

Transitional justice principles versus survivors' experience – conflicting interpretations in Kosovo case study involving missing persons and their memorialisation

Melanie Klinkner* and Stephanie Schwandner-Sievers

Department of Humanities and Law, Bournemouth University, Bournemouth, United Kingdom

**Corresponding author: Bournemouth University, Talbot Campus, Fern Barrow, BH12 5BB Poole, UK; email: mklinkner@bournemouth.ac.uk*

Short biographies:

Dr Melanie Klinkner is a Principal Academic in International Law and currently holds an Arts and Humanities Research Council Research Leaders Fellowship for the creation of mass grave protection guidelines with the International Commission on Missing Persons (ICMP) as project partner. In addition, she is the Principal Investigator on a Global Challenges Research Fund project to produce a short, animated film that will humanise the process of mass grave protection and investigation from the representative perspective of victims' families. Together with Dr Howard Davis she is author of the monograph 'The Right to the Truth in International Law' (published by Routledge, 2020). During Trinity Term 2018 she was a Research Visitor at Oxford University's Bonavero Institute of Human Rights. At Bournemouth University she teaches public international law, international criminal law and international human rights law.

Dr Stephanie Schwandner-Sievers is a Principal Academic in Social Sciences, teaching across Bournemouth University's anthropology, criminology and sociology programmes. She co-directs the Research Centre for Seldom Heard Voices: Marginalisation and Societal Integration. Her ethnographic research among and with Albanians in post-socialist Albania, post-conflict Kosovo and as migrants in translocal contexts, has led to numerous publications focusing on questions of war and conflict survivors' identity constructions and resistance to international interventions in recourse to contested pasts. She is the Principal Investigator of the AHRC-GCRF project 'Changing the Story's' 'Kosovo-Strand' (2017-2021) and Co-investigator of several international projects.

Pre-Print forthcoming in: *Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship*. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

Transitional justice principles versus survivors' experience – conflicting interpretations in Kosovo case study involving missing persons and their memorialisation

Survivors of gross human rights violations can tell individual stories of suffering and lessons learnt which can feed into the collective memory of a population. According to Transitional Justice, however, core common principles are posited to apply universally when dealing with past gross human rights violations. These include the human-rights based Dealing with the Past framework derived from the Joint-Orentlicher Principles to fight impunity, including four core principles: (1) the right to know, (2) the right to justice, (3) the right to reparation and (4) guarantees of non-recurrence. We compare and contrast the intended meaning of this principled rights-based approach with local survivors' perspectives and interpretations as elucidated through a micro-ethnographic approach. Our case study focuses on the story, activism and continued memorialisation efforts of Ferdonije Querkezi of Gjakova in Kosovo, whose husband, four sons and six further relatives were abducted from her home in spring 1998. This ethnographically-grounded, systematic comparison of intended versus locally constructed interpretations of, and associated meanings given to, the four core principles points to the importance of a nuanced right-based approach which can take local systems of knowledge into account when considering transitional justice aims vis-a-vis social realities on the ground.

Keywords: missing persons; dealing with the past; memory; transitional justice; ethnography; Kosovo

Introduction

In 2016, Kosovo-American photographer Artan Korenica published a picture of a lone woman sitting at a family dining table. There are six chairs around the table. On the table, six servings of stew, some bread and vegetables can be seen. The white plates and the light table cloth, featuring some flowery garlands, contrasts with the dark brown tones of the background: a mahogany-veneered sideboard, carrying a TV and family photographs, a wood-burning stove and a sofa. This scenery exudes normalcy, capturing what would seem an ordinary, every-day moment, were it not for the five empty seats. Five members of the family are missing. The woman is Ferdonije Qerkezi, an Albanian citizen and activist of the west Kosovan town of Djakovica/Gjakova, known as ‘Mother Ferdonije’ in Kosovo public perceptions (Schwandner-Sievers and Klinkner 2019). Her husband and four sons were abducted in 1999 and never returned. The image is called *me mungon*, ‘I miss them’. In 2016 it went viral across the transnational online world of Albanian social media. Uncountable commentaries (in Albanian) expressed many co-patriots’ identification with the continued grief caused by family members having gone missing.

According to the International Commission for Missing Persons’ most recent figures (ICMP 2019a), more than 1,600 of 4,500 documented cases of missing person,ⁱ mainly including ethnic Albanians but also members of the Serbian, Roma and other minority communities in Kosovo, still remain unresolved. To those affected by, or dealing with, the multiple family tragedies underpinning these figures, they represent a painful legacy of Yugoslavia’s last succession war.

The Kosovo war was an ethno-nationalist conflict over the same territory between Serbia under Slobodan Milosević and Kosovo's majority Albanian population, which raged between 1998-1999 and led to NATO intervention in June 1999. Kosovo, under UN tutelage between 1999 and 2012 and with the EULEX (EU's rule of law) mission since 2008 and still ongoing, unilaterally declared independence in 2008. Serbia, regardless of years of EU-facilitated 'normalisation' efforts, has yet to recognise this new state's sovereignty. In this situation, commonly known as a 'frozen conflict' (Bebler 2015), ICMP and the International Committee of the Red Cross (ICRC) continue their efforts to facilitate cross-border communication and reminding, both, the Serbian and Kosovo governments of their national and international duties before the law in relation to the missing persons problem (ICRC 2018; ICMP 2019b). However, years of stagnation of above cited figures suggest little progress. Members of local civil society organisations involved in reconciliation efforts across the wider region of the former Yugoslavia, point to an ongoing political stalemate in bilateral relations between Belgrade and Prishtina and to domestic institution's low capacity as reasons for this slow progress. They particularly highlight that efforts to retrieve the truth about missing persons and to prosecute perpetrators have been hindered by a lack of political will to fully disclose information (most outspokenly, Ahmetaj 2017). The two post-Yugoslav national governments evidently hesitate to share information which might incriminate their respective war heroes (Sh. Gashi 2019). In effect, Belgrade barely discloses information about the whereabouts of Albanian Kosovars presumed to be buried in Serbia, and Prishtina has yet to share sufficient information about Serbians and other minority group members presumed missing in Kosovo. In 2012, Kosovo's government established a Commission for Missing Persons, charged with creating and maintaining a

‘Database of active missing persons cases from conflicts on the territory of the former Yugoslavia’ in line with Kosovo’s Law on Missing Persons of 2011 (Code No. 04/L-023, Articles 13- 14). However, the long promised, simple online access for family survivors to this registry, involving tedious administrative procedures, has yet to be launched (ICMP 2019b; ICMP 2017: 28-9).

Ferdonije Qerkezi’s story, while unique in the specificities and details of her loss, is not unlike other survivors’ experience in the region, who lost the normalcy of their everyday family life from one day to the next during spring 1999. Serb ethnic cleansing efforts accelerated during NATO’s bombing campaign which started on 24th of March. In the town of Djakovica/Gjakova, West-Kosovo, Serb Police forces, some personally known to the family, took Ferdonije’s husband, four sons and six further relatives from her home, following a long day of torturous threats and intimidation. Despite exhumations of two of her sons’ bodies in 2000, Ferdonije felt that insufficient action was taken (Amnesty International 2009, 35-6). In 2005, the Red Cross finally returned the remains of the two exhumed sons. To the present day she is still waiting for official news from the other missing men of her family. Since 2007, Ferdonije has dedicated her private house to the memory of these lost family members. Here she narrates her memory of the traumatic events to local, national and international visitors. Yet, her story is wider, including both her memories of these events and her memorialisation efforts in the present. We traced Ferdonije Qerkezi’s story through multi-sited ethnography: from when the authors’ visited her in her ‘House Museum’ in 2016 and, subsequently, ‘follow[ing] the plot, story or allegory’ (Marcus 1995, 109)ⁱⁱ through the globalised Albanian ‘mediascapes’ (Appadurai 1990, 299). Her story has also been disseminated to a wider Albanian public at local, national and transnational

levels (including among a large diaspora), online (Schwandner-Sievers and Klinkner 2019). Ferdonije Querkezi's story is prevalent in countless media interviews; several documentary films; regularly recalled at anniversary events such as on The National Day of the Disappeared;ⁱⁱⁱ and through her NGO activism, both, in practice and on social media. Korenica's photograph, and the online responses it triggered, emerges as one of many examples of the ways in which Ferdonije's story reverberates with strong collectively shared Albanian emotions regarding war crimes committed by Serbs against Albanians in Kosovo in 1999.

As we have argued in a previous publication, Ferdonije Querkezi's story qualifies as 'social memory' when interpreting the style, content and sharing of her narration of traumatic events, the material setting of her House Museum and the specific cultural tropes employed in her story-telling (for a detailed analysis, see Schwandner-Sievers and Klinkner 2019). This social character of her memory, explain the story's identification potential for many individual Albanians worldwide, including for those critical of nationalist appropriations and seeking their own 'reconciliation with the past' (Hoti 2017, 19). It hinges on experiences of loss, not just of loved ones but of the wider social world as known before, and destroyed through the war. However, it is exactly where Ferdonije Querkezi's and many Albanian media's *ars memoriae* of nationalising her 'wounded memory' (Ricoeur 2004) converge that her story also qualifies as 'collective memory' at large, not least for its ideological purpose: aimed at invoking the Albanian survivors' moral obligation of neither forgetting nor forgiving such emblematic ethnic victimisation. Indeed, 'Mother Ferdonije' has become the subject of several Albanian media portrayals which situate her and her story in the canon of Albanian martyrs to the cause of ethno-national liberation. A 2015 documentary film,

titled “‘Our people,’ Ferdonije Qerkezi, living history’ (in Albanian), hailed her as ‘one of the proudest examples there are in Kosovo of remembering and never forgetting the days and events of the last Kosovo war’ (RTV 21, 2015). How compatible, then, is Ferdonije Qerkezi’s story with the key principles of Transitional Justice?

Victims and survivors, like Ferdonije Qerkezi, typically hold high hopes in the aftermath of gross human rights abuses or conflict. Research suggests that survivors hope to receive both substantive and procedural justice through a legal mechanism – be it national courts, international criminal tribunals, human rights bodies or other transitional justice mechanisms (e.g. Kutnjak Ivković 2001; Mendeloff 2009; Stover 2007; Stepakoff et al. 2014). However, in Kosovo relatively few cases have advanced to trial, resulting in numerous victims not engaging in such a process. International NGOs (e.g. International Centre for Transitional Justice, ICTJ 2020) promote restorative justice mechanisms as important measures beyond retributive justice to respond to differing contexts and experience of suffering and victimisation. This is consistent with international law, whereby victims and their families are entitled to a variety of remedies, including compensation, restitutions, rehabilitation, satisfaction and guarantees of non-repetition (UNGA 2006).

