



Dealing With the Past Principles



Principles on Dealing with the Past for the Kosovo Context

Foreword: The Principles on Dealing with the Past is a civic initiative promoted by a group of practitioners and civil society organisations in the field of Dealing with the Past. The group embarked on a joint initiative to chart and endorse a set of principles that will inform and guide political and public actors on how to engage with victims, survivors, painful pasts and historical narratives. The initiative aims to prevent harmful discourse and actions related to the legacy of the conflict, and will serve as a reference document to which anyone violating its principles should be held morally accountable.

Preamble

Drawing on decades of work, and *based* on our ethical, humane and professional responsibility to promote a constructive, considerate and critical approach to the past that helps achieve healing, peace and reconciliation;

Determined to protect the dignity of all victims and survivors of our painful past and to act at all times in their best interest;

Concerned by the (intentional or unintentional) mistreatment of victims and survivors, and misuse and misinterpretations of the past; and *noting* the potential for conflicts to be further inflamed by biased statements and actions of political and public actors;

Conscious of the harmful and negative influence these statements or actions have on the victims, survivors and overall processes of dealing with the past in Kosovo;

Highlighting the need for a framework of reference for 'Dealing with the Past' that should be used by political and public actors;

WE,

Commit to apply these principles and respect the values and sentiments they embody to ensure that victims and survivors are not harmed and that our actions on dealing with the past will contribute to the process of healing and reconciliation;

Call on political and public actors to abide by these principles and respect the values they embody; we do so in the expectation that victims and survivors will not be harmed and to prevent dominance of one-sided narratives;

Encourage political and public actors to act with due diligence, professionalism and transparency in their discourse and actions related to dealing with the past;



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1) Victims and survivors of armed conflict must be treated with integrity and dignity

Society must acknowledge victims' suffering and treat them with respect and dignity. Harmful stigma and prejudice must be opposed and countered at all levels. This is fundamental in supporting victims in their reintegration in society. Society in Kosovo must treat equally women, men and children who have suffered during the conflict. Through their inclusion in society, their experiences are acknowledged and respected.

2) Victims and survivors should be at the centre of all DwP activities and public discourse

All Dealing with the Past initiatives, formal and non-formal, should not only include victims and survivors but put them at the centre of the process. The victims' and survivors' contribution and empowerment are crucial in all dealing with the past activities. Without their participation, dealing with the past processes cannot be fully successful.

3) The identity of the victims and survivors and their family members must be protected

Ensuring that victims and survivors are effectively protected from stigma, intimidation and pressures that they might experience. There should be no public disclosure of the identity of the victims and survivors, nor their family members, unless they give their consent. Their privacy should be fully protected and respected by all means.

4) Equality, inclusiveness and reconciliation should be promoted by all

Inclusion of victims and survivors is often based on gender, age, ethnicity or race. To achieve reconciliation, society in Kosovo should create a common ground for individuals to show mutual recognition, respect and acceptance, as well as sensitivity towards the needs and interests of the other side.

5) Gender-based approach should be part of all DwP processes

A gender-based approach should be built into the foundation of all initiatives of Dealing with the Past. Those with a mandate and mission to work with and/or for women and men who experienced gender-based violence and sexual violence during the conflict in Kosovo must aim to improve their lives and well-being. Stigma towards survivors of conflict-related sexual violence should be confronted with all available means.

6) Persons who have been sentenced for crimes related to the conflict must not hold public positions or be treated as national heroes

The right to guarantee of non-recurrence, as the fourth pillar of Dealing with the Past, states that those sentenced for crimes related to the conflict must not carry any institutional duty, nor should they have access to sensitive information regarding state and public security. Treating sentenced war criminals as heroes infringes upon the dignity of the victims and survivors. In addition, glorifying and/or keeping sentenced persons for crimes related to the conflict in a public position would seriously harm the process of restoring trust of citizens toward institutions, especially for the victim's community. In the long term, glorification of those sentenced for war crimes would distort historical narratives for future generations.



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7) Wrongdoings and war crimes must not be attributed collectively

Wrongdoings and war crimes must not be attributed collectively to a group or ethnicity, but it is individuals who must be held responsible for their crimes related to the conflict. While it is important to fight impunity and to plea for the victims' justice through criminal trials to hold those individuals responsible for occurred crimes, it is unacceptable to blame parts or the whole of an ethnic group or community for these crimes. Criminal responsibility is solely held on an individual basis, and as such, only the individual can be prosecuted. Attributing war crimes collectively to a group or ethnicity will prevent process of establishing justice for victims and will hinder the process of reconciliation. No accountability can be required from the entire nation if its government ordered the state and non-state actors to commit war crimes against unarmed civilians.

8) Public discourse on DWP must be evidence-based

Public discourse used in the context of DWP must be exclusively based on evidences and verified information. Any incorrect allegations, assumptions or fake news could severely undermine efforts to establish an accurate understanding of what occurred in the past. This could lead to misrepresentations of the past, denial of crimes or groundless accusation. It will also further exacerbate tensions and negative sentiments among members of one or between communities. Hence, information related to the conflict, regarding victims and damages in particular, must be verified before being disseminated in public.

9) Hate speech must be countered at every level

Hate speech is a threat to human rights, democratic values, social stability and peace. Hence, it must be countered at all levels. Countering hate speech does not go against freedom of expression. Instead, silence can indicate indifference to bigotry and intolerance. Hate speech can escalate into something more dangerous, particularly incitement to discrimination, hostility and violence, which is prohibited under national and international law.

10) Identity of witnesses must be protected

Kosovan society must be very cautious towards the risks of revealing the identity of witnesses in war crimes related cases. Protective measures (affirmative and legal) must aim to limit the witness's exposure to threats and must provide an appropriate response to external threats.

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