutaj, DTMVK/MJ, Member; 8. Rifat Muqiqi, APCI, Member; 9. Agim Fejzullahu, DMPO/MIA, Member; 10. Bashkim Spahiu, KP/MIA, Member; 11. Ruzhdi Panxha, ASAK, Member; 12. Leonora Selmani, Chair of the Commission for RVSSVVDR, Member; 13. Shpend Haxhibeqiri, Commission for RVSSVVDR, Member; 14. Besnike Mehmet, LO/OPM, Member; 15. Albiana Arbeni, ICCWK/OPM, Member. The following are also invited to participate in the meetings of the working group: 1. Nehat Pllana, AIP; 2. Bedri Duraku, KJC; and, 3. Ilir Morina, KPC. The UNDP project, funded by the United Nations, has provided technical support for this process by making available experts in the legal field, Prof. Asoc. Dr. Bedri Bahtiri,
Date	**23.11.2026**

EXECUTIVE SUMMARY

1. The right to truth, justice and reparations for victims of serious international crimes, including war crimes, is guaranteed under international law as well as in the constitutional order of the Republic of Kosovo. Article 7 of the Constitution stipulates that the constitutional order of the Republic of Kosovo is based on the principles of freedom, peace, democracy, equality, respect

for human rights and fundamental freedoms.[2] Article 19 defines the primacy of international agreements as well as of legally binding norms of international law, determining their primacy even in relation to the laws of the Republic of Kosovo.[3] Likewise, Article 22 of the Constitution guarantees the direct applicability of international human rights instruments, including the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, the International Covenant on Civil and Political Rights and its Protocols, and other international agreements in the field of the international guarantee of human rights.[4]

2. In this context, Law No. 08/L-177 on the Institute for Crimes Committed during the War in Kosovo[5] hereinafter: Law No. 08/L-177 represents an important institutional step in the efforts of the Republic of Kosovo to promote transitional justice, to document war crimes, and to contribute to building peace and long-term reconciliation. The Institute will also document and investigate the crimes and other actions that led to the war in Kosovo, with the aim of presenting a complete picture of the facts directly related to the war.[6]

3. The establishment of the Institute is based on the principles of the right to truth and public transparency, as a right of society to know the circumstances of violations of humanitarian law and to ensure the institutional collective memory for future generations.

4. Taking into account the importance of Law No. 08/L-177 and the mission of the Institute, the challenges in implementing this law by the Institute have prompted the need for carrying out an Ex-Post evaluation of this law by the Office of the Prime Minister. This evaluation aims to analyze whether the provisions of the Law have been effectively implemented in practice, in line with its fundamental purpose, as well as in accordance with international standards of transitional justice. The focus of this evaluation is the identification of institutional and legal obstacles in the functioning of the Institute, the challenges related to the realization of the rights of the Institute's respective employees dealing with research and documentation, the lack of definition of the legal status of the Institute's archive as a special archive, cooperation with the judicial system and other mechanisms.

5. The recommendations arising from this evaluation will aim to improve the legal and institutional framework to ensure that the Institute functions in line with its mission, fulfilling society's expectations for justice and for the truth.

6. In the Ex-Post evaluation of Law No. 08/L-177, the **"Implementation and Compliance Evaluation"** has been used as one of the three types of Ex-Post evaluation. This type of evaluation has been used in order to assess the level of implementation of Law No. 08/L-177,

[2] See Article 7 of the Constitution of the Republic of Kosovo accessed at the link https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702 on 23 May 2025.
[3] Ibid., Article 19.
[4] Ibid., Article 22.
[5] Law No. 08/L-177 on the Institute for Crimes Committed during the War in Kosovo accessible at https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=79157
[6] Ibid, Article 2 para. 3 of Law No. 08/L-177 on the Institute for Crimes Committed during the War in Kosovo.

whether its implementation is being carried out properly, as well as to identify the factors that have facilitated or hindered the implementation of this law.

7. Through this evaluation, it will be understood whether, after the entry into force of Law No. 08/L-177, almost 2 years of which have passed, sufficient resources have been available to support its implementation, whether the institutions or mechanisms responsible for implementing this law have acted in accordance with the legal responsibilities they had under this law, and whether this law is also in harmony with the broader legal framework.

8. The evaluation contains general recommendations for corrective actions related to Law No. 08/L-177. More specifically, the recommendations consist of the steps that must be taken to address the title of the law, the challenges and gaps identified with respect to the implementation of Law No. 08/L-177, starting from the need for Law No. 08/L-177 to be amended and supplemented in order to harmonize it with other legislation in force, but also to further clarify the competencies of the Institute as well as its cooperation with other institutions, within the framework of implementing the purpose of Law No. 08/L-177. At the same time, the recommendations for legal amendments also include amending other laws and sub-legal acts, with the aim of strengthening the implementation of this Law.

I. INTRODUCTION

I.1. Evaluation Context

9. Based on Law No. 08/L-177, the establishment, organization and functioning of the Institute is defined as an agency operating within the Office of the Prime Minister. The Institute has a mandate to collect, process, research, document, archive and publish data related to crimes committed during the war in Kosovo, with the aim of shedding light on the truth and providing support for justice processes.

10. Law No. 08/L-177 has been drafted on the basis of the obligations arising from Article 7 and Article 22 of the Constitution of the Republic of Kosovo, which enshrine the principle of respect for human rights and the direct applicability of the relevant international conventions in the field of human rights. Through this law the fulfillment of the victims' right to truth and justice is sought, in accordance with international standards of the United Nations and the Council of Europe.

11. For the implementation of this law, the line institutions, including the Assembly of Kosovo and the Office of the Prime Minister, must ensure the functional conduct and the necessary institutional support for the work of the Institute, including the provision of human and budgetary resources.

12. For the purpose of operationalizing the obligations defined by this law, the Prime Minister and the Director of the Institute are authorized to issue sub-legal acts for regulating internal

organization and systematization,[7] as well as defining procedures and measures for the use of the Institute's Archive materials, the security of personal data or other sensitive data.[8]

13. However, the data collected from institutional monitoring processes, the reports of working groups and consultations with stakeholders show that the implementation of this law has been accompanied by numerous legal, organizational and functional challenges. Among these challenges are: the lack of categorization of employees engaged in researching and documenting war crimes to benefit from the allowance for specific working conditions since their health is at risk, the absence of a special archive, delays in establishing internal structures, uncertainties in inter-institutional relations, and the lack of clear legal competencies regarding the obligation to submit to the Institute all facts and evidence related to crimes committed during the war in Kosovo.

14. In addition, a lack of sufficient budget has been identified and there is also a need for strengthening professional capacities to effectively fulfill the mandate of the Institute.

I.2. Purpose and Scope of the Evaluation

15. The Ex-Post Evaluation of Law No. 08/L-177 has been considered an important instrument to identify the level of implementation of this law in practice, the challenges encountered in the institutional, organizational and normative aspects, as well as the measures that must be taken to further strengthen the functioning of the Institute. This evaluation aims to contribute to the fulfillment of constitutional and international obligations for shedding light on the truth, justice for victims, and the systematic documentation of war crimes as a fundamental right of victims and of society.

Based on this, the Office of the Prime Minister has proposed the inclusion of this Ex-Post evaluation in the Program for Ex-Post Evaluation of legal acts for 2025, which was approved in the 247th meeting of the Government of the Republic of Kosovo by Decision No. 03/247 dated 31 January 2025.

16. In this regard, the Office of the Prime Minister has established the Inter-institutional Working Group with the purpose of carrying out this Ex-Post evaluation. The working group is led by the Legal Office within the Office of the Prime Minister, representatives of the Institute for Crimes Committed during the War in Kosovo, and includes representatives from the Ministry of Justice (MJ), the Ministry of Finance, Labour and Transfers (MFLT), the Ministry of Internal Affairs (MIA), the State Agency of Archives of Kosovo (ASAK), the Agency for Information and Privacy (AIP), the Agency for the Protection of Classified Information (AMIK), the Kosovo Judicial Council (KJC), the Kosovo Police (KP), the Office for the Publication of the Official Gazette (OPOG), the Office for Budget and Finance (OBF), as well as external experts and representatives of other institutions with direct competence or related to the mission of the Institute.

[7] Please see Article 4 para. 6 of Law No. 08/L-177 on the Institute for Crimes Committed during the War in Kosovo
[8] Ibid, Article 10 para. 5.

17. The selection of this law for Ex-Post evaluation has been made taking into account its irreplaceable role in building the institutional infrastructure for dealing with the past and guaranteeing the right to truth and justice for the victims of war crimes. Furthermore, this choice has been made on the basis of the challenges identified from the practice so far in the functioning of the Institute, including uncertainties regarding the categorization of employees engaged in researching and documenting war crimes to benefit from the allowance for specific working conditions since their health is at risk, the absence of a special archive, challenges in cooperation with natural persons, legal entities, state administration institutions at central and local level, investigative bodies, those of security and justice, as well as the need to review the organizational form and legal and financial support.

18. The main purpose of this Ex-Post evaluation report is to identify obstacles in implementation, legal and organizational gaps, and to provide concrete recommendations for improving the legal and institutional framework for the effective functioning of the Institute. The analysis focuses on the harmonization of the Law with other relevant laws, such as Law No. 08/L-111 on Archives, Law No. 06/L-082 on the Protection of Personal Data, Law No. 06/L-081 on Access to Public Documents, and Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies, Law No. 04/L-184 on the Administration of Office Work, as well as other laws related to the scope of the Institute for Crimes Committed during the War in Kosovo, and addresses aspects related to international humanitarian law and transitional justice standards.

19. Likewise, the evaluation aims to determine whether Law No. 08/L-177 has been fully, partially or not properly implemented, and whether it has been harmonized with other legislation in force. The working group has determined that the type of evaluation to be used is the ***"Implementation and Compliance Evaluation,"*** in order to measure not only the level of implementation in practice, but also the consistency of the Law with other legal and administrative norms and practices of the Republic of Kosovo. This evaluation covers the period from the entry into force of Law No. 08/L-177 in 2023 until 2025. Furthermore, this report represents the first official and comprehensive document through which the challenges in implementing this law and the needs for its improvement are addressed systematically. As such, this report constitutes an essential step towards the review of Law No. 08/L-177 and its harmonization with the relevant legislation, including the provisions regulating archives, access to public documents, the protection of personal data and the public administration of the Institute, as well as the provisions guaranteeing the fulfillment of Kosovo's constitutional and international obligations for transitional justice and the documentation of war crimes.

20. The UNDP project, funded by the United Nations, has provided technical support for this process, making available experts in the legal field (**Prof. Asoc. Dr. Bedri Bahtiri**), as well as technical and logistical assistance, with the aim of assisting the Working Group in the preparation of this evaluation report. The professional support has included methodological aspects, comparison with international standards, review of implementation practice, and preparation of recommendations based on an in-depth analysis of the data.

II. DESCRIPTION OF THE LAW TO BE EVALUATED AND THE METHODOLOGY APPLIED

21. In 2021, the Government of the Republic of Kosovo approved the Concept Document for the establishment of the Mechanism for the Documentation of Crimes Committed during the War in Kosovo[9], with which the third option recommended by this Concept Document was also approved, which option envisaged the establishment of the Mechanism for documenting crimes committed during the war in Kosovo, through the adoption of a special law. Consequently, upon the proposal of the Government of the Republic of Kosovo, the Assembly of Kosovo approved Law No. 08/L-177 on the Institute for Crimes Committed during the War in Kosovo, which entered into force in 2023.[10]

22. The general purpose of Law No. 08/L-177 is the establishment and operationalization of the Institute for Crimes Committed during the War in Kosovo, with a mandate to collect, process, research, document, archive, preserve and publish data on crimes committed during the war, contributing to the discovery of the truth, justice for victims, and the preservation of the collective historical memory. The Law aimed to address the institutional gap in documenting war crimes at the state level and to meet international standards for the right of victims and society to the truth.

23. This Ex-Post evaluation does not cover the entirety of the law **but focuses mainly on:**

- Amending the title of the Law, so that the name of the Institute corresponds with the purpose of the Law, Article 1 is reformulated;
- Article 3 paragraph 1 (1.5) to be amended, in the definition the term classification is replaced with categorization;
- Article 4 paragraph 6 should be deleted since the content of this paragraph is regulated by Article 7;
- Article 5 paragraph 8 to be reformulated to be more inclusive because the interest of all victims must be protected and not only that of children,
- Article 10 paragraph 5 to be amended and supplemented to expand the legal basis not only for the use but also for the definition of the archival material of the Institute, the manner of processing and preservation, and also the legal determination that this sub-legal act is issued by the Government;
- In the same sub-legal act, the regulation of the fees for the use of archival materials kept by the Institute should also be foreseen;
- Article 11 to be reformulated with the aim of inclusive cooperation;
- A new article to be added which obliges institutions to submit to the Institute copies of materials they possess related to crimes committed during the war in Kosovo;
- In establishing the new legal basis, it should also be determined that a sub-legal act adopted by the Government will define the criteria, procedure, and deadlines for the submission of archival material;

[9] See Decision of the Government of the Republic of Kosovo No. 07/44 dated 10 November 2021, by which the Concept Document for the establishment of the Mechanism for the Documentation of Crimes Committed during the War in Kosovo was approved, accessible at https://gzk.rks-gov.net/ActsByCategoryInst.aspx?Index=3&InstID=3&CatID=30

[10] Law No. 08/L-177 on the Institute for Crimes Committed during the War in Kosovo was published in the Official Gazette of the Republic of Kosovo on 9 August 2023 and, according to Article 13 of the Law, entered into force 15 days after the day of publication.

- When the Institute receives or creates classified information, it handles it in accordance with the relevant Law on the Protection of Classified Information.

24. These parts have been selected due to their importance for the actual functioning of the Institute, and because it is precisely in these provisions that the main challenges have been identified in practice. The provisions regulating the annual report, budgetary aspects, and procedural parts that have not found practical application have been left outside this evaluation, but may be addressed in future stages.

25. The stakeholders that Law No. 08/L-177 aimed to impact through the functioning of the Institute include:

- the victims of war crimes and their families;
- state institutions, including those of the justice system (Police, Special Prosecution, Agency for Information and Privacy, Agency for the Protection of Classified Information, Courts, Judicial Council and Prosecutorial Council of Kosovo);
- archival institutions and those of the state administration;
- civil society, organizations dealing with human rights and transitional justice; and
- the general public, through the promotion of truth and historical transparency.

26. The Ex-Post Evaluation Report was reviewed and approved by the Council of Directors of Legal Departments at its meeting held on 26.02.2026, and was subsequently submitted for approval at a meeting of the Government of the Republic of Kosovo

III. RESULTS CHAIN

This part, after being analyzed by the working group, due to its specificities, where teamwork and group work contribute to the best possible elaboration, and because of the type of evaluation, does not apply.

IV. Methodology

27. The methodology used for drafting this Ex-Post Evaluation Report has been based on a qualitative and analytical approach, focusing on the collection of administrative data regarding the actual functioning of the Institute for Crimes Committed during the War in Kosovo. The approach has been oriented towards the analysis of the content of the law, the level of implementation of its key provisions and the degree of its harmonization with relevant legislation, including the analysis of institutional cooperation and functional challenges in implementation.

28. The methodology has been used to identify challenges of a legal, organizational and technical nature that have affected the implementation of the law. Likewise, opinions of experts in the fields of transitional justice, public administration and archival science, information and privacy, document classification, have been collected, so that the report reflects a comprehensive and balanced overview of the existing situation and offers recommendations for improvement.

29. The data have been collected from two categories of sources:

- **Primary sources:** The Constitution of the Republic of Kosovo; Law No. 08/L-177 on the Institute for Crimes Committed during the War in Kosovo; Law No. 08/L-111 on Archives of Kosovo; Law No. 06/L-081 on Access to Public Documents; Law No. 06/L-082 on the Protection of Personal Data; Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies; Law No. 08/L-168 on the Special Prosecution, Law No. 04/l-184 on the Administration of Office Work, other laws related to the field of documenting war crimes, as well as the relevant sub-legal acts.
- **Secondary sources:** previous institutional reports, internal documents of the Institute, meetings with stakeholders, minutes of inter-institutional discussions and domestic organizations that have addressed issues of war crimes and transitional justice.

30. Within the framework of the secondary sources, meetings have been organized with representatives of:

- the Institute for Crimes Committed during the War;
- the Ministry of Justice;
- Ministry of Finance, Labour and Transfers;
- Ministry of Internal Affairs;
- the State Agency of Archives of Kosovo;
- the Agency for Information and Privacy;
- the Judicial Council;
- the Agency for the Protection of Classified Information;
- civil society and independent experts.

31. The meetings were conducted through structured sessions in four sections: (1) institutional capacities and internal organization; (2) challenges in the functioning of the institute; (3)

cooperation with other institutions; and (4) recommendations for legislative changes and organizational improvements.

32. Moreover, reports and studies from international and domestic organizations were analyzed, which have contributed to building a stable empirical basis for assessing the existing state of the documentation of war crimes and the Institute's functioning in this sensitive field.

33. The type of evaluation applied in this report is the ***"Implementation and Compliance Evaluation,"*** because the main challenges relate to the level of implementation of the law in practice and its consistency with the existing legal framework and international standards in the field of justice for victims of war crimes.

34. The institution responsible for initiating this evaluation is the Office of the Prime Minister through the Legal Office, in cooperation with the Institute for Crimes Committed during the War in Kosovo. External expertise has been involved in this process through the UNDP project, providing support from experts in the legal field.

35. The findings of the external expertise have been coordinated and discussed within the Working Group, and have been validated in inter-institutional meetings to ensure that the analysis aligns with the institutional and legal reality. For each part of the evaluation, confirmation has been secured from the relevant institutional representatives, as well as an independent assessment from field experts.

36. Among the limitations identified during the evaluation are:

- delays in issuing sub-legal acts;
- delays in operationalizing internal structures and recruiting qualified staff;
- the lack of a special archive; as well as
- limited access to certain sensitive documents due to the current legal framework for the protection of data and classified documents, including the lack of a legal basis to compel every natural and legal person, body or institution that possesses such documents to cooperate with the Institute by providing copies of the relevant documents

V. EVALUATION RESULTS

V.1. Questions for the compliance evaluation

37. From the analysis to date of the implementation of Law No. 08/L-177, it appears that the law continues to be the main instrument for the operationalization of the Institute, but during the implementation of this law several shortcomings of a normative-organizational and functional nature have been observed, especially those related to the competencies of the institution, mechanisms of inter-institutional cooperation and the administration of documentation, as well as the obligation of public and private institutions related to crimes committed during the war in Kosovo. Moreover, its implementation has been slowed due to

the insufficient availability of professional and technical human resources, as well as delays in issuing implementing sub-legal acts. Likewise, the failure of the Law on Archives to specify that the Institute, alongside other institutions, is to have its own special archive, as well as other aspects related to this issue, are of vital importance for the Institute.

38. In terms of normative formulation, several shortcomings have been identified, and the partial regulation of the field are among the factors that have influenced the incomplete operationalization of the Institute, namely the inability to carry out functions in a proper manner.

39. In this regard, during the process of evaluating the implementation of Law No. 08/L-177, several issues have been identified that require direct addressing through legal amendments and/or the creation of the legal basis for their regulation by sub-legal acts, particularly in relation to the administration of archival material related to war crimes, as follows:

- The need for Law No. 08/L-177, through the drafting of a specific provision, to regulate the submission of the original/copies of materials related to crimes committed during the war in Kosovo
- The regulation of fees for access to archival materials is very important; therefore, the legal basis for regulating the fees for the use of archival materials held by the Institute, as well as the maximum number of pages of material that may be used, particularly those related to war crimes, should be regulated by legal provisions. Regulating this issue through a sub-legal act enables flexibility and the regular updating of fees as needed.
- The referencing of the Law on the Institute to the provisions of Law No. 08/L-111 on Archives should clearly provide that, as regards archival material, the provisions of the Law on Archives apply as appropriate also to the archival material of the Institute, unless otherwise specified by the Law on the Institute. This would help with institutional harmonization and the avoidance of legal gaps for the long-term administration of the Institute's documents and archival materials.
- The procedure for collecting archival material is another issue that must be addressed in the amendments and supplements to Law No. 08/L-177, by clearly determining the procedures for collecting and processing archival materials through a direct provision in the law, as well as by creating the legal basis for issuing a corresponding sub-legal act that establishes a special commission within the Institute to manage this process, which will determine the criteria for the acceptance, preservation and verification of sources and their reliability.
- It is essential to stipulate in Law No. 08/L-177 the obligation for the permanent preservation of documents related to crimes committed during the war in Kosovo.
- There should be cross-referencing provisions in several laws to avoid duplication and eliminate unnecessary legal conflict, e.g., Law No. 08/L-111 on Archives, Law No. 06/L-082 on the Protection of Personal Data, Law No. 06/L-081 on Access to Public Documents, and Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies, Law No. 04/L-184 on the Administration

of Office Work, Law No. 08/L-168 on the Special Prosecution, as well as other laws related to the field of documenting war crimes.

V.2. Questions for the implementation evaluation

40. **Adoption and Entry into Force of the Law:**

Law No. 08/L-177 on the Institute of Crimes Committed During the War in Kosovo was adopted by the Assembly of the Republic of Kosovo on 13 July 2023. It was published in the Official Gazette of the Republic of Kosovo No. 19 on 9 August 2023 in Pristina and entered into force fifteen (15) days after publication.

- Appointment of the Director of the Institute:

  The Director of the Institute was appointed on 8 November 2023, pursuant to Decision No. 589/2023.

- Regulation on Internal Organization:

  Regulation (OPM) No. 04/2024 on the Internal Organization and Systematization of Job Positions in the Institute of Crimes Committed During the War in Kosovo was approved by the Prime Minister through Decision No. 017/2024, dated 14 February 2024, and entered into force seven (7) days after its publication in the Official Gazette of the Republic of Kosovo.

- Administrative Instruction (ICCWK) No. 01/2025:

  Administrative Instruction (ICCWK) No. 01/2025 on Procedures and Measures for the Use of Archival Materials and the Protection of Personal Data or Other Sensitive Data at the Institute of Crimes Committed During the War in Kosovo was approved by the Executive Director of the Institute through Decision No. 77/2025, dated 7 October 2025, and entered into force seven (7) days after its publication in the Official Gazette of the Republic of Kosovo.

- Number of Planned Sub-Legal Acts:

  For the implementation of Law No. 08/L-177, the adoption of a total of two (2) sub-legal acts was envisaged.

- Adoption of Sub-Legal Acts within the Prescribed Deadlines:

  Of the planned acts, Regulation (OPM) No. 04/2024 was issued within the deadline prescribed by law. However, Administrative Instruction (ICCWK) No. 01/2025 on Procedures and Measures for the Use of Archival Materials and the Protection of Personal Data or Other Sensitive Data at the Institute of Crimes Committed During

the War in Kosovo was issued two (2) years after the entry into force of Law No. 08/L-177 on the Institute.

- **Budget and Human Resources during Establishment and up to 2025:**

  2024: Budget: €50,000.00. Human resources: one (1) official, namely the Executive Director, and three (3) members of the CDF programme from the Ministry of Foreign Affairs and Diaspora (MFAD).

- 2025 (current at the time of reporting): The approved budget for 2025 amounted to €398,262.80, pursuant to the 2025 Budget Law.

  - Wages and Salaries: a total budget of €290,182.40.
  - Goods and Services: a total budget of €126,500.00.
  - Utilities: a budget of €5,000.00.
  - Human resources: From 2024 to 2025, in accordance with the recruitment procedures and the staffing plan approved by the Department for the Management of Public Officials (DMPO) for 2024–2025, a total of thirty-nine (39) recruitment processes for various positions under Regulation (OPM) No. 04/2024 on the Internal Organization of the ICCWK were successfully completed.

V.3. Questions for performance and impact evaluation

Taking into account the scope and type of this Ex-post evaluation, the working group has concluded that this part does not apply to this evaluation.

VI. CONCLUSIONS AND RECOMMENDATIONS

VI.1. Conclusions

41. After carrying out the Ex-Post evaluation of Law No. 08/L-177, through a qualitative and analytical approach, and after inter-institutional consultations with the relevant parties, it results that this law represents an important institutional effort to ensure the sustainable and professional documentation of crimes committed during the war in Kosovo. However, from the analysis of implementation and compliance it appears that there are obstacles in implementation, which require the review of certain provisions and legal harmonization in order to achieve the objectives of the Law.

42. This Ex-Post evaluation has focused on the ***Implementation and Compliance Evaluation***, analyzing the key provisions of Law No. 08/L-177, institutional functionality, and compliance with the rest of the legislation, and has identified evident limitations in the level of practical implementation, lack of resources, and delays in implementation.

43. Summary of findings against the criteria used for evaluation:

- **Legal compliance:**
- Law No. 08/L-177 is not fully harmonized with the relevant legal acts such as: Law No. 08/L-111 on the Archives of Kosovo, Law No. 06/L-081 on Access to Public Documents, Law No. 06/L-082 on the Protection of Personal Data, Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies, Law No. 04/L-184 on the Administration of Office Work, and Law No. 08/L-175 on the Protection of Classified Information.
- Also, Law No. 08/L-111 on Archives does not specify that the Institute also has its own special archive; therefore this law needs to be amended. Also, Regulation (GRK) No. 08/2023, on Allowances for Employees in the Public Sector, should be amended and supplemented to add the categorization of civil servants with specific risk at work whose health is at risk.
- **Implementation:** The full operationalization of the institution has suffered delays due to legal uncertainties and the lack of resources at the start of the implementation of the law. A special archive is still lacking, the organizational structure has not been fully operationalized, and the procedures for managing documentation must be further developed.
- **Effectiveness:** The Institute has not managed to achieve its full objectives for the documentation and preservation of evidence of war crimes. The lack of mandatory cooperation by natural persons, legal entities, as well as public bodies and institutions and private entities, and the lack of defined standards for access to and preservation of documentation, have negatively affected the full realization of its mission.
- **Coherence:** There are significant inconsistencies between the purpose of the law and its current structure. The provisions on the functioning of the institution and on the exchange of information are not linked sufficiently and appropriately in a functional and coherent manner with the existing institutional framework.
- **Efficiency:** Due to the insufficient availability of specialized personnel, limited resources and inadequate financial support, the cost of implementation has increased, while the impact has remained limited. This has created an administrative burden and unnecessary delays in achieving some of the law's objectives despite the progress achieved to date.

Lessons learned:

- Efforts to build institutions with a sensitive mandate require a clear and harmonized legal basis; otherwise, implementation remains formal and non-functional.
- Harmonization between sectoral laws and the law establishing the institute is essential to guarantee the institution's functional integrity.
- The Institute must be completed with sub-legal acts deriving from the law, the provision of sufficient professional staff, and the provision of a sufficient budget; otherwise, the purpose of the norms remains only at a declarative level.

Lessons from the evaluation process:

- Inter-institutional cooperation during the evaluation process has proved useful for identifying practical challenges, but it needs to be institutionalized through permanent oversight and reporting mechanisms.
- Article 11 is not sufficiently robust to compel cooperation by public and private entities. This has resulted in difficulties in collecting important data and evidence.

IV.2. Recommendations

A. Recommendations for legal amendments

A.1. The necessary legal amendments to Law No. 08/L-177 on the Institute for Crimes Committed During the War in Kosovo

44. Reformulation of the title of the Law, to add research and documentation, in order to harmonize with the purpose and content of the Law.

45. Reformulation of Article 1 of Law No. 08/L-177**,** to clarify the purpose of the law as: "research, documentation, archiving and preservation of the evidence and testimonies of crimes committed during the war in Kosovo", as well as the determination of the Institute's competencies.

46. Reformulation of Article 3, paragraph 1.5, to change the definition classification to categorization;

47. Reformulation of Article 4, paragraph 1, of Law No. 08/L-177, to qualify the term agency as executive agency within the OPM or the relevant Ministry as determined by Government decision.

48. Paragraph 6 of Article 4 of the Law to be deleted, since such matter is regulated by Article 7 of the Law.

49. Supplementing Article 5 (paragraph 8) with the principle of protection of the best interests of victims of the war, in accordance with international standards for transitional justice.

50. Amending and supplementing Article 10 (paragraph 5) to expand the legal basis not only for use, but also for the definition of the Institute's archival material, the manner of processing and preservation, as well as the regulation of fees for access to archival materials, and also the legal determination that this sub-legal act is issued by the Government.

521. Amending Article 11 to clearly define the legal obligation of cooperation by all public and private entities with the Institute, providing for sanctions for non-cooperation and prohibiting the transfer of evidence or documents related to crimes committed during the war in Kosovo outside the territory of the Republic of Kosovo without the authorization of the Institute.

52. After Article 11, add Article 11/B, to determine the special status and allowances for employees in the Institute for Crimes Committed during the War. The employees of the Institute for Crimes Committed During the War in Kosovo are considered civil servants with a special status, within the meaning of Article 6 of Law No. 08/L-197 on Public Officials. Due to the specific nature, which relates to the research, collection, verification, archiving and documentation of facts and evidence of crimes committed during the war, as well as due to the special working conditions and potential risks to health and safety.

53. Addition of new articles, elaborated above in the results section of the evaluation, which fill the legal gaps identified in this Ex-Post evaluation.

A.2. Necessary legal amendments to Law No. 08/L-111 on Archives

54. Amending and supplementing Article 10 (paragraph 2) of Law No. 08/L-177 to create the legal basis for establishing the Institute's special archive, which is essential for the institution's mission. To achieve this, it is necessary to amend and supplement Law No. 08/L-111 on Archives to add a specific article allowing the creation of a dedicated archive for documenting war crimes, since Article 10, paragraph 2 does not envisage the possibility of creating a special archive for the Institute; therefore its supplementation is required by adding subparagraph 2.7, which specifically establishes the Special Archive within the Institute.

A.3. ***Necessary legal amendments to Regulation No. 08/2023 on Allowances for Employees in the Public Sector***

55. The Regulation in question should be amended to provide that the category of civil servants engaged in researching and documenting crimes committed during the war benefit from the allowance for specific working conditions, since their health is at risk.

B. Recommendations for institutional strengthening and capacity building

56. Ensuring sufficient funding and recruiting specialized staff for the Institute, including experts in international criminal justice, archival science, and the documentation of war crimes.

57. Support for the development of specialized trainings for the Institute's staff, together with other bodies that cooperate on the research, documentation, archiving and combating of crimes committed during the war in Kosovo (the judiciary, the prosecution, the police, the archives, and the security agencies and those for the protection of personal data and privacy).

58. Drafting and adoption of implementing sub-legal acts, including internal operational guidelines, as well as defining the proper legal basis for issuing the regulation on the classification and preservation of documents.

C. Recommendations for inter-institutional cooperation and transparency

59. Establishing the legal mechanism of cooperation with all public institutions and those of the justice system for cases related to war crimes, including the submission of relevant

documentation to the Institute also by natural persons and legal persons, for the purpose of researching and documenting crimes committed during the war in Kosovo.

60. Formalizing cooperation with the justice system, to enable the exchange of information, support in investigations and proceedings for the investigative and justice bodies regarding crimes committed during the war through the provision of the necessary data and documents.

D. Other recommendations

61.The obligation to stipulate the carrying out of the Ex-Post Evaluation in Law No. 08/L-177 within a timeframe after 3–5 years, in order to achieve the objectives.

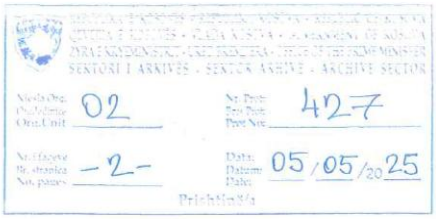
62. **Examination of the possibility that, upon amendment of the Law,** an **Inter-institutional Mechanism be created for addressing issues related to war crimes committed during the war**, with representation from the Institute, OPM, the Ministry of Justice, the Kosovo Police, the Agencies, the KJC, the MIA, the MFLT, the KPC, AMIK and the relevant institutions, as well as civil society organizations.

63.The Law amending and supplementing Law No. 08/L-177 on the Institute for Crimes Committed During the War in Kosovo must be reviewed, and the recommendations for implementation and harmonization arising from this Evaluation Report must be addressed.

64. The Legal Office of the Office of the Prime Minister is obliged to include the Draft Law amending and supplementing No. 08/L-177 on the Institute for Crimes Committed During the War in Kosovo in the next Program of Draft Laws.

VII.TECHNICAL ANNEXES

Decision No. 042/2025 dated: 5 May 2025 for the establishment of the Working Group for drafting the ex-post evaluation report of Law No. 08/L-177 on the Institute for Crimes Committed During the War in Kosovo.



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria - Vlada – Government
Zyra e Kryeministrit - Ured Premijera - Office of the Prime Minister
Sekretari i Përgjithshëm – Generalni Sekretar – Secretary General

Datë: 05.05.2025
Ref: 042/2025

Sekretari i Përgjithshëm i Zyrës së Kryeministrit, në mbështetje të nenit 20 paragrafi 5 nënparagrafi 5.3 të Ligjit Nr.08/L-117 për Qeverinë e Republikës së Kosovës, si dhe duke u bazuar në Vendimin e Qeverisë së Republikës së Kosovës Nr. 07/145 të datës 07.06.2023 për aprovimin e Manualit për Vlerësimin *Ex-Post* të Akteve Juridike në Republikën e Kosovës, nxjerr:

VENDIM

1. Themelohet Grupi Punues për hartimin e Raportit të vlerësimit *Ex-Post* për Ligjin Nr. 08/L-177 për Institutin e Krimeve të Kryera Gjatë Luftës në Kosovë, në këtë përbërje:

   1.1. Mentor Borovci, ZL/ZKM, Kryesues;
   1.2. Sevdie Tahiri, IKKLK/ZKM, Anëtare;
   1.3. Liridona Hoti, ZL/ZKM, Anëtare;
   1.4. Feride Podvorica, DL/MD, Anëtare;
   1.5. Azem Reqica, DBQ/MFPT, Anëtar;
   1.6. Ilir Gutaj, DTMVK/MD, Anëtar;
   1.7. Rifat Muqiçi, AMIK, Anëtar;
   1.8. Alberita Hyseni, ZL/ZKM, Anëtare;
   1.9. Agim Fejzullahu, DMZP/MPB, Anëtar;
   1.10. Bashkim Spahiu, PK/MPB, Anëtar;
   1.11. Leonora Selmani, Kryesuese e Komisionit për NVSPDHL; Anëtare;
   1.12. Shpend Haxhibeqiri, anëtarë i Komisionit për NVSPDHL, Anëtar;
   1.13. Besnike Mehmeti, ZL/ZKM, Anëtare;
   1.14. Ruzhdi Panxha, ASHAK, Anëtar;
   1.15. Albiana Arbeni, IKKLK/ZKM, Anëtare.

2. Në takimet e grupit punues ftohen të marrin pjesë edhe:

   2.1. Nehat Pllana, AIP, Anëtar;
   2.2.Bedri Duraku, KGJK, Anëtar;
   2.3. Ilir Morina, KPK, Anëtar.

3. Sipas nevojës dhe me qëllim të realizimit të obligimeve të parapara me këtë Vendim, Kryesuesi i grupit punues mund të ftojë edhe ekspertë dhe përfaqësues nga institucionet tjera.

4. Grupi punues obligohet që të hartoj edhe finalizojë Raportin për Vlerësimin *Ex-Post* për Ligjin Nr. 08/L-177 për Institutin e Krimeve të Kryera Gjatë Luftës në Kosovë, në pajtim me rregullat dhe procedurat e përcaktuara në Manualin për Vlerësimin *Ex-Post* të Akteve Juridike.

5. Ky vendim hyn në fuqi ditën e nënshkrimit.

Arben KRASNIQI

Sekretar i Përgjithshëm

Vendimi iu dërgohet:

- *Kryesuesit të Grupit Punues;*
- *Anëtarëve të Grupit Punues;*
- *Arkivit të Qeverisë.*