



The Special Investigative Task Force (SITF) was set-up in 2011 to conduct an independent criminal investigation into the war crimes and organised crime allegations contained in the Council of Europe (CoE) report of January 2011 by Senator Dick Marty entitled: “Inhuman treatment of people and illicit trafficking in human organs in Kosovo”

## **Mandate and legal basis:**

The mandate of the SITF is to investigate and, if warranted, prosecute individuals for crimes alleged in the CoE report. In addition to the much-publicised allegations of organ harvesting, the SITF will examine possible unlawful detention, deportation, inhumane acts, torture and killings, as well as any other crimes, related to the allegations contained in the report.

The SITF is an autonomous entity that derives its jurisdiction and legal authority from the European Union Council Decision establishing the EU rule of law mission in Kosovo (EULEX). The EULEX mandate includes executive responsibilities in Kosovo for specific areas of competence, such as war crimes, ethnically motivated crimes and organised crime, as well as cases deemed too sensitive to be tried by local judicial authorities. Hence, the SITF operates within the Kosovo justice system and in accordance with the applicable law in Kosovo.

On 10 May 2012 the Albanian Parliament unanimously adopted a law on cooperation with the SITF. The law, which mirrors previous regional laws on cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), is particularly significant as it will allow the SITF to autonomously conduct investigative activities on Albanian territory, where CoE Rapporteur Dick Marty believes most of the alleged crimes took place.

The SITF has also reached agreements in principle for cooperation frameworks with other states and organisations relevant to the investigation.

## **The SITF:**

In May 2011, the European Union Political and Security Committee adopted changes in the EULEX Operational Plan which provided for the establishment of the SITF.

The SITF consists of international staff only and, in order to further reinforce the independence and confidentiality of the process, the team is primarily based in Brussels, Belgium. The SITF is a self-contained unit, consisting of prosecutors, investigators, legal officers, analysts and support staff. It is made of around 25 people from approximately 15 different countries. However, staffing remains an ongoing process as the team will continuously assess its needs and makes adjustments as appropriate.

Mr Clint Williamson, who has previously served as a prosecutor at the ICTY and as US Ambassador-at-Large for War Crimes Issues, is the Lead Prosecutor for the SITF. Mr Williamson took up his duties on 17 October 2011.

The SITF has a separate and cost-effective budget linked to the overall budget of EULEX Kosovo.

## **Activity:**

The operational aspects of SITF's work might not always be very visible, but this is consistent with established investigative and prosecutorial practices. In order to protect the integrity of the investigation, the confidentiality of witness testimony, and the ongoing collection of evidence, SITF will not publicly disclose information on the investigation's progress or on any evidence gathered in the course of the investigation.

Since its formation in September 2011 the SITF has made progress in a number of key areas, including the collection of relevant information from institutional sources, securing regional cooperation agreements, bolstering of witness protection arrangements and in the conduct of its own operational investigative activities.

The SITF is committed to follow the evidence wherever it may lead. In doing so, the SITF is contacting and engaging a wide variety of sources of information, talking to anyone who may have information relevant for the investigation and pursuing all viable investigative leads.

The SITF has secured high-level political commitments and practical arrangements for cooperation to facilitate the work of the SITF from Pristina, Belgrade, Tirana, Podgorica, and Skopje. Fundamentally, this includes the law on cooperation with the SITF adopted unanimously by the Albanian Parliