



## **Collective Memory and Transitional Justice Program**

Report of Findings from the Focus Groups

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2010, Prishtinë, Kosovo

## Report on Findings from the Focus Groups\*

Alter Habitus started the program on Collective Memory and Transitional Justice in Kosovo (hereafter CM & TJ), through which it aims to document and research all memorials built in Kosovo from 1999 – 2009. Alter Habitus considered that it is important to understand first the basic contours of how collective memory and transitional justice is understood and organized. In February 2010, Alter Habitus has conducted focus groups in seven municipalities of Kosovo: Gjakovë, Prizren, Ferizaj, Pejë, Gjilan, Kaçanik and Han i Elezit and Prishtina. Main questions included:

- What is the understanding of CM & TJ?
- How are memorials organized in your municipality?
- Are memorials erected for women martyrs or women that contributed to national cause?
- What are the existing initiatives on transitional justice in your municipality?

The total number of participants in focus groups was 123 coming from different professional backgrounds:

- Directors of Municipal Departments for Urban Planning
- Directors of Municipal Departments for Youth, Culture, and Sports.
- Active NGOs
- The Association of War Veterans
- The Association of Political Prisoners, former Political Prisoners
- Human rights activists
- NGOs that work with cultural heritage
- NGOs that work on gender issues or women's issues
- Representatives of political parties
- Representatives of villages of certain municipality
- Citizens

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\* As Alter Habitus has made some changes in the website, this report has been restructured in Oct 2017 and turned into PDF for the reader's proper use and reference. Although this report is from 2010, in the following years, Alter Habitus continued other projects on collective memory in cooperation with ZDF-Kosovo Program. Information regarding our cooperation could be found in our website or in the facebook page of **forumZFD - Kosovo program**.

# Collective Memory

## *Terminology*

There are different usages of terms for different types or for the same type of memorials. For example, *lapidar*, *përmendore*, *bust*, *shtatore* are widely used for sculptures. Therefore, Alter Habitus decided that under naming ‘memorial’ would mean all types of sculptures or martyr cemeteries that have certain plaques with names of martyrs engraved. In the inscriptions of the memorial plaques, we also often found different expressions for a martyr or hero e.g., *martir*, *hero*, or *dëshmor*.

## *Manifestation of collective memory*

Collective memory mainly is manifested in monuments and memorial sites like cemeteries, commemoration academies, street naming, celebration of national holidays where the life of certain national heroes are commemorated, and songs.

*How I understand collective memory is like a request of people’s memory of their own history*  
– Kaqanik, Hani i Elezit.

## *Legal aspect – institutional or non-institutionalized memory*

The common results of almost all focus groups is the request to have an institutionalized form of dealing with the past, including these manifestations of collective memory such as memorials. It was often mentioned that there is a need to establish a legal framework through which there will be standards and norms for building memorials.<sup>1</sup>

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<sup>1</sup> Kosovo Assembly passed a law in September 2005 that announces the Adem Jashari memorial in Prekaz as a monument with a special national interest and ‘ontological, anthropological, historical, and cultural’ importance for the citizens of Kosovo. According to Article One, this law aims to protect the memorial from the ‘political influences and obligations of Kosovo’s institutions. Article Seven says that ‘Kosovo’s government will ensure financial means in erecting the memorial’, while Article Eight emphasizes that ‘it is forbidden to have any act of political parties such as gathering or other party manifestations’ within this space. The law could be accessed at [http://www.assembly-kosova.org/common/docs/ligjet/2004\\_39\\_al.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2004_39_al.pdf)

## *Procedures and practices for building a memorial*

In order to build a memorial, there is no clear understanding about what are procedures and if they are the same for each municipality. Departments within the municipalities do not have exact information regarding the number of memorials built from 1999 – 2009, procedures and financial support. The reason we were told is that after the 1999 war, there were still unconstituted municipal departments that dealt specifically with issues of memorials.

The Municipal Directorate for Urbanism and Planning of each municipality is considered to be the department that determines the location of memorials and issues the permission for any kind of construction, which includes the building of memorials too. This rule did not include villages. Memorials were mainly built to martyrs in the place where they were shot, and there was no request for permission to build memorials on these particular locations that was addressed to municipal departments. It was understood that municipalities would agree on the commemoration of martyrs, and a need to formalize this through municipality procedures was not considered needed. In most of cases, the initiatives for building a memorial came mainly from the families of the martyrs, Association of War Veterans (AWV), and in some cases from the Municipal Assembly.

There are some memorials in cities that were built through municipal procedures or support and as municipal projects. For example in **Gjakovë**, the Qabrati cemeteries have been built following the request of two or three families of martyrs, while the municipality supported the project financially. The Gola family (a martyr's family) built the memorial of martyrs in their own land.

In **Prizren** formal procedures were carried out only in the city of Prizren, whereas in villages, the families of martyrs and the AWV have mainly initiated the building of memorials. In **Ferizaj**, the AWV is the organization that mainly mediates and administers the initiatives for building memorials. The procedures follow these steps: The AWV, on behalf of initiators for the memorial project, files a request in the municipality for selecting a location to build the memorial. Then a competition for the design of the project is announced. This announcement is done by the investor, which could be municipality, a private company, or in some cases the family of a martyr. In all cases, the investor decides who wins the competition. In **Pejë**, as in other municipalities, it is the Department of Urbanism that issues permissions and make projects for building memorials. In **Gjilan**, the process of building memorials does not differ much from other above-mentioned municipalities. Also here, the AWV often mediates between the initiators of a memorial and municipality. In this municipality, as well as in Prizren, the process of memorialization has very often been caught between different political fractions. In Mitrovicë (although no focus group was conducted there), a citizen showing us a way to a monument, complained about how the decision is being made for building a monument/memorial. He showed us about a martyr who contributed to national liberation since the period of Yugoslav socialism, and he died fighting during the 1999 war. According to him, because his family is poor, there was no one to initiate building a memorial for him.

Instead, economically powerful families and those that have good social network, initiate to build the memorial for a martyr who was a family member or part of this social and political network. Hints of this discussion were discussed also in focus groups where questions were raised – who merits more a memorial?.

*‘Memorials are built very fast without strong criteria, with impositions, without fitting to architecture, without competition...’ – Gjakovë.*

### ***Protection of memorials***

We could not derive an answer about who is considered to be responsible to protect memorials. In all the municipalities in which focus groups were conducted, our understanding is that memorials built from 1999 – 2009 are not being protected by any governmental or non-governmental organization.

### ***Gender dimension***

Generally, memorials were built to honour primarily men heroes and not women heroines. There is, however, a minimum attempt to recognize and commemorate the contribution of women who fought in different ways for the national liberation.

In **Kaqanik**, the Centre for Health and Family Care bears the name of two women martyrs (sisters) that died during the 1999 war. In the focus group, it was not mentioned whether they were KLA fighters. We learned that that there was one meeting that women-former KLA members, organized in Drenas, but no information about a follow up meeting or whether this meeting was in order to socialize or for professional cooperation.

In **Pejë** in the village of Kosoriq, with a family contribution, a memorial was built to honour two women (mother and daughter) killed during the war. Participants knew that one of them was an activist of the national liberation before the 1999 war. In the yard of Peja’s main hospital, the municipality has put a memorial plaque in which the name of the KLA fighter Myrvete Maksuti is engraved. Participants said the Myrvete Maksuti was killed in confrontation with the Serbian Military Forces in the yard of the hospital. In Peja, generally, in the collective memorials such as cemeteries, the names of both women and men martyrs are engraved. In **Gjilan**, in village the village Zhegovc, there is a memorial built for the woman activists of the national cause Hanumshahe Dumani.

## *Aesthetics*

In **Ferizaj** there were different views regarding aesthetics of monuments. Some of participants supported the idea that the martyr portrayed in the sculpture has to have a gun in his hand because the memorial must convey the message that the martyr died fighting for freedom. There were contrasting views regarding the design of certain memorial – the main view supported the idea that this should be left to artists.

*‘If a fighter is being honoured, it does not mean that we have to put the Kalashnikov there because it is a bit harsh... for me the hero is not Kalashnikov but it is freedom, which means it is better to have him appear with a symbol of peace rather than with a harsh symbol of war’ – Ferizaj.*

Participants strongly believe that this process has to have standards and norms through which collective memory for the martyrs and the war could be carried. Among other suggestions that came in the discussion was the idea to create a museum. According to participants, there are already collected materials that could be exhibited such as the clothes of the soldiers, their books, and other personal items.

*‘He who has conquered the memory, has conquered the individual, has conquered the territory and the space.’ – Prizren.*

In the municipality of **Kaqanik and Hani i Elezit**, as expected, the discussion was directed toward the March 1999 when the Serbian Army, police, and paramilitary groups deported Albanian population from Kosovo. In respect to memorialization, participants affirmed that in 2008 Kosovo’s government has put a commemoration plaque in the *no man’s land* between Kosovo and Macedonia, which is the area where in 1999 the deported Albanian population was waiting to cross the border into Macedonia. Participants consider that this plaque is more symbolic that represent the deportation of Albanians from Kosovo. Kaqanik and Hani i Elezit, recently divided as two different municipalities, are good examples of cooperation between all organizations such as municipal departments, the business community, and Kosovo Protection Corps (Trupat Mbrotjëse të Kosovës – TMK), in creating and building the common space where all martyrs of both municipalities were reburied.

## *Location of memorials*

An issue that bothers participants in the focus group in Peja, is the building of sculptures or memorial plaques in spaces that are public property. Participants said that this, along with the development of the town, e.g., building highways, would create conflicts because some of these memorials were built beside the road. In these cases, they have to be moved to some other places, or to have other solutions.

## **Transitional Justice**

As far as transitional justice is concerned, what characterizes all municipalities in which focus groups were conducted is the ambiguity of the very term *transitional justice*. When discussing the idea of dealing with the past, the willingness is expressed only if it means that concrete initiatives come from Kosovo's government. Participants do not see dealing with the past as a process of inter-ethnic reconciliation, but as an emergent need to register and finalize data on the number of people killed, deported, or raped during the war; registration of all material damages of this period; the preparation of indictment against Serbia as well as the requirement of compensation for damages during the war.

Participants emphasize especially the lack of the proper treatment of former political prisoners and other people damaged from war. The families of the victims and those of missing people, continue to be marginalized because, apart from the fact that they are hostages of the painful past, they also suffer from poor economical conditions. The law on the *Status and the Rights of Families of Martyrs, Veterans, Invalids, KLA Members and Families of Civil Victims* has been signed in May 2005 from the (at that time) head of UNMIK, Soren Jessen Petersen, in the presence of Kosovo's (at that time) Prime Minister Agim Çeku and the representatives of different organizations. "*With this law we accept the contribution that war martyrs have given for peace in Kosovo*" - Prime Minister Çeku, on that occasion, has declared that although the law should have been passed much earlier, it is important nevertheless that from now on these categories will have institutional protection. What actually happens is that this 'institutional protection' is very symbolic, and there are favouritisms for certain families regarding the allocation of benefits. (From the interview with Centre for Research, Documentation and Publication- CRDP)

*'Unfortunately, the families of victims, every day more and more are left alone, little attention is being paid to them...only in anniversaries, journalists pay a visit to them, some politicians go and have some speeches there and here the issue gets closed, which means in other 364 days they are left alone'* – Humanitarian Law Centre, Prishtinë.

In some cases such as in Kaçanik and Hani i Elezit, participants told about names of criminals who killed the prisoners in Dubrava prison. One of the participants also told about the testimony of one of the KLA members who said that in the houses of the villages in these two municipalities, they have found ripped clothes of women, implying the maltreatment and rape of women. The KLA soldier told the participant that they took these clothes and buried them.

*'You know', said the [KLA] soldier to me... "what we have done with those clothes is that we have taken them and buried them", I will never forget this expression...' – Kaçanik, Hani i Elezit.*

Among other important topics, the request that Kosovo should have organizations at the state level that deal with transitional justice was raised. It was expressed that initiatives coming from NGOs, because they are depended from donors, are not sustainable.

In regard to registration of war damages, in Gjakova and Gjiilan, according to focus groups' participants in these two municipalities, right after the war there were attempts in this direction. In Gjakova, between 1999 and 2000, 67 villages have been visited where burned objects were registered as well as the social conditions of families. These collected data were given to the Municipal Assembly. Participants do not have information about who was the team that conducted this registration. Whereas in Gjiilan, according to a former municipal employee of the District Court in 2002, the interim government of that time founded a group of jurists which had evidenced the victims of war and registered the damages of war. According to this participant, this material of 150 pages was given to UNMIK Police, which then gave it to EULEX. There is no further information about this material of apparently with testimonies for war crimes and registration of war damages.

*'Eleven years after the war is over, Kosova is with 1 845 missing persons, among which 500 are non-Albanians, with an 'army' of families of victims, missing people, un-integrated in society and not satisfied with symbolic financial reparation by the consolidated budget of Kosovo, unsatisfied with the treatment from society itself...' – CRDP, Prishtinë.*

A serious initiative on the issue of dealing with the past on the regional level is being done by the Humanitarian Law Centre, which is the initiator for creating a regional commission for finding facts on war crimes and facts for heavy violations of human rights (KOMRA). This commission will cover the period of 1991 – 2001, the time in which all the wars of the former Yugoslavia occurred, including the conflict in Macedonia in 2001. In focus groups, only a few

participants knew about KOMRA, and those who have heard of it, were themselves part of this undertaking.

In this part of discussion, we have generally noticed that there is a dose of mistrust and insecurity regarding the competences of Kosovo's governmental organizations, along with those of international organizations, and questions about the role of the latter in this process.

*'Internationals have insisted to forget and forgive...this is antagonistic because you are requiring remembering an issue, but on the other side you appeal for forgetfulness' – Prizren.*

These two topics – collective memory and transitional justice, which are essential parts of one another, have been very difficult to discuss in the focus groups, whether from the theoretical aspects or practical ones. Nevertheless, this short report has highlighted the main findings from the discussions with the hope that it gives an overall picture of the dynamics of collective memory and transitional justice as it is understood in Kosovo's society. These findings establish a firm ground on which future research in the field of collective memory could be detailed.

## **Conclusion**

As said in the beginning of this report, the aim of focus groups was rather to get a picture of people's understanding about collective memory and transitional justice; procedures and practices to build them, and their gender and aesthetic dimension. The findings tell us about some issues that can be generalized which are put in this section mostly as hypothesis that need to be reviewed and confirmed in other stages of research. Furthermore, this section brings also other research questions that need to be addressed, and in this way create also guidelines on what would be further steps for work and cooperation.

While in the field, Alter Habitus talked to municipal employers in different departments regarding procedures and practices in building a monument/memorial and also asked about their specific location in the city or villages. It happened often that the information that Alter Habitus received from either a municipal department or Association of War Veterans (AWV) did not correspond with the real situation in the field. This tells us that so far there is no clear and same work of conduct in each municipality in regard to how memorials are build, their location and their number. Because of this, a need is expressed that this issue should be regulated institutionally. The issue of institutionalisation came forth also in discussion about to whom memorials are built? Who merits more to have a memorial? Does economic issues and political affiliation play a role in decision to build a monument to a martyr? In this line,

there is no institutional protection of monuments/memorial sites. Those that are build with family initiatives are protected and maintained by the family of the martyr.

In regard to gender dimension of collective memory expressed through memorial sites and monuments, as expected, it is men heroes that are celebrated. Social relations follow power relations in almost every societal sphere, and collective memory expressed through monuments and memorials, are no exceptions to this. In a society dominated by men, the remembrance of women KLA fighters, or other women who contributed in different ways to national liberation follow cultural norms, which function within the framework of patriarchal domination and reflected in both private and public sphere.

From the aesthetic point of view, said also in the other events and discussions of Alter Habitus, and derived from these focus groups - memorials in Kosovo mostly resemble the soc-realist art of post-WWII. The difference, however is that monuments and memorials build after 1999 war in Kosovo have national symbols such as the national flag, the KLA emblem, or Albanian white skullcap *plisa*. Artists from Albania, some of whom were famous during the communist regime, have sculptured some of monuments that honour KLA fighters. Usually, the sculptures are set on a pedestal and have large proportions that show the fighter with a gun and hand grenades. Nevertheless, young people articulate the need for a different type of memorialisation that corresponds with urban planning and is in line with contemporary art creations.

In regard to Transitional Justice (TJ) first the discussion went in the very understanding of the term, which tells us that organizations that work on this field, need further more explanation and perhaps practices of TJ in other countries (something that KOMRA is doing). Participants considered that the process of materialization of memory and the process of dealing with the past requires concrete work from the government. Citizens in focus groups considered that this process has been the target of different political groups and of trivial issues.