

## **KOSOVO: POST ELECTION UPDATE**

1. On 9 January 2011, Assembly elections will be re-run fully in Skenderaj, Drenas and Deçan municipalities. Polling stations in Shalë, Lipjan municipality and Lashkadrenovc, Malisheva municipality will also be re-opened. The decision was taken by the Central Election Commission (CEC) following ruling of the Elections Complaints and Appeals Panel (ECAP) regarding irregularities in the Assembly elections that were held on 12 December. ■
2. ECAP's ruling came after it received and reviewed 171 complaints. As a result, the names of election commissioners and monitors linked to irregularities at polling stations within the five municipalities are being forwarded to the prosecutor's office. ■
3. Coalition negotiations have continued despite the decision of several parties to dispute the election results. Bexhet Pacolli's New Kosovo Alliance (AKR) party and the Serbian Independent Liberal (SLS) party are both interested in entering into a coalition with Democratic Party of Kosovo (PDK). Pacolli is reported to be seeking the presidency for himself; and three ministries, including Economy and Health, for his party. ■
4. The re-emergence of organ trafficking allegations against PDK Prime Minister Hashim Thaci and high profile former members of the Kosovo Liberation Army (KLA), mainly in the period 1998-99, continues to circulate in the international press and international political community. The allegations were made most recently in a report to the Council of Europe by the Swiss politician Dick Marty, who is Rapporteur for the Council's Parliamentary Assembly Committee on Legal Affairs and Human Rights. Kosovo and Albanian politicians have been dismissive of the new allegations, whilst Serbian politicians have been keen to keep them in the public eye. ■

### **Analysis and Outlook**

5. Negotiations to form a coalition government in order to bring the electoral process to an end are unlikely to make significant progress before mid-January. No significant changes are expected to the positions currently held by the parties. ■
6. A PDK/AKR/SLS coalition appears likely; however, they are likely to require an additional partner or partners to ensure a majority in the Assembly. Other political parties may yet enter into negotiations; however, most have been keen to distance themselves as the post election period unfolded, particularly in light of electoral fraud complaints and the organ trafficking allegations involving Hashim Thaci. ■
7. The Council of Europe report reiterates several long-running allegations concerning 'organ harvesting' at the "Yellow House" in Albania; however it is not yet clear as to whether any significant new evidence will be brought to light. Calls for investigations and charges to be brought will almost certainly continue; potentially impacting on the stability of Kosovo. KLA leaders, including Thaci, are still highly popular for their

roles during the conflict with Serbia. Such allegations are likely to be unpopular and will almost certainly be seen as an attack by pro-Serbian elements of the international community. [REDACTED]

03 February 2011

## **KOSOVO/SERBIA/ALBANIA: COUNCIL OF EUROPE RESOLUTION ON HUMAN ORGAN TRAFFICKING ALLEGATIONS**

### **Background**

1. On 25 January, the Parliamentary Assembly of the Council of Europe (PACE) passed resolution 1782(2011)2, by 169 votes to 8, with 14 abstentions, concerning the report by Dick Marty into allegations of human organ trafficking. The resolution calls on the international community and the authorities in Belgrade, Pristina and Tirana to support investigations into crimes committed during and following the Kosovo conflict, including the trafficking of human organs. In accordance with the resolution EULEX (EU Rule of Law Mission) must now continue with its investigations into the allegations contained within the Marty report. Any investigation must now look closely at former members of the Kosovo Liberation Army (KLA) and the Drenica Group. Kosovo's Prime Minister Hashim Thaci will be one of the high profile figures to come under scrutiny. [REDACTED]

2. EULEX, according to its spokesperson, has previously examined allegations concerning the "Yellow house" and organ trafficking, but found no concrete evidence to support the claims. EULEX maintains it has the ability to conduct an investigation despite criticism from Dick Marty. However, they are still awaiting the information gathered by Marty and maintain: "*Without evidence, prosecution cannot take place*". [REDACTED]

### **Analysis and Outlook**

#### **Political implications...**

3. Marty's report has overshadowed the post-election period, and contributed to the already difficult political situation in Pristina. [REDACTED]

#### **Security implications...**

4. The PACE resolution and report by Dick Marty are highly unpopular with Kosovo's ethnic Albanian community. KLA veterans in particular continue to object to the allegations, and what they perceive as an attack on popular high profile figures.

Further protests against the allegations are likely; however the overall security situation is unlikely to be seriously affected. [REDACTED]

### **EULEX...**

5. Conducting an investigation into the allegations of organ trafficking will undoubtedly be difficult, especially as the allegations are politically sensitive. Calls for international oversight of the investigation are likely to continue; as will the issues surrounding the reliability of evidence and the protection of witnesses. Fresh evidence has not yet been forthcoming. Until it is prosecutions are unlikely to be brought. [REDACTED]

6. Animosity towards EULEX as a result of the investigation is likely to increase if it is perceived to be persecuting high profile figures in Kosovo. The investigation is unlikely to result in serious violence towards EULEX, but isolated incidents cannot be ruled out. [REDACTED]

### **Implications for dialogue...**

7. Belgrade and Pristina maintain that the investigation will not affect the upcoming dialogue however, it is likely to feature in some form. [REDACTED]

[REDACTED] Co-operation by both governments with the investigation is expected. [REDACTED]

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## **KOSOVO: A NEW GOVERNMENT**

### **Background**

1. On 21 February the Assembly held its constituent session. The newly elected members of the Assembly began proceedings by swearing the oath. Business then turned to the appointment of a Speaker, which saw acting-President Jakup Krasniqi reappointed as Speaker. A further five Deputy Speakers were appointed, including two from minority parties. The formation of a new government and election of a President however was postponed at the request of the "ruling coalition". [REDACTED]

"The ruling coalition has requested that the constitutive session of the Kosovo parliament, which we concluded, should be continued. Therefore the Parliament presidency has decided that there will be no session today."

*"According to the Standing Orders, the ruling coalition can request the holding of a regular or emergency session. In the event that a regular session is requested, it cannot be held in the next three days. The request for the holding of an emergency or*

*extraordinary session will enable for the session at which to elect the government and president to be held already on Tuesday.”*

*-Jakup Krasniqi, Assembly Speaker (21/2/11) ■*

2. On 22 February Bexhet Pacolli achieved his ambition to become the President of Kosovo. Appointed by a third round majority vote, he received 62 votes from the 67 Assembly members in attendance. Under Article 86 of Kosovo's constitution, a presidential nominee can be appointed by a simple majority of the 120 seat assembly during a third round vote, if a 2/3 majority has not been achieved during the two preceding rounds of voting. However, if a third round presidential vote fails to achieve a majority, fresh Assembly elections are triggered within 45 days. The initial rounds of the secret ballot failed to achieve even a 61 vote majority, despite the intended coalition's claim to control 65 seats. ■

3. Proceedings turned controversial after an unscheduled recess was requested by Prime Minister Hashim Thaci at the end of the second round vote. Speaker Krasniqi initially refused this on the principle that it was not in line with the constitution and as no request had been made. However, Hajredin Kuci then approached the Speaker's podium to again request a five minute recess so that the Democratic Party of Kosovo (PDK) Assembly groups could hold consultations. A visibly angry Krasniqi continued to object but was eventually forced to agree to a recess. ■

4. The opposition parties' decision to boycott the presidential vote prevented the achievement of a 2/3 majority, as 53 assembly members were absent. The Democratic League of Kosovo (LDK), Vetëvendosje (LVV) and the Alliance for the Future of Kosovo (AAK), declared at the beginning of the session they would not participate, as they did not agree with the legitimacy of the proposed coalition to govern. 34 deputies from the LDK and AAK parties have asked the Constitutional Court to investigate the circumstances of Pacolli's election. They claim that it was in breach of Article 86 of the Constitution, and also that Pacolli himself violated the constitution by voting for the new government after being elected President. ■

5. After Pacolli's appointment, Thaci was asked to present his ministerial appointees and the Government work programme. Members voted in favour of forming a government, with 66 for and 1 against. According to media reporting Rada Trajkovic from the United Serb List (USL) voted against the formation of Thaci's new cabinet and made a speech that denounced Thaci, provoking outbursts from the PDK members. ■

*“Thaci cannot offer a future to Kosovo residents, neither formally nor morally. Formally, because of major manipulations and fraud during elections, and morally because in Dick Marty's report, he is made accountable for missing persons' organs trafficking in Kosovo. The whole of Europe has backed Marty's claims.”*

*-Rada Trajkovic, 22/2/11.*

## New Appointments

### Head of State

Bexhet Pacolli President AKR

### Speakers of the Assembly

Jakup Krasniqi Speaker PDK  
 Xhavit Haliti Deputy Speaker PDK  
 Sabri Hamiti Deputy Speaker LDK  
 Glauk Konjufca Deputy Speaker LVV  
 Petar Miletic Deputy Speaker SLS  
 Enis Kervan Deputy Speaker KDTP (Group 6+)

### The New Government

Hashim Thaci Prime Minister PDK  
 Hajredin Kuci Deputy Prime Minister PDK  
 Mimoza Kusari-Lila Deputy Prime Minister AKR  
 (Muhamet Mustafa chose to withdraw)  
 Slobodan Petrović Deputy Prime Minister SLS  
 Bujar Bukoshi Deputy Prime Minister LDK-Rugova List  
 Edita Tahiri Deputy Prime Minister PDK  
 Agim Ceku Minister of the Kosovo Security Force AKR  
 Ferid Agani Ministry of Health AKR  
 Mimoza Kusari-Lila Ministry of Trade and Industry AKR  
 Slobodan Petrović Ministry of Local Government SLS  
 Radojica Tomic Ministry of Communities and Returns SLS  
 Nenad Rasic Ministry of Labour and Social Welfare SLS  
 Mahir Yagcilar Ministry of Public Administration Group 6+ (KDTP)  
 Dardan Gashi Ministry of Environment and Spatial Planning LDK-Rugova List  
 Hajredin Kuci Ministry of Justice PDK  
 Bajram Rexhepi Ministry of Interior PDK  
 Enver Hoxhaj Ministry of Foreign Affairs PDK  
 Rame Buja Ministry of Education, Science & Technology PDK  
 Memli Krasniqi Ministry of Culture, Youth & Sports PDK  
 Besim Beqaj Ministry of Economic PDK

Bedri Hamza	Development and Energy	
Fehmi Mujota	Ministry of Finance	PDK
	Ministry of Infrastructure (Formerly Transport and Telecommunication)	PDK
Vlora Citaku	Ministry of European Integration	PDK
Blerand Stavileci	Ministry of Agriculture, Forestry and Rural Affairs	PDK

## Analysis and Outlook

### A new government...

6. The appointment of Pacolli provided Thaci with the necessary support to form a new coalition government, comprising 65 assembly seats. As part of the negotiations to form a coalition government Thaci has signed agreements with all his new partners, requiring him to appoint their nominees to government positions. Pacolli's appointment as President was a 'make or break' clause for the New Kosovo Alliance (AKR) to participate in a new coalition government. [REDACTED]

[REDACTED] Thaci's coalition partners are well aware how much their support underpins the new government and it is a realistic possibility that Thaci may find further demands and concessions being made by his partners for their continued support. [REDACTED]

7. In the light of proven electoral fraud, criminal allegations against political figures, low public opinion of the new government, calls for fresh elections in 2012 by the LDK, and anti-government protests being organised by LVV; the new government has a difficult task from the outset. The decision of the LDK and AAK to refer the appointment of Pacolli to the Supreme Court alleging procedural irregularities at the presidential vote is another setback for the government. Returning to normal business will be a high priority for Pacolli and Thaci, as is improving Kosovo's reputation. Genuine reforms and initiatives to tackle allegations of corruption, war crimes and organised crime will rely heavily on the influence of the international community to garner the necessary cooperation with international investigations and organisations. [REDACTED]

8. The stability of the coalition will be tested once business gets under way. Dialogue with Belgrade and the investigation of human organ trafficking allegations by EULEX are likely to be particularly challenging. [REDACTED]

### **President Pacolli...**

9. A multimillionaire businessman and holder of Swiss nationality, Bexhet Pacolli has promised to be a President for the entirety of Kosovo. However, his Russian wife and extensive business links with Russia have given rise to suspicion by K Albanians. Pacolli's efforts to increase international recognition of Kosovo has not endeared him to K Serbs, though his promises to invest and improve conditions in K Serb communities have been well received and will be scrutinised closely. [REDACTED]

10. Despite originally maintaining that he had no political ambitions when he formed the AKR party, Pacolli ran a very well-funded campaign in the 2007 Assembly elections. He has a wide range of business interests [REDACTED]

[REDACTED]

11. Speaker Krasniqi's accusation against Thaci's actions regarding the manner of Pacolli's appointment on TV Kohavision has done little to sell the idea of a new 'clean government'. [REDACTED]

### **Unrest within the PDK...**

12. [REDACTED]

13. The exclusion of Fatmir Limaj from government in light of ongoing criminal investigations has caused further unrest within the PDK party. [REDACTED] his exclusion will continue to be a further issue of discontent within the PDK. [REDACTED]

14. Thaci has succeeded in forming his government but his tentative coalition [REDACTED]

[REDACTED]