Some transitional justice literature (Jones, Baumgartner and Sidonia 2015) and international soft law (UNESCO 2005) suggest core common principles that emerge when seeking to address past human rights violations, such as those proposed in the ‘Dealing with the Past’ (Jones, Baumgartner and Sidonia 2015) framework derived from the Joinet-Orentlicher Principles to fight impunity (UNESCO 2005). Four of these key principles will form the backbone of our analysis: the (1) right to know; (2) right to

justice; (3) right to reparation; and (4) guarantees of non-recurrence (UNESCO 2005; s Jones, Baumgartner and Sidonia 2015). This quadriga of principles is derived from international law in response to gross human rights violations taking an anti-impunity stance, and therefore obligations placed on, specifically, states. However, civil society initiatives play a vital part in realising transitional justice goals (including the preservation of memory) responding to and acting in dynamic and diverse contexts (Gready and Robins 2017). A prime example in Kosovo is the work undertaken by the Centre for Research Documentation and Publication (CRDP 2015). We ask whether transitional justice goals can include transformative ‘memory work’ (Jelin 2003) such as Ferdonije Querkezi’s; and to what extent her work as a survivor and civil society activist with a wider impact, aligns with these transitional justice goals.

Ferdonije Querkezi acts as a ‘memory entrepreneur’ who, through her agency in making memory, effectively is involved in ‘the processes of symbolic transformation and elaboration of meanings of the past’ (Jelin 2003, 5), for the present and future, at individual, social and political levels. In the following, we examine the principle-based framework of transitional justice and juxtapose it to our findings on Ferdonije Querkezi’s contextually-embedded activism and meaning-making process at an ethnographic micro-level in order to explore the possible divergences and convergences in interpretations arising from these two different perspectives. In particular we focus on the above named quadriga of human rights principles, summarised in the *Dealing with the Past* framework, as forming the essential legal norms (i.e. derived from existing legal rules and principles) underpinning transitional justice efforts, thereby rendering the latter effective and legitimate. Memory forms a core aspect of these principles and is included (as a collective right) in the right to know (Viebach 2018; Klinkner and Davis

2020) and as a form of reparation, through memorials. In addition, the analysis below will underscore the importance and relevance of individual and collective memory in relation to all four principles.

Following classic interpretivist anthropological epistemology (Geertz 1973), specific systems of meaning can only be understood, firstly, on the basis of the subjective experience of the actors involved in the interpretation act and, secondly, as situated within the given context (social, political, cultural etc.) within which it is generated. Our interdisciplinary analysis (including social anthropology and international law) thus focuses on the compatibility of interpretations or ‘meanings’ not just between individuals but, based on multi-sited ethnography, at different sites of knowledge production in their specific contextual situatedness. In the following, therefore, the analysis of each of the four principles as a ‘foundation for peace, justice and inclusion’ (ICTJ 2020) in the specific context of Kosovo will be contrasted with the corresponding ‘survivor aims’ as evidenced by Ferdonije Querkezi. Such analysis is particularly significant for two reasons: firstly, because of the multitude of transitional justice mechanisms in Kosovo (ranging from international interventions, to local prosecutions, failed truth and reconciliation mechanisms to changes in the law as will be explicated below); secondly, because an individual actor has come to represent and symbolise wider perspectives and attitudes, such as in the case of Ferdonije Querkezi. Our analysis is cognisant of the epistemic risk of reproducing simplified insider/outsider dichotomies. However, the focus in the following is on highlighting ambiguities and contradictions arising when, for example, seemingly shared transitional justice aims encounter different interpretations of the role of ‘national-based narratives and historical experiences’ in dealing with past human rights violations (Luci and Gusia 2019, 133-4;

cf. also Kostovicova 2013; Subotić 2015).

Transitional Justice and the ‘Dealing with the Past’ approach

In 2004, the UN Secretary-General defined transitional justice as encompassing ‘the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation’ (UNSC 2004, para 8). These mechanisms can be judicial or non-judicial designed to offer practical strategies to address the complex legacies of gross human rights abuses while being responsive to victims. The term ‘transitional justice’ itself originates from the 1990s and is perhaps better described as ‘justice during transition’, with transition meaning a period of often complex political changes (Bickford 2004). Transitional Justice came into being through human rights’ activists, lawyers, legal and political scholars, policy makers and journalist interactions facilitated by donors, to advance human rights but also transitions to democracy (Arthur 2009, 324). A key premise was to compare experiences from across the world, noticing varying transitions and conflicts rather than identifying an ideal model for transition (326).

Over the years, transitional justice has been criticised as insufficiently emphasising the non-linear nature of transitions and the lengthy process it involves (Jones, Baumgartner and Sidonia 2015). Human rights scholars such as Gready and Robins (2014) highlight instead the need for a ‘bottom-up understanding and analysis for lives and needs of populations’ (340). They advocate a transformative approach relying on a ‘shift in focus from the legal to the social and political, and from the state

and institutions to communities and everyday concerns' (340). Such literature suggests a move away from merely positivist, legalistic approaches towards an inclusion of social realities in different contexts, also labelled as the 'contestation of the norm of transitional justice' (Kostovicova and Bicquelet 2018, 682). This shift is also congruent with the increased attention paid to the 'local turn' in peace studies, whereby the local actor takes centre-stage amidst a seemingly lost international peace-building industry (MacGinty and Richmond 2013). It has previously been suggested that transitional justice 'will never be a singular outcome but is an ongoing relational process involving an exchange between people's 'ideals' and the structural 'realities' that limit action' (Dancy 2010, 355-56).

The conceptual framework of 'Dealing with the Past' was developed out of a human-rights based approach. It re-emphasises the importance of long-term processes, the multitude of actors and mechanisms involved, the existence of different perceptions of past events and potentially diverse ideas for ways to progress towards sustainable peace (Jones, Baumgartner and Sidonia 2015). While not binding in themselves, the principles (the right to know (Principles 2-18 UNESC 2005); the right to justice (principles 19-30); the right to reparation (Principles 31-34) and guarantees of non-repetition (Principles 35-38)) suggest important legal standards (Klinkner and Davis, 2020). Against these four principles as representing universalist norms we will test the individual perception of Ferdonije Querkezi in a bid to deepen our understanding of any potential 'normative divergence' (Subotić 2015) in the locally-situated interpretation of these.

Fundamentally, the ‘Dealing with the Past’ framework brings to the fore the mutually reinforcing nature of norms and actors, in their quest for upholding other goals of peaceful coexistence, such as the rule of law, prevention, anti-impunity as well as reconciliation (however contested each of these concepts in themselves may be). It also indicates a fluidity and overlap between the core four norms as we will outline further in the following. However, transitional justice itself, in our understanding, is a process and not a norm (contrary to Kostovicova and Biquelet 2018, 682). Within the process, we point towards the possibility of a more nuanced norms-based approach by exploring the dissonances and consonances of different understandings of these principles in terms of how they may be institutionalised or realised. Fundamentally, we examine how they are interpreted from different perspectives: universalising, as contained in the abstract principles, versus subjectively, as shaped by situatedness in specific context and local experience. In the following, we analyse such “meaning” as attached to the four core principles, the right to know, justice, reparation and the guarantee of non-recurrence, from the two perspectives contrasted.

The right to know

Following gross or systematic human rights abuses, victims should be able to seek and obtain information relating to the consequences, reasons for and circumstances of their victimisation. Likewise, there is also a claim vested in the affected society to know of, and come to terms with, its history. The right to know, a duty placed on states, has therefore a dual aspect: there is the importance of the individual knowing what happened to their loved ones and there is the collective or public aspect, whereby the

wider public has a right to know about events.^{iv} Both components find expression in the Joinet-Orentlicher Principles (but also in the jurisprudence of regional human rights courts): ‘Irrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about circumstances in which violations took place and, in the event of death or disappearance, the victims’ fate.’ (UNHCR 2015, Principle 4).

In addition, the Principles emphasise the importance of a society understanding the events that happened for the purpose of a collective memory:

A people’s knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State’s duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments. (UNESCO 2005, Principle 3)

Importantly, the historical record ought to avoid partisan accounts (Zalaquett 1990). In social reality, the tension between defining cultural heritage simultaneously as a ‘universal value’ (UNESCO 1972, 2) and that of ‘a people’ has led to a politicised process and ambiguous, often partisan outcomes on the ground. This was documented previously for several of the new nation states resulting from the Yugoslav succession wars. Post-conflict Kosovo (Pasamitros 2017), Bosnia-Herzegovina (Wagner 2011) and Serbia (Spasić 2017) are all still steeped in a process of constructing or affirming their national identities based on ethnically divided narrations of the past. Ferdonije Querkezi,

as will be discussed in the next section, is actively seeking to preserve memory but this memory speaks of ethnic segregation.

From an international legal point of view, at the core of the right to know is a correlating duty on the respective state to undertake continued and systematic efforts to investigate the abuses by gathering the evidence without any ethno-national bias. Answers to questions about what happened, why it happened, identifying those responsible, directly and indirectly (Méndez and Bariffi 2011), and exposing any patterns of abuse, need to be given. For the Inter-American Court of Human Rights this ‘requires a procedural determination of the most complete historical truth possible, including the determination of patterns of collective action and of all those who, in different ways, took part in the said violations, as well as their corresponding responsibilities’ (Valle Jaramillo et al. v Colombia, 2008, para 102).

In concrete terms, Méndez and Bariffi (2011) suggest this truth-finding entails a three-tiered approach whereby the need of both victims’ and society for (1) structural truth; (2) individualised truth; and (3) victim involvement, are met (for a full discussion see Klinkner and Davis 2020). Institutionally, mechanisms such as truth commissions, commissions of inquiry, documentation and archiving are meant to work towards the fact-finding and reporting required. One such initiative for the Western Balkans is the intergovernmental Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia from 1 January 1991 to 31 December 2001, in short, RECOM. Supported by the European Parliament, this initiative, which had grown out of domestic civil society initiatives, was identified as worthy of investment. A 2018

Impunity Watch report commented that ‘[g]iven the rise of nationalist ideologies and ingrained systems of impunity in the region, truth-seeking as a bulwark against revisionism and a means to combatting denial continues to be a key area where support is of utmost importance’ (Impunity Watch 2018, 20). It is reported that Ferdonije Querkezi and her organisation have long rejected this initiative ‘as long as Serbs are also part of it’ (Di Lellio and McCurn 2012, 12; cf. Kostovicova 2013).

In addition, truth-finding according to the legal mechanisms prescribes efforts to investigate, locate and repatriate missing persons. This can be through bespoke mechanisms or a combination of institutions, as was the case in Kosovo: from 1999 onwards, a number of actors such as the ICMP, ICRC and the International Criminal Tribunal for the Former Yugoslavia (ICTY) were undertaking work regarding missing persons by collecting information from families and lobbying the relevant authorities to release information disclosing the whereabouts of missing persons. The ICRC collected reports of 6024 missing persons (ICRC 2020). Similarly, ICMP has been working on missing persons in Kosovo particularly since 2003 through DNA identification and general cooperation initially with the UN Mission in Kosovo followed by cooperation with the European Union Rule of Law Mission (ICMP 2020). Kosovo’s above-mentioned Law on Missing Persons, ratified in 2011 (Code No. 04/L-023, articles 5 (1)), tasks the government’s Commission to head, supervise, harmonise and coordinate activities relating to missing persons. The provision contains the right of family member to be informed:

Everyone shall have the right to know about the fate of his or her missing family member(s), including the whereabouts, or in case they deceased, the

circumstances of their death and location of burial, if such location is known, and they shall also have the right to recover the mortal remains.

According to Amnesty International (2009, 31), however, the United Nation Mission in Kosovo, UNMIK, which was running governmental affairs until Kosovo's declaration of independence in 2008, 'failed to fulfil their obligation to inform the family members of disappeared and abducted persons about the conduct of the investigations' in accordance with Article 2 of the applicable European Convention on Human Rights (ECHR). Ferdonije and other affected members of the Qerkezi family around her had given initial statements to UNMIK police, but subsequently were not contacted by them for several years. In other cases, they had not been properly informed of progress in the investigation' (32).

The Survivor's aim: truth-finding, truth-reporting and not forgetting

On 27th March 1999 local Serb policemen entered the Qerkezi family house uninvited and held the family hostage before abducting all Albanian men present. In 2005 Ferdonije Qerkezi had the remains of two of her sons returned by the Red Cross. But to the present day, she is still waiting for news from her other missing relatives. A failure to investigate and to disclose the truth to victims and their relatives has been held, in respect of disappeared persons, to be, in itself, a form of torture or inhuman treatment (e.g. Kurt v Turkey 1998). In fact, being kept in the dark forms part of the crime of enforced disappearance with the "not knowing on behalf of relatives" being integral to the overarching violation, the disappearance itself (Rome Statute 1998, Article 7(2)(i)). Ascertaining the truth and knowing what happened to the disappeared

will stop the corollary effect of the crime that extends to the surviving families and relatives. Until such information is ascertained and reported, technically, the crime of enforced disappearance is still on-going. Since the independence declaration in 2008, the slow progress in investigating is blamed on the government of the independent Republic of Kosovo rather than UNMIK (Ahmetaj 2017; Hoti 2017). For survivors this tangible governmental inactivity and lack of progress in investigations can be frustrating to such an extent that they might feel inclined to take investigative initiatives in their own hands (see next section).

For survivors such as Ferdonije Querkezi, there is more at stake than her own well-being or indeed the loss of her normal life. As encapsulated in the concept of ‘ambiguous loss’, the absence of bodies or any ritual markers prevents social ‘boundary maintenance’ and psychological ‘closure’ (Boss 2004, 553; Boss 2006; Robins 2014). Furthermore, without a proof of death, a place to commemorate, bury and mourn for her loved ones, she risks a ‘second death of forgetting’ (Booth 2001, 788), which means losing them for the future. Who will remember them? Who will know they lived and died? Through telling her story and sharing her knowledge about the crimes that happened, Ferdonije’s ‘fight against oblivion’ (Hoti 2017: 18) is a ‘labor of memory’, which simultaneously counteracts her own victimisation in reclaiming agency (Jelin 2003, 5). By bearing witness on behalf of those who did not survive and denouncing the wrongs committed, Ferdonije has taken on the ‘duty’ or ‘debt’ to those ‘who have gone before’ (Ricoeur 2004, 87–89), thereby establishing a new purpose and moral personhood (Booth 2006, 9). To that end, Ferdonije Querkezi has turned her private house into what is locally known as the ‘House Museum’, where she has become the guardian of her emblematic family’s story (Schwandner-Sievers and Klinkner 2019).

She opened her house first, and the memorabilia displayed therein, to visitors in 2007 once she realised her missing family members would not come back alive. The museum displays everyday items signifying the loss of previous family normalcy as well as photographs of the lost men of the family, activist posters and, in a glass cabinet, the returned clothes of the two exhumed sons. Ferdonije Querkezi has told visitors the story of the fateful events surrounding the disappearance of her family ‘a thousand times’ (RTV 21, 2015, min. 7:11). We found her speaking in a collected and detailed, albeit also often highly emotional manner while she relives the events, forcing herself just as her audience to never forget (Schwandner-Sievers and Klinkner 2019).

Ferdonije Querkezi is safeguarding her families’ existence as individuals beyond mere ‘numbers’ in an ICRC, ICMP or government report. A plaque at the wall inside the courtyard of her house confirms, in Albanian, that this is a place of memory and that ‘from this house, local Serb police forces abducted and vanished these martyrs of the people on 27 March 1999 [followed by a list of the abducted men]’. This plaque was the only official support received by the end of 2017 (Hoti 2017: 19).

Ferdonije Querkezi may be able to lobby for the structural element of the right to know about the broader events as well as for knowing the individual fate of missing persons. In fact, she has long joined forces with a local activist organisation known as ‘Mothers Calling’, which is lobbying for answers and organising protest actions around the issue of Missing Persons in Gjakova and in Kosovo at large. However, despite her efforts and the recognised importance of knowing, like other survivors, Ferdonije Querkezi may not be able to ‘invoke’ her right to know. She can lobby for, but not necessarily compel state action. In the context of the right to know it is the state’s duty to investigate and this duty is independent of the victim’s will. The state must

investigate in a way, to an extent and to a standard, which victims may influence but do not ultimately determine (and which could even be against the victim's interests or wishes, see Mégret 2018). Such investigations may serve other purposes such as the identification and prosecution of alleged perpetrators which leads to the next section: the right to justice.

The right to justice

Under the right to justice, the Joinet-Orentlicher Principles point to criminal justice mechanisms, whereby the state holds accountable those responsible for the gross human rights violations that occurred:

States shall undertake prompt, thorough, independent and impartial investigations of violations of human rights and international humanitarian law and take appropriate measures in respect of the perpetrators, particularly in the area of criminal justice, by ensuring that those responsible for serious crimes under international law are prosecuted, tried and duly punished. (UNESCO 2005, Principle 19)

This anti-impunity stance is consistent with international law, particular in relation to torture, genocide, war crimes and crimes against humanity. The emphasis on criminal trials, be that at national, international level or through a “hybrid approach” – combining domestic and international elements – is justified as being in the interests of justice, peace, and accountability.

Effective prosecutions, in a maximalist view of impact of international criminal law, are thought to satisfy the victims' desire for retribution, prevent individuals from seeking retaliation for what they suffered and avoid a repetition of the injustices (Van Schaack and Slye 2007). They are believed to contribute to the restoration and maintenance of peace by removing those most responsible from being able to continue the armed conflict and to ensure that individual responsibility will avert collective blame being associated with particular ethnic or political groups (Prosecutor v Momir Nikolić, 2003). Important fair trial guarantees and victim and witness protection mechanisms are attached to these criminal institutions.

Kosovo has seen its fair share of criminal prosecution efforts at the International Criminal Tribunal for the former Yugoslavia in relation to alleged offences committed in Kosovo (for example, the case of Prosecutor v Šainović et al.). However, the EU's Rule of Law mission in Kosovo (EULEX from 2008 to 2018) has evoked much criticism, both domestically and by international observers, for favouring political securitisation aims over prosecutions of high-profile war and post-war criminals (Cama 2018; Capussella 2015; Mahr 2017). According to Impunity Watch (2018, 16), the UN Mission in Kosovo (UNMIK) and EULEX often prioritised investigations into crimes committed by Serbian forces, but these cases rarely ended up in court due to the lack of cooperation between Serbia and Kosovo. UNMIK has issued more than 50 arrest warrants via Interpol upon which Serbia has refused to act.

In 2008, "when EULEX took over after UNMIK, it inherited some 1,200 legal cases, and was soon burdened with 100 more. The EU mission not only inherited a pile of work, but also locals' disappointment with UNMIK" (Cama 2018, s.p.). Impunity

Watch anticipated that with the hand-over, “the task of prosecuting war criminals will be entirely left to local prosecutors, who don’t have capacity to deal with the issue.

Relations are also burdened by the lack of regional cooperation – especially over the exchange of evidence and extradition” (2018, 16). Faced with a huge backlog of handed-over war crime cases, Kosovo’s independent Prosecutorial Council adopted a National War Crimes Strategy in early 2019, which prioritises chain-of-command responsibility, sexual war crimes, missing persons and witness protection. According to domestic Special Prosecutor Drita Hajdari, the lack of political will by Prishtina and Belgrade, respectively and, both, to collaborate across the regional borders and to prosecute war crimes internally, regardless of ethnicity, remains the major obstacle to achieving justice for war crime survivors in Kosovo (Haxhijaj 2019, s.p.).

Complementing Hajdari’s office (based on Law No. 03 / L-052 on Special Prosecution, adopted 13 March 2008), the Kosovo Specialist Chambers are of a temporary nature only (Law No. 05/L-053, adopted 3 August 2015). The latter were created in response to a Council of Europe Parliamentary Assembly report on ‘Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo’ (PACE 2011). The Specialist Chambers are ‘attached to each level of the court system in Kosovo’ (Law No. 05/L-053, Article 3 (1)) and have ‘primacy over all other courts in Kosovo’ (Article 10). This new justice mechanism is designed to, inter alia, offer victims that have remained silent to date a voice against former KLA officers and their role in violations against human rights law and international humanitarian law. And on 24 April 2020, the Specialist Prosecutor’s Office (SPO) filed its first indictment for the Court’s consideration which includes charges against incumbent President Hashim Thaçi (KSC 2020).

However, critics have pointed to yet another ‘legitimacy gap’ between international tutelage and local perspectives (Kostovicova 2008) for this court: created in response to external pressures rather than building on local ownership, it has failed to generate local legitimacy to date in Kosovo (Hehir 2019). It is thus ‘unlikely to command sufficient public support to either catalyse the societal changes promised by the court’s external sponsors, or withstand opposition to the court from within the Kosovo Albanian population resulting from any perceived slight against the ‘heroic’ KLA’ (267). Both prosecutorial mechanisms present contested avenues within the wider criminal accountability processes and they demonstrate the variety of mechanisms operating in Kosovo. While clearly, the Kosovo Specialist Chambers do not represent a justice avenue for Ferdonije Querkezi, as is outlined in the following section, she identified the Special Prosecutor as a viable mode to advance her quest for justice.

The Survivor’s aim: achieving a sense of justice

As far as our research could ascertain (Schwandner-Sievers and Klinkner 2019), the Serb policeman who Ferdonije Querkezi believes to be responsible for the ordeal of her family, is still at large. No formal prosecution has taken place. In her narrative, Ferdonije represents her views and experiences of events and denouncing the person she believes to be responsible for the abduction and murder of her husband and sons. Following frustration with the slow juridical progress, together with her sister-in-law, Nusrete Kumnova, who heads the non-governmental organisation ‘Mothers Calling’ and who had lost her only son in circumstances similar to those of Ferdonije’s in late March 1999, they took initiative. ‘Mothers Calling’ assembled numerous and

meticulously detailed testimonies from the surviving families of men abducted from their homes in Gjakova during spring 1999 (Kumnova in interview, L. Gashi 2019), a period marred by systematic, gross human-rights violations documented by the OSCE Verification Mission (OSCE 1999). As part of their memorial entrepreneurship (Jelin 2003), ‘Mothers Calling’ published an anthology called *The Truth about Serbian Crimes* (original in Albanian; OJQ Thirrjet e Nënave 2015). It names former local Serb policemen and other alleged perpetrators, often personally known as former neighbours or sons, husbands or brothers of Serb colleagues in the small town. It also includes indications, where known to the Mothers, of the accuseds’ current whereabouts, usually in Serbia. On 21st March 2019, Mothers Calling filed a criminal report and submitted a copy of *The Truth about Serbian Crimes* as evidence to the Special Prosecutor’s office in Prishtina. As Nusrete and her colleagues stated on behalf of the Mothers to the press on this occasion, ‘we are tired of waiting’, ‘the institutions are not doing enough for the families of Missing Persons’ and ‘we expect the criminals to be brought to justice’ (L. Gashi 2019).

There is limited empirical research that identifies what it is that survivors seek to achieve by virtue of their engagement with justice mechanisms (Stepakoff et al. 2014; Clark and Palmer 2012), but they are likely to comprise the desire to: tell their story; contribute to public knowledge; bear witness to the abuses that occurred and suffering; seek authoritative acknowledgment; bear witness on behalf of those who did not survive; or even look for revenge (Smith 2016). Booth (2001, 2006) reminds us, however, that a formal justice process may fall short of survivors’ desires for achieving ‘memory-justice’, i.e. justice through never forgetting, as a community and through time. Memory justice exceeds the judicial ‘mode of closure’ (2001, 788) because, in

survivors' reality, it is lived as 'something tangible, a duty that restored, preserved, and acknowledged the just order of the world' (2001, 789). While Mothers Calling's initiative attempts to formally institutionalise their otherwise, arguably 'socially diffuse' type of 'memory-justice' by calling on the formal justice system to recognise their informal ways of 'preserv[ing] the perpetrators, their deeds, and victims among the unforgotten' (Booth 2001, 778, 789), it might yet be doomed to disappointment. Meanwhile, in their endeavours, it seems they have taken on the role of investigators as much as archivists of the war crimes which they and their neighbours experienced. The Mothers explicitly renounce the persistent impunity of perpetrators of war crimes in Gjakova who now live freely in Serbia, demanding retribution.

However, furthermore, Ferdonije Querkezi's and her colleagues' story, as told in the museum, online and through their anthology, is not bound by the rules of accountability and formal procedures of a judicial mechanism. With their book of testimonies they have engaged in 'memory labor' (Jelin 2003) which inevitably assumes archival powers by selecting the information which it presents as relevant and true (Schwartz and Cook 2002). While their work might intend to foster its contributors' desire for memory-justice, it will be for the judicial mechanisms to decide whether the information contained therein qualifies as admissible evidence and of probative value.

For example, prosecution might be hampered by the fact that Ferdonije Querkezi's and the Mothers Calling explicitly denunciate individual policemen and paramilitaries. One individual accused by the Mothers sought to clear his name in a video-recorded telephone conversation from Serbia with a Kosovo-Albanian online news outlet (Indeksonline 2019^v). This might raise concerns for a fair versus prejudiced trial. Further, the repeated narration of experiences could pose challenges to

investigative and prosecutorial efforts such as when multiple statements raise the evidential challenge of possible inconsistencies between statements. There is also the risk that Ferdonije's and her colleague's stories impact on the physical wellbeing or life of the men accused. While the Mothers may not advocate violence, it is conceivable that others may take it upon themselves to exact revenge upon the accused with unforeseeable, wider effect. More immediately, in June 2019, domestic politicians aimed to capitalise on Kosovo's war survivors' plight by 'calling for a new international tribunal to prosecute Serbs for alleged genocide in 1998-99' (Haxhijaj and Travers 2019, s.p.). This suggestion has been criticised by international and domestic observers alike as a populist tactic of ex-KLA politicians under threats from international investigation (Klan Kosova 2019). Nevertheless, the manoeuvre triggered the Mothers' support and further raised their, perhaps unrealistic, hopes to advance justice through their memory work .

The right to reparations

According to the Joinet-Orentlicher Principles,

[a]ny human rights violations give rise to a right to reparation on the part of the victim or his or her beneficiaries, implying a duty on the part of the State to make reparation and the possibility for the victim to seek redress from the perpetrator. (UNESCO 2005, Principle 31)

Forms of reparations typically include restitution, compensation, satisfaction and rehabilitation efforts. It has been established that reparations, as far as is possible should

‘wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed’ (Germany v Poland, 1928: 47). But following gross human rights violations, including enforced disappearances, the focus is on acknowledging the harm suffered and offering access to prompt and effective remedies as well as establishing wider programmes for the benefit of individuals and communities (Principle 32). Therefore, the Principles suggest that victims and civil societies be involved in designing and implementing reparation measures.

In practical terms these remedies can take different and, as shown by the Inter-American Court of Human Rights, quite imaginative forms of non-pecuniary reparations (Antkowiak 2011: 279). The Court frequently orders a range of significant publicity measures by which the atrocity is introduced and maintained in the public memory, such as by public acknowledgment and apology and by audiovisual documentary for wide public distribution (*The Massacres of El Mozote and other Places*) chiming with satisfaction (UNGA 2006, Principle 22) as a form of reparation and guarantees of non-repetition (as discussed below). For example, in *Ituango Massacres v Colombia 2006*, the Court’s orders included public acknowledgement and an apology by the state for its failures, a memorial plaque and training for officials on their responsibilities (paras 405-6). In the case of *Contreras against El Salvador 2011*, concerned with enforced disappearance of a number of children between 1981 and 1983 (2011), the Court ordered the state to publish a summary of the judgment; make a public act acknowledging international responsibility; name schools after victims, make an audio-visual documentary and guarantee access to relevant archives (operative paras 6-

10). These are reparation mechanisms designed to preserve memory and promote education, with a view, also, to ensure non-repetition.

The Joinet-Orentlicher Principles also emphasise that knowing the truth as to what happened can be a form of reparation. This is expressed in relation to missing persons and enforced disappearance. Principle 34 explicitly acknowledges:

the family of the direct victim has an imprescriptible right to be informed of the fate and/or whereabouts of the disappeared persons and, in the event of decease, that person's body must be returned to the family as soon as it has been identified, regardless of whether the perpetrators have been identified or prosecuted (UNESCO 2005).

In the Western Balkans, the approach to reparations has been unsatisfactory overall, although there exist rare individual cases in which Kosovo Albanian victims of war crimes have received reparations through Serbian civil proceedings (Ristic 2016). Domestically, international law formally applies according to Article 22 of the Constitution of Kosovo. Therefore, 'relatives of the victims, both missing and killed, from the armed conflict in Kosovo, have the right to adequate and effective reparations' (HLC 2016, 86). Kosovo's Law 'On the Status and Rights of Martyrs, Invalids, Veterans, Members of the Kosovo Liberation Army, Civilian Victims of War and Their Families' (No. 04/L-054 (2011)) is often referred to as the 'Law on Reparations' (HLC 2016, 86). However, in continuation of internal post-conflict politics and practices (Ströhle 2010), it systematically favours war veterans and their families over other civilian survivors of war crimes (Amnesty International 2017: 33). Beyond an apparent

ethnic bias evidenced for this law (HLC 2016, 86-90), critical observers further noted an inherent gender bias, not just apparent in its focus on militant martyrdom, but also in its original (now rectified) omission of survivors of sexual violence (Luci and Gusia 2019).^{vi} On the one hand, this law recognises ‘the relatives of missing persons disappeared by Serbian forces’ (Amnesty International 2017: 33), such as Ferdonije and her fellow-Mothers, as ‘close family’ of civilian victims entitled to a family pension (HLC 2016, 87). However, on the other, they are ‘awarded a lower level of compensation and other entitlements including free health care at primary and secondary levels’ than former KLA fighters and their families (Amnesty International 2017: 33). In general, in Kosovo ‘the issue of war reparations is unfortunately and unjustifiably confused with that of regular social pensions’ according to the cross-regionally operating Humanitarian Law Center (HLC 2016, 90). At the same time, the symbolic pantheon of the post-war politics of memory and related struggles for national recognition (cf. Ashplant, Dawson and Roper 2000, 16) clearly allocates a comparably low rank to civilian war survivors in contemporary Kosovo.

The Survivor’s aim: recognition

Considering, both, standard and more imaginative, forms of reparations as identified above, including commemoration, public apology, restitution, memorial, compensation and the production of educational materials, for Ferdonije Qerkezi, the following forms stand out.

At the level of national and local recognition, memorial and commemoration, the following stands out: visitors to the House Museum can see a plaque at the entrance to

the house, placed there by the Institute for Monument Protection in Gjakova (Hoti 2017, 19). Ferdonije's House Museum is further listed as a monument in the Ministry of Cultures records of national cultural heritage (Schwandner-Sievers and Klinkner 2019). Occasional visits by prominent politicians, such as former president of Kosovo, Ahtifete Jahjaga, on the International Day of the Disappeared in August 2015 (Lajme 2015), equally qualify. However, while these facts and events are testimony to an official acknowledgement at municipal and state levels, Ferdonije Querkezi complains that official promises given at the occasions, such as providing a museum guide and other assistance, never materialised (Hoti 2017: 19).

There is also evidence of international recognition, such as seen in Ferdonije Querkezi's encounter with Prince Charles and the Duchess of Cornwall on their 2016 visit to Kosovo. After hearing individual survivor testimonies in Prishtina, the royal couple abandoned protocol and hugged several survivors, including Ferdonije. Reflecting on this event, our research respondents described that it opened up some space, albeit not publicised, for cross-ethnic collaboration between surviving family members of missing persons in seeking their rights (Schwandner-Sievers and Klinkner 2019: 11).

Public recognition, memorial and educational materials are evident in Ferdonije Querkezi's memory work with school classes and members of the public visiting her Museum, can be seen as self-managed acts of "reparative value". This includes the regular and repeated, detailed narration of the events surrounding the abduction of her family members and sharing her educational message about the past and the future (see further below). The audience shares in her suffering. Equally, the artefacts displayed in

her House Museum, just as the image described at the opening of this chapter, evoke an ‘indexical relationship’ (Crossland 2017, 186) to the loved ones who once wore those clothes, played with, or otherwise used, those items. They communicate the pain involved in losing former everyday family life and loved ones, and the implications for local communities. As mentioned above, also to critical local analysts her story-telling “cannot achieve the goals of transitional justice” but might help wider societies in Kosovo to reconcile itself with its own past (Hoti 2017, 19). Also the public recognition received in response to the wider dissemination of her plight and story (e.g. through film documentaries and regular media attention) can serve this reconciliatory purpose.

While memorials, symbolic and documentary commemorations, official endorsement and educational mission might function as a form of reparation, Ferdonije Querkezi is still seeking recognition of her and her family’s suffering through the formal, judicial process, an aim she and her organisation have aimed to advance through assembling and publishing their own evidence (see above). Other than distinct pension benefits (see above), certainly nothing akin to a Court order (national or international) on reparations, such as by the Inter-American Court of Human Rights, has been forthcoming. This indicates that formal, judicial acknowledgment is lacking and points to a disconnect between the right to reparations and the recognition achieved to date. The repatriation of two of her sons as well as her husband has yet to happen and the criminal responsible, presumed to be alive and free in Serbia and whose colleagues apparently have denied all responsibility (in an online interview, see above), be brought to justice. Apart from the Kosovo Memory Book (HLC 2014) initiated by the cross-regional, civic reconciliation initiatives RECOM, of which she is deeply suspicious (see above and Schwandner-Sievers and Klinkner 2019, 10), there is no sign of any official

acknowledgement of her and her family's victimisation in Serbia at all. In this context, it might be understandable that, for Ferdonije Qerkezi, the recognition of Serbs as having equal rights is not forthcoming. By the same token, as will become clear in the following, to Ferdonije, the fact that Serbia has yet to acknowledge their responsibility in her family tragedy, equates with its failure to recognise Kosovo's statehood at large.

Guarantees of non-recurrence

Guarantees of non-recurrence are closely linked to reforms at state level and for state institutions. When gross human rights violations have occurred, it is the state who failed in its duty to prevent these from happening, often with the state being responsible for those violations through repression, anti-equality or anti-democratic measures. Objectives for reform therefore include upholding and adhering to the rule of law, repealing laws that may have contributed to human rights violations occurring, and strengthening the democratic process. As Jones, Baumgartner and Sidonia (2015) emphasise, a human-rights driven approach mandates a democratic society. It thus aligns with the liberal peace paradigm applied to post-conflict societies since the 1990s worldwide, linking democratisation reforms with securitisation efforts and outcomes (Paris 2004). Such efforts may include the disarmament and reintegration of combatants; lustration efforts; juridical, administrative and police reforms; and much more.

The liberal peace-building model was also applied in Kosovo, where the United Nations and, since 2008, the European Union oversaw the state-and peace-building process in terms of reform and policy implementation. Under international tutelage, multi-ethnicity was constitutionally enshrined in a bid to counteract ethno-nationalist

ideologies, which in this model are seen as the root cause of Balkan violent conflict, hampering the process of non-recurrence. Meanwhile, nationalist ideologies continue to dominate domestic discourses and are utilised by populist politicians. Educational history text books perpetuate one-sided narratives of victimisation (Gashi 2016; Impunity Watch 2018) and the political ‘normalisation process’ between Serbia and Kosovo has long stalled.

An external gaze which reduces ‘nationalism’ to being the root cause of Balkan war and violence, however, potentially conflates their causes and consequences. Critically differentiated research points to an array of causes, including global economic dynamics (e.g. Woodward 2000), notwithstanding political nationalism nowadays being understood as an outcome of populist incitement of collective sentiments in situation of human insecurity anywhere (e.g. Skey 2011 for the UK). Experiences of violence as an ethno-national group as well as post-conflict insecurities, including unsolved political questions and incomplete experiences of justice, typically result in, and affirm, ethno-nationalist sentiments (e.g., in Northern Ireland and Lebanon; Brown 2019). Not surprisingly, so too in Kosovo, the dominant post-conflict memory of human rights violations has an uncomfortably ethno-national, partisan character. In its national, hegemonic manifestations it has effectively silenced those memories deviating from the dominant narratives that celebrate militant resistance to victimisation (CRDP 2015; Di Lellio and Schwandner-Sievers 2006). Meanwhile, as Pristhina-based social anthropologist and sociologist Luci and Gusia (2019) argue, nationalist, in conjunction with neo-liberalist, imaginaries, which both equally guided post-conflict peace- and state-building efforts in Kosovo, have obfuscated transitional justice efforts. They warn that simple insider/outsider dichotomies, which typically reduce locals to being

nationalists only, overlook the socio-political complexities of local experiences and the ways in which these frame collective memories, such as by silencing memories of civic resistance. In turn, such oversight has lend itself to domestic, populist constructions of international engagement as ‘colonialist’ (Luci and Gusia 2019, 142, 144).

A 2011 installation by a Kosovo Youth Initiative for Human Rights exemplifies a civil society attempt for a different, more inclusive approach to memorialisation: in honour of the 1,819 missing persons from the war, youth activists inscribed their names on empty chairs in front of an open-air movie theatre screen on Zahir Pajaziti Square in central Prishtina (YIHR. 2011). Taken from the ICRC, the list included Serbian names. However, this non-partisan approach to the issue of missing persons sparked critical reactions: Serbian names were crossed out and the installation had to be dismantled (Kurze 2016).

This internal struggle over civic versus nationalist identities and outlooks is ongoing in Kosovo today. Ferdonije Querkezi’s ethno-nationalist recipe for non-repetition (see below) might be understood or even shared by many, but this cannot be assumed for all. Overall, it seems that any outside generalisations of domestic people’s ideological attitudes and their root causes at large, rather than critical self-reflection and differentiated analysis, can only harden positions (Luci and Schwandner-Sievers 2020) and thereby possibly contribute to undermining the transitional justice process along the lines of the Principles outlined here.

The Survivor’s Aim: safeguarding against future victimisation

While ‘nationalism’ might seem the obstacle to democracy and security in the wider region, to Ferdonije Querkezi it represents her beacon of hope. Nationalism, as both

espoused in, and motivating, her memory labor, serves as her guarantee of non-recurrence. While her case might seem to contradict standard, idealistic assumptions that all memorialisation lends itself to reconciliation between former adversaries, we argue that it cannot simply be ignored.

Ferdonije Querkezi is unabatedly partisan. Ethno-nationalist liberation and segregation from the former enemy, as a collective category in the memory-justice aspired to, ensures non-repetition. As she says: ‘Thank God we are free to tell these stories. ... now we are free [from Serbian rule], we know we exist and we have stories to tell’ (cited in Hoti 2017: 19). During our visit, together with students and colleagues from the universities of Bournemouth and Prishtina in 2016 (Schwandner-Sievers and Klinkner 2019), she explained that once she understood that her family members would not return, she ‘wanted to leave this house as a heritage, as a memory of war, and tell the world what happened in the war and what the Serbs [using a derogatory expression in Albanian] have done.’ The reason she offered was unequivocal: ‘Because the Serbs cannot be trusted.’ Having meticulously narrated the events surrounding the abduction, she continued, ‘they told me they would take care of them, but they took them all away’ and warned: ‘those generations who are yet to come and those born after the war in Kosovo, they don’t remember the war and don’t know how it was, the war.’ Hence, she felt the need to convey to the younger generations of Kosovo just as to the international visitors (at the time associated with EU-led aims of ‘normalising’ relations between Serbia and Kosovo) that ‘the Serb is not trustworthy, and there is nobody worse than they are in the entire world, and I wanted people to know what they have done. They [the Serbs] continue still.’ Her fears regarding the political normalisation process was further evident when stating that ‘I also want the internationals to know what happened,

because now they are actually supporting Serbia more and helping them more, and forgot what happened here.’

Clearly, Ferdonije Querkezi’s understanding of non-recurrence contradicts aims for interethnic dialogue and the possibility of coexistence. Deeply engulfed in the experience of a deadly, personal experience of betrayal of previously decent interethnic relations and social coexistence in her home town, she is concerned with the preservation of her ethno-national group – not with institutional reform seeking to treat all as equals. The ambiguity of her loss (Boss 2004) – still awaiting the truth regarding her loved ones – in conjunction with a mixture, on the one hand, of lack of formal recognition and, on the other, the political instrumentalisation of her story, might exacerbate these concerns. Long-term security through ethnic separation rather than collaboration is the stark lesson she has learned from the conflict – a lesson which she actively shares and which still resonates widely among her audiences. Ferdonije Querkezi’s lesson is most powerful (and thus cannot simply be ignored) exactly because it is not just resulting from a story conjuring-up shared victimhood for the past, but about assuming agency - through her memory entrepreneurship and its ethno-nationalist message - in avoiding repeat victimhood in the future.

Conclusion

Ferdonije Querkezi may fit the category of ‘victim’ that transitional justice mechanisms are designed to assist in the aftermath of gross human rights violations and violence. Such efforts are done in the name of victims. Ferdonije Querkezi, therefore, may represent a typical justice claimant for whom these mechanisms were developed. And yet, dissonances emerge from these authentic individual voices and views that are

worth taking note of. In so doing, she may not fit the certainties and binaries of Western thinking (MacGinty and Richmond 2013: 780). But she is capable of transcending conceptual boundaries between the passive and active; the private, public (and with it, the political) sphere; the traditional mother and housewife and the modern activist; the individual story that is told on behalf of the collective; the local knowledge shared with the internationals; legality and legitimacy. Through her story, House Museum, civil-society-activism, anthology and media presence, she offers a system of meaning which, although not static, complicates transitional justice practises as her narrative presents different interpretations than intended by liberal human-rights based efforts:

Her understanding of the right to know encourages her to impart information in the absence of knowledge coming to her from other transitional justice mechanisms. The veracity of Ferdonije Qerkezi's account is not in doubt. Her family members are clearly missing, and the bodies of two of her sons have been returned to her. In telling her story, and through her involvement with other activities, she may contribute to the broader truth-seeking and truth-revealing activities typically necessary within a transitional setting, adding further to the historical record of abuses that took place. In addition, her advocacy in relation to missing persons raises the profile not only of her own lost relatives but the relatives of many other Albanian families seeking to discover the fate and whereabouts of loved ones.

Justice has not been done for her, her family and loved ones. No retributive justice mechanism and no restorative process have taken place. But she has found a way to communicate the injustices suffered and to advance memory-justice. To what extent this contributes to a personal sense of justice achieved, can be speculative only. But her

audiences are turned into implicit adjudicators of her case. There is no doubt who the perpetrators are and who the victims.

Her House Museum is not only a place to commemorate and mourn those that she has lost, it also functions as a concrete space as well as a collective symbol of mourning for others whose family members disappeared during the ethnic conflict. Above all, thanks to Ferdonije Querkezi's memorial entrepreneurship, it now stands as an officially recognised place of memorialisation. Although national recognition is still patchy and her contribution to collective memory overshadowed by the hegemonic master narratives that tell of militant resistance and deliberate sacrifice, it yet supports the same logic of ethno-national adversity. Her memory entrepreneurship is thus more than just a personal reparation. On the one hand, it has the potential to contribute towards and respond to wider transitional justice needs or reparations in the form of commemoration, formal recognition and the educational message. On the other, her story poses an important challenge for transitional justice efforts designed to bring peaceful coexistence to former places of conflict.

Ferdonije Querkezi's educational message is expressed in ethno-nationally adverse terms: as a warning against trusting the Serbs again. Hers is not a memory which overcomes resentment or envisages forgiving, thereby giving multi-ethnically inclusive politics a chance (Rieff 2017, 100-106). To the contrary, its morale addresses the post-war generation of young Albanians as well as her international visitors in ways that foster strong identification with her and her family's experience, yet contain suggestions of collective segregation that follow from these, thereby challenging interethnic dialogue and the possibility of coexistence. In this context, it might be illuminating to apply a needs-based model of reconciliation to collective victimhood as

used in social-psychology (Noor et al. 2017, 123). This model highlights the roles of agency, empowerment and acknowledgement in renegotiating relations between victim and former perpetrator groups. Our findings suggest that Ferdonije Querkezi, through the agency of her memory work, exemplifies victims' self-empowerment, both of her personal and the collective, ethno-national Self. However, as our discussion of the transitional justice principles or reparations and the associated survivor's aim of recognition revealed, there currently exists no victim empowerment through any official Serbian acknowledgement, not to speak of any apology, regarding the crimes committed against her. The reparation means identified, as incomplete or imperfect as they might be, were found to be restricted to national (Kosovar) and international efforts without including the former perpetrator group or their state institutions (with exception of the civic RECOM initiative to which, however, Ferdonije Querkezi gives no credence). Furthermore, Serbia's rejection of Kosovo as a state was demonstrated for Ferdonije Querkezi to equate to a rejection of her memories and rights, continuing rather than ameliorating the Albanian victims' 'sense of degradation' (Noor et al, 2017, 123). In this light it seems little surprising that any reconciliation with the past, through self-empowerment by assuming agency, remains centred on the personal and national Self only.

From the analysis above, it is clear that survivors such as Ferdonije Querkezi are relevant for society to come to terms with its past. Rather than being ignored, they must complement transitional justice activities effectively by adding to truth narratives, exemplifying the un-met justice needs, seeking and creating shared spaces and symbols of commemoration and sharing personal knowledge, both, privately and publicly. A question for future research might be, how precisely partisan memory such as hers can

be better integrated in transitional justice efforts also in Kosovo. Kris Brown (2019) cautiously points to the possibility of ‘adaptive commemoration’, which would include respecting such memory’s validity and societal functions but complicating identities and widening its historical focus.^{vii} In the case of Ferdonije Querkezi’s story, it might be exactly the non-militant angle which would facilitate better convergence with transitional justice aims.

Meanwhile, in Kosovo, Ferdonije Querkezi’s story currently risks being misappropriated for political aims by present-day populist nationalist politicians under threat of losing traction with local people’s ongoing concerns, more than two decades after the end of the Kosovo war. Yet, while situated outside the nationalist canon of heroic master narratives which have long favoured the martyrs of the KLA, i.e. fallen soldiers over helpless civilian victims (Di Lellio and Schwandner-Sievers 2006; Luci and Gusia 2019), Ferdonije Querkezi’s message may hold even higher identification potential for ordinary people victimised during the war and who continue to suffer from Kosovo’s incomplete processes of national, regional (Serbian) and international recognition and transitional justice. This is because, to local audiences, her story and memory labor exemplifies self-empowerment and agency towards, firstly, a cruel enemy during war; but also, secondly, towards the slow and unsatisfactory remedies available during the long years of a protracted, post-war transition to peace, security, statehood and democracy. Ferdonije Querkezi’s message remains problematic in relation to the core aims of transitional justice as expressed in the Joinet-Orentlicher Principles. However, its local potential for nationalist identification suggests that her emotional knowledge requires recognition exactly in order to allow for, and open up, debates

about the underpinning morality of collective memory and an inherent vision for collective futures, cognisant of the wider, contemporary contexts in which it is valid.

References

Ahmetaj, Nora. 2017. "The Truth About Many Disappeared Persons is Still A Long Way Off." *Kosovo 2.0*. <https://kosovotwopointzero.com/en/truth-many-disappeared-persons-still-long-way-off/> date of access 27 June 2020.

Amnesty International. 2009. *Burying the Past: 10 Years of Impunity for Enforced Disappearances and Abductions in Kosovo*.

<https://www.amnesty.org/en/documents/eur70/007/2009/en/> date of access 27 June 2020.

Amnesty International. 2017. "*Wounds that burn our souls*": compensation for Kosovo's wartime rape survivors, but still no justice.

<https://www.amnesty.org/download/Documents/EUR7075582017ENGLISH.PDF> date of access 27 June 2020.

Antkowiak, Thomas. 2011. "An Emerging Mandate for International Courts: Victim-Centered Remedies and Restorative Justice." *Stanford Journal of International Law* 47: 279-332.

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

Appadurai, Arjun. 1990. "Disjuncture and Difference in the Global Cultural Economy. Theory." *Culture & Society*, 7 (2–3): 295–310. doi.org/10.1177/026327690007002017

Appadurai, Arjun. 1996. *Modernity at Large: Cultural Dimensions of Globalisation*. Minneapolis: University of Minnesota Press).

Arthur, Paige. 2009. "How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice". *Human Rights Quarterly* 31(2): 321-367.

Ashplant, Timothy G.; Dawson, Graham; and Roper, Michael. 2000. The politics of war memory and commemoration: contexts, structures and dynamics. In *The Politics of Memory: Commemorating War*. Edited by Timothy G. Ashplant; Graham Dawson; and Michael Roper, 3 – 85, London: Routledge.

Bebler, Anton (ed.). 2015. *Frozen Conflicts in Europe*. Leverkusen-Opladen: Barbara Budrich Verlag.

Bickford, Louis. 2004. "Transitional Justice." In *The Encyclopaedia of Genocide and Crimes Against Humanity* edited by Dinah Shelton, Volume 3, 1045-1047. Macmillan Library Reference.

Booth, W. James. 2001. "The Unforgotten: Memories of Justice". *American Political Science Review* 95/4, 777 – 791.

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

Booth, W. James. 2006. *Communities of Memory: On Witness, Identity, and Justice*. Ithaca: Cornell University Press.

Boss, Pauline. 2004. "Ambiguous Loss Research, Theory, and Practice: Reflections After 9/11." *Journal of Marriage and Family* 66/3: 551 – 566.

Boss, Pauline. 2006. *Loss, Trauma and Resilience: Therapeutic Work with Ambiguous Loss* (New York: Norton)

Brown, Kris. 2019. "Political commemoration and peacebuilding in ethnonational settings: the risk and utility of partisan memory." *Peacebuilding* 7/1: 51-70.

Cama, Aida. 2018. "EU ends Kosovo rule of law mission amid criticism over results." 14th June. Deutsche Welle. <https://www.dw.com/en/eu-ends-kosovo-rule-of-law-mission-amid-criticism-over-results/a-44229405>, date of access 27 June 2020.

Capussela, Andrea Lorenzo. 2015. *State-Building in Kosovo: Democracy, Corruption and the EU in the Balkans*. London: I.B. Tauris.

Clark, Phil, and Nicola Palmer. 2012. *Testifying to Genocide: Victim and Witness Protection in Rwanda*. London: Redress. <https://redress.org/wp-content/uploads/2018/01/Oct-12-Testifying-to-Genocide-Rwanda.pdf> date of access 27 June 2020.

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

CRDP. 2015. *Post-war Memorialisation and Dealing with the Past in the Republic of Kosovo*, September. Prishtina: Centre for Research Documentation and Publication.

[http://www.recom.link/wp-content/uploads/2015/10/Post-](http://www.recom.link/wp-content/uploads/2015/10/Post-war_Memorialisation_and_Dealing_with_the_Past_in_the_Republic_of_Kosovo.pdf)

[war_Memorialisation_and_Dealing_with_the_Past_in_the_Republic_of_Kosovo.pdf](http://www.recom.link/wp-content/uploads/2015/10/Post-war_Memorialisation_and_Dealing_with_the_Past_in_the_Republic_of_Kosovo.pdf)

date of access 27 June 2020.

Crossland, Zoë. 2017. “The Agency of the Dead.” In *Distributed Agency* edited by N. J. Enfield and Paul Kockelman, 181 – 189. New York: Oxford University Press.

Dancy, Geoff. 2010. “Impact Assessment, Not Evaluation: Defining a Limited Role for Positivism in the Study of Transitional Justice.” *International Journal of Transitional Justice* 4 (3): 355–376. doi.org/10.1093/ijtj/ijq016.

Di Lellio, Anna, and Caitlin McCurn. 2012. “Engineering Grassroots Transitional Justice in the Balkans: The Case of Kosovo.” *East European Politics and Societies* 7 (1): 129–148.

Di Lellio, Anna, and Stephanie Schwandner-Sievers. 2006. “The Legendary Commander: the construction of an Albanian master-narrative in post-war Kosovo.” *Nations and Nationalism* 12 (3): 513 - 529. doi.org/10.1111/j.1469-8129.2006.00252.x.

Gashi, Shkelzen. 2016. *The History of Kosovo in the history textbooks of Kosovo, Albania, Serbia, Montenegro and Macedonia*. Prishtina: Alter Habitus.

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

http://kfos.org/wp-content/uploads/2016/12/Historia_e_Kosoves_SHG_ENG.pdf date of access 29 January 2020.

Gashi, Shkelzen. 2019. “‘War heroes’ or ‘war criminals’?” *Prishtina Insight*. 16th January. <https://prishtinainsight.com/war-heroes-or-war-criminals/> date of access 27 June 2020.

Gashi, Liridona. 2019. “Shoqata ‘Thirrjet e Nënave’ boton libër për krimet e Serbisë” [The Association of ‘Mothers Calling’ publishes a book about the crimes of Serbia]. *Klan Kosova*, 21st March. <https://klankosova.tv/shoqata-thirrjet-e-nenave-boton-liber-per-krimet-e-serbise-video/> date of access 27 June 2020.

Geertz, Clifford. 1973. *The Interpretation of Cultures*. New York: Basic Books.

Gready, Paul and Robins, Simon. 2014. “From Transitional to Transformative Justice: A New Agenda for Practice” *The International Journal of Transitional Justice*, 8: 339–361.

Gready, Paul and Robins, Simon. 2017. “Rethinking civil society and transitional justice: lessons from social movements and ‘new’ civil society” *The International Journal of Human Rights*, 21(7): 956–975.

Grunebaum, Heidi, and Yazir Henri. 2003. “Re-membering Bodies, Producing Histories: Holocaust Survivor Narrative and Truth and Reconciliation Commission

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

Testimony.” In *World Memory: Personal Trajectories in Global Time*. Edited by Jill Bennett and Rozanne Kennedy, 101 - 118. London: Palgrave Macmillan.

Haxhiaj, Serbeze. 2019. “Kosovo’s New War Crimes Strategy Faces Political Obstacles.” 13th March. *Balkan Transitional Justice*.

<https://balkaninsight.com/2019/03/13/kosovos-new-war-crimes-strategy-faces-political-obstacles/> date of access 27 June 2020.

Haxhiaj, Serbeze, and Eve-Anne Travers. 2019. “Kosovo’s Push for ‘Serbian Genocide’ Tribunal ‘Likely to Fail’.” 4th June. *Balkan Transitional Justice*.

<https://balkaninsight.com/2019/06/04/kosovos-push-for-serbian-genocide-tribunal-likely-to-fail/> date of access 27 June 2020.

Hehir, Aidan. 2019. “Lessons Learned? The Kosovo Specialist Chambers’ Lack of Local Legitimacy and Its Implications.” *Human Rights Review* 20: 267–287.

<https://doi.org/10.1007/s12142-019-00564-y>.

HLC. 2014. *The Kosovo Memory Book 1998 - 2000*. Belgrade – Prishtina: Humanitarian Law Centre. <http://www.kosovomemorybook.org>.

HLC. 2016. *War Reparations for Civilian War Victims: What Access for Communities?* Belgrade – Prishtina: Humanitarian Law Center.

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

Hoti, Dardan. 2017. “Living to talk about it”. *Balkan Perspectives: A magazine on Dealing with the Past: Issue no. 8: What history do we teach? What history do we learn?:* 18 – 19. <https://www.forumzfd.de/en/publikation/balkanperspectives-no-8> date of access 27 June 2020.

ICMP. 2017. *Missing Persons from the Kosovo Conflict and its Aftermath: A Stocktaking, 2017.* <https://www.icmp.int/wp-content/uploads/2017/05/Kosovo-stocktaking-ENG.pdf> date of access 27 June 2020.

ICMP. 2019a. *Kosovo Stocktaking Report Infographic.* The Hague: International Commission for Missing Persons. Posted 13th March. <https://www.icmp.int/wp-content/uploads/2019/03/ICMP-Kosovo-ENG-1.pdf> date of access 29 January 2020.

ICMP. 2019b. “ICMP and Kosovo Institutions Enhance Cooperation to Support Missing Persons Process”. *Press release* 16th October. The Hague: International Commission for Missing Persons. <https://www.icmp.int/press-releases/icmp-and-kosovo-institutions/> date of access 29 January 2020.

ICMP. 2020. *Kosovo.* Sarajevo: International Commission for Missing Persons. <http://www.icmp.int/where-we-work/europe/western-balkans/kosovo/> date of access 27 June 2020.

ICRC. 2019. “ICRC in Kosovo: Facts and figures, January to February 2018.” *Newsletter*, posted 19th February. Pristina: International Red Cross Committee.

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

<https://www.icrc.org/en/document/icrc-kosovo-facts-and-figures-january-december-2018> date of access 29 January 2020.

ICRC. 2020. “Background information for persons unaccounted for in connection with the crisis in Kosovo”. Pristina: ICRC Commission in Kosovo.

<http://familylinks.icrc.org/kosovo/en/Pages/background-information.aspx> date of access 27 June 2020.

ICTJ. 2020. *What is Transitional Justice?* New York: International Center for Transitional Justice. <https://www.ictj.org/about/transitional-justice> date of access 27 June 2020.

Impunity Watch. 2018. “Keeping the Promise. Addressing Impunity in the Western Balkans”. May 2018 Research Report <https://www.impunitywatch.org/post/keeping-the-promise-addressing-impunity-in-the-western-balkans> date of access 27 June 2020.

Indexonline. 2019. “Ekskluzive: Flet i dyshuari për vrasje në Gjakovë” [Exclusive: The accused of murder in Gjakova speaks] (video). *Klan Kosova* 7th May. <https://klankosova.tv/flet-serbi-qe-nysrete-kumnova-e-akuzoi-per-vrasjen-e-djalit/> date of access 27 June 2020.

Inter-Parliamentary Union and International Committee of the Red Cross. 2009. *Missing Persons: A Handbook for Parliamentarians*. Geneva

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

Jelin, Elizabeth. 2003. *State Repression and the Labors of Memory*. Minneapolis, University of Minnesota Press.

Jones, Briony, Elisabeth Baumgartner, and Gabriel Sidonia (swisspeace). 2015. *A Transformative Approach to Dealing with the Past*. Bern: swisspeace.

<https://www.swisspeace.ch/assets/publications/downloads/Essentials/d17582dc5c/A-Transformative-Approach-to-Dealing-with-the-Past-Essential-15-swisspeace.pdf> date of access 4 September 2020.

Klan Kosova. 2019. Nysrete Kumnova mirëpret iniciativën për themelimin e tribunalit për krimet serbe – jep emrat e personave që ia morën djalin 20 vjet më parë [Nysrete Kumnova welcomes initiative to establish Serbian Crimes Tribunal - provides names of persons who abducted her son 20 years ago]. *Jemi Një*. May 6th.

<https://klankosova.tv/nysrete-kumnova-mirepret-iniciativen-per-themelimin-e-tribunalit-per-krimet-serbe-jep-emrat-e-personave-qe-ia-moren-djalin-20-vjet-me-pare/> date of access 27 June 2020.

Klinkner, Melanie and Davis, Howard. 2020. *The Right to the Truth in International Law*. London: Routledge.

Kosovo Specialist Chambers & Specialist Prosecutor's Office (KSC), <https://www.scp-ks.org/en> date of access 27 June 2020.

Kosovo Specialist Chambers & Specialist Prosecutor's Office (KSC). 2020. Press

Statement of 24 June. <https://www.scp-ks.org/en/press-statement> date of access 27 June 2020

Kostovicova, Denisa. 2008. "Legitimacy and international administration: the Ahtisaari settlement for Kosovo from a human security perspective." *International Peacekeeping*, 15 (5): 631-647.

Kostovicova, Denisa. 2013. "Airing Crimes, Marginalizing Victims: Political Expectations and Transitional Justice in Kosovo." In *The Milošević Trial: An Autopsy*. Edited by Timothy William Waters, 249–59. New York: Oxford University Press.

Kostovicova, Denisa and Bicquelet, Aude. 2018. "Norm contestation and reconciliation: evidence from a regional transitional justice process in the Balkans." *Ethnic and Racial Studies* 41 (4): 681–700.

Kurze, Arnaud. 2016. "#WarCrimes, #PostConflictJustice #Balkans: Youth, Performance Activism and the Politics of Memory." *International Journal of Transitional Justice* 10: 451 - 470.

Kutnjak Ivković, Sanja. 2001. "Justice by the International Criminal Tribunal for the Former Yugoslavia." *Stanford Journal of International Law* 37: 255 - 346.

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

Luci, Nita, and Linda Gusia. 2019. "Inside-out and outside-in on dealing with the past in Kosovo: actors, voices and practices." In *Unravelling Liberal Interventionism: Local Critiques of Statebuilding in Kosovo*. Edited by Gëzim Visolka, and Vjosa Musliu, 132 - 147. London: Routledge.

Luci, Nita, and Stephanie Schwandner-Sievers. 2020. "Epistemic Justice and Everyday Nationalism: An Auto-Ethnography of Student Encounters in a Post-War Memory and Reconciliation Project in Kosovo." *Nations and Nationalism* (Special issue/ themed section: Below Peace Agreements: Everyday Nationalism or Everyday Reconciliation?). doi.org/10.1111/nana.12594.

MacGinty, Roger, and Oliver P. Richmond. 2013. "The Local Turn in Peace Building: a critical agenda for peace." *Third World Quarterly* 34 (5): 763–783. doi.org/10.1080/01436597.2013.800750.

Mahr, Ewa. 2017. "Local contestation against the European Union Rule of Law Mission in Kosovo." *Contemporary Security Policy* (special issue: Reclaiming the local in EU peacebuilding) 39 (1): 72 – 94. doi.org/10.1080/13523260.2017.1407060.

Marcus, George E. 1995. "Ethnography in/of the World System: The Emergence of Multi-Sited Ethnography." *Annual Review of Anthropology* 24: 95–117.

Mégret, Frédéric. 2018. "The Strange Case of the Victim Who Did Not Want Justice." *International Journal of Transitional Justice* 12: 444-463.

Mendeloff, David. 2009. "Trauma and Vengeance: Assessing the Psychological and Emotional Effects of Post-Conflict Justice." *Human Rights Quarterly* 31(3): 592-623.

Méndez, Juan, and Francisco Bariffi. 2011. "'Truth, Right to, International Protection'". *Max Planck Encyclopedia of Public International Law* (online edition).

Noor, Masi; Vollhardt, Johanna Ray; Mari, Silvia and Nadler, Arie. 2017. "The social psychology of collective victimhood". *European Journal of Social Psychology* 47: 121–134.

OJQ Thirrjet e Nënave. 2015. *E Vërteta për Krimet Serbe* [The Truth about the Serbian Crimes]. Gjakova: QJA Thirrjet e Nënave.

Olasolo, Hector, and Joel M. F. Ramirez Mendoza. 2017. "The Colombian Integrated System of Truth, Justice, Reparation and Non-Repetition." *Journal of International Criminal Law* 15 (15): 1011-1047.

OSCE. 1999. *Kosovo/Kosova, As Seen, As Told: An analysis of the human rights findings of the OSCE Kosovo Verification Mission: October 1998 to June 1999*.

Warsaw: OSCE – ODHIR. <http://www.osce.org/odhr/17772?download=true> date of access 27 June 2020.

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

PACE. 2011. *Inhuman treatment of people and illicit trafficking in human organs in Kosovo*. Council of Europe – Parliamentary Assembly. Doc. 12462, 07 January.

<https://www.scp-ks.org/en/documents/council-europe-parliamentary-assembly-report-inhuman-treatment-people-and-illicit> date of access 27 June 2020.

Paris, Roland. 2004. *At War's End: Building Peace After Civil Conflict*. Cambridge: Cambridge University Press.

Pasamitros, Nikolaos. 2017. “Cultural Heritage: Contested Perspectives and Strategies in Kosovo.” *In State-Building in Post-Independence Kosovo: Policy Challenges and Societal Considerations*. Edited by Ioannis Armakolas, Agon Demjaha, Arolda Elbasani, Stephanie Schwandner-Sievers, Elton Skendaj and Nikolaos Tzifakis, 291 – 310. Prishtina: Kosovo Open Society Foundation.

Ricoeur, Paul. 2004. *Memory, History, Forgetting*. Chicago: Chicago University Press.

Rieff, David. 2017. *In Praise of Forgetting: Historical Memory and Its Ironies*. New Haven - London: Yale University Press.

Ristic, Marija. 2016. “Kosovo Victims’ Families Appeal to Serbian Court.” *Balkan Transitional Justice*. 8th April. <https://balkaninsight.com/2016/04/08/serbia-compensate-kosovo-albanians-for-podujevo-attack-04-08-2016/> date of access 27 June 2020.

Robins, Simon. 2014. "Constructing Meaning from Disappearance: Local Memorialisation of the Missing in Nepal." *International Journal of Conflict and Violence* 8 (1): 104-118

RTV 21. 2015. "'Njerëzit tanë,' Ferdonije Qerkezi, historia e gjallë" ["Our people," Ferdonije Qerkezi, living history], Radio Televizioni 21, November 26 (documentary film, 22:48 minutes, in Albanian). https://www.youtube.com/watch?v=iR_q62kSvZQ
date of access 27 June 2020.

Schwandner-Sievers, Stephanie, and Melanie Klinkner. 2019. "Longing for Lost Normalcy: Social Memory, Transitional Justice, and the 'House Museum' to Missing Persons in Kosovo." *Nationalities Papers* 47 (2): 232-247. doi:10.1017/nps.2018.30.

Schwartz, Joan M. and Cook, Terry. 2002. "Archives, Records, and Power: The Making of Modern Memory." *Archival Science* 2: 1-19.

Skey, Michael. 2011. *National Belonging and Everyday Life*. London: Palgrave Macmillan.

Smith, Eleanor C. 2016. "'The World would start turning again': identifying and measuring victims' restorative justice needs at the International Criminal Court." PhD diss., Bournemouth University.

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

Spasić, Ivana. 2017. “The Universality of Banal Nationalism, Or Can the Flag Hang Unobtrusively Outside a Serbian Post Office?” *Everyday Nationhood: Theorising Culture, Identity and Belonging after Banal Nationalism*. Edited by Michael Skey and Marco Antonsich, 31 – 51. London: Palgrave Macmillan.

Stepakoff, Shanee; Reynolds, G. Shaun; Charters Simon and Henry, Nicola. 2014. “Why Testify? Witnesses’ Motivations for Giving Evidence in a War Crimes Tribunal in Sierra Leone.” *Journal of International Transitional Justice* 8 (3): 426–451.

Stover, Eric. 2007. *The Witnesses, War Crimes and the Promise of Justice in the Hague*. Philadelphia: University of Pennsylvania Press.

Ströhle, Isabel. 2010. “Veterans’ Politics and Policies towards the Veterans of the Kosovo Liberation Army.” *Comparativ: Zeitschrift für Globalgeschichte und vergleichende Gesellschaftsforschung* 20 (5): 87 - 103.

Subotić, Jelena. 2015. “Truth, justice, and reconciliation on the ground: normative divergence in the Western Balkans.” *Journal of International Relations and Development* 18 (3): 361–382.

Teitel, Ruti. 2003. “Transitional Justice Genealogy”. *Harvard Human Rights Journal* 16: 69-94.

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

Van Schaack, Beth and Slye, Ronald. 2007 *International Criminal Law and Its Enforcement*. St Paul: Foundation Press.

Viebach, Julia. 2018. “Principle 3: The duty to preserve Memory” in Haldeman, Frank et al. *Commentary on the United Nations Principles to Combat Impunity*. Oxford: Oxford University Press: 71-78.

Wagner, Sarah. 2011. “Identifying Srebrenica’s Missing: The ‘Shaky Balance’ of Universalism and Particularism”. In *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence*. Edited by Alexander L. Hinton, 25 – 48. New Brunswick: Rutgers University Press.

Woodward, Susan L. 2000. “Violence-Prone Area or International Transition? Adding the Role of Outsiders in Balkan Violence.” In *Violence and Subjectivity*. Edited by Veena Das et al., 19 – 45. Berkeley - Los Angeles: University of California Press.

YIHR. 2011. Removing the Wall of The Missing in Kosovo. Prishtina: Youth Initiative for Human Rights in Kosovo, 9th May. <http://yihr-ks.org/removing-the-wall-of-the-missing-in-kosovo/> date of access 27 June 2020.

Zalaquett, Jose. 1990 “Confronting Human Rights Violations Committed by Former Governments: Applicable Principles and Political Constraints.” *Hamline Law Review* 13: 623–660.

Legal, Official Materials and Cases

Treaties

Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949) 75 UNTS 31.

Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (adopted 12 August 1949) 75 UNTS 85.

Geneva Convention (III) Relative to the Treatment of Prisoners of War (adopted 12 August 1949) 75 UNTS 135.

Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949) 75 UNTS 288.

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1979) 1125 UNTS 17512.

Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force on 1 July 2002) 2187 UNTS 3

Domestic Legislation

Republic of Kosovo, Law No. 04/L-172 on Amending and Supplementing the Law No. 04/L-054 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of the

Pre-Print forthcoming in: Localising Memory: The Dynamics and Informal Practices of Memorialisation after Mass Violence and Dictatorship. Edited by Mina Rauschenbach, Julia Viebach and Stephan Parmentier (Routledge Transitional Justice Series, 2021)

Kosovo Liberation Army, Sexual Violence Victims of the War, Civilian Victims and Their Families (20 March 2014) published in Official Gazette of the Republic of Kosova, No. 26 (23 April 2014), Prishtina.

Republic of Kosovo, Law No. 04/L-054 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of the Kosovo Liberation Army, Civilian Victims of War and Their Families (8 December 2011) published in Official Gazette of the Republic of Kosova, No. 30 (31 December 2011), Prishtina.

Republic of Kosovo, Law No.04/L-023 on Missing Persons (29 August 2011) published in Official Gazette of the Republic of Kosova, No.16 (14 September 2011), Prishtina.

Official Materials

UNESCO. 2005. Updated Set of principles for the protection and promotion of human rights through action to combat impunity, 18 February, UN Commission on Human Rights. E/CN.4/2005/102.Add.1.

UNGA. 2006. *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Resolution adopted on 21 March 2006, UN Doc A/RES/60/147.

UNSC. 2004. *The rule of law and transitional justice in conflict and post-conflict societies*, 23 August, United Nations Security Council. UN Doc S/2004/616.

Cases

Contreras et al. v El Salvador Judgment on Merits, Reparations and Costs, Inter-American Court of Human Rights Series C No 232 (31 August 2011).

Factory at Chorzów, Germany v Poland, Judgment No. 13, Permanent Court of International Justice (historical PCIJ) Series A No 17 (13 September 1928).

Ituango Massacres v Colombia Judgment Preliminary Objections, Merits, Reparations and Costs, Inter-American Court of Human Rights Series C No 148 (1 July 2006).

Kurt v Turkey Judgment, European Court of Human Rights Application No 24276/94 (25 May 1998).

Massacres of El Mozote and other Places v El Salvador, Judgment on Merits, Reparations and Costs, Inter-American Court of Human Rights Series C No 252 (25 October 2012).

Valle Jaramillo et al. v Colombia Judgment on Merits, Reparations and Costs, Inter-American Court of Human Rights Series C No 192 (27 November 2008).

Prosecutor v Momir Nikolić, Sentencing Judgment, IT-02–60/1-S (2 December 2003).

Prosecutor v Šainović et al., Appeal Judgment, IT-T-05-87-A (23 January 2014).

ⁱ In the following ‘missing person’ is understood in line with the definition contained in the Inter-Parliamentary Union and International Committee of the Red Cross (2009) *Missing Persons: A Handbook for Parliamentarians* (Geneva): ‘By missing persons, we generally mean individuals of whom their families have no news and/or who, on the basis of reliable information, have been reported missing as a result of an armed conflict – international or non-international – or of internal violence, internal disturbances or any other situation that might require action by a neutral and independent body’ (at 9).

ⁱⁱ Multi-sited ethnography has become a standard method in the Social Sciences since cultural anthropologist Marcus’ (1995) seminal article cited here. We used it in its original sense as a general response to the globalisation of the (previously and traditionally, much more contained) ethnographic field, such as suggested by Appadurai (1990). Marcus (1995) suggested several approaches within multi-sited ethnography in order to safeguard methodological consistency regardless of the research challenges posed by the “translocal” (Appadurai 1996) dispersal of people, ideas, stories etc. in post-modernity. The cited approach captures best our attempts to follow Ferdonije’s story through a globalised ethnographic field, dispersed not just geographically but also through different media consumed across the Albanian diaspora worldwide. ‘Her story’ that we follow, encapsulates not just the narrative of the war crimes experienced, but also her entrepreneurship in obtaining justice for herself and others in this situation, based on this specific memory.

ⁱⁱⁱ The ‘National Day of the Disappeared’ (*Dita Kombëtare e të Zhdukurve*) is a national remembrance date in Kosovo dedicated to the missing people from the 1998-99 war. It is celebrated each 27th of April, the day of the ‘Meja massacre’ (named after the village of Meja, near Gjakova) in 1999, known as the largest massacre of Albanian civilians in Kosovo. The day typically entails well publicised political speeches, official commemoration events and visits, and demonstrations.

^{iv} The individual aspect of the right to know originally stems from international humanitarian law. The Geneva Conventions provide for the recovery of the dead during armed conflict “[a]s far as military considerations allow” (Geneva Convention IV, Article 16(2)) and all

four Geneva Conventions require the examination of the dead bodies (Geneva Convention I, Article 17(1); Geneva Convention II, Article 20(1); Geneva Convention III Article 120(3); Geneva Convention IV Article 129 (2)), Article 32 of the Additional Protocols speaks of “the right of families to know the fate of their relatives” as a general principle relating to the protection of victims of international armed conflict, placing an obligation on parties to the armed conflict to search for missing persons

^v Accessed 10th of March, 2020.

^{vi} Survivors of sexual violence achieved internal recognition in 2014, following national and international feminist civil society activism (Luci and Gusia 2019; see Law No. 04/L-172, which is amending and supplementing the ‘Reparation Law’).

^{vii} This is exactly what is currently attempted in the ‘Kosovo Strand’ of an international GCRF-AHRC project called “Changing the Story” that focusses on young people, heritage and civil society worldwide, see <https://changingthestory.leeds.ac.uk/>. In collaboration between University of Prishtina and Bournemouth University, several participatory, arts-based projects subsumed under this specific strand deliberately work through pre-war memories of civic resistance to oppression in Kosovo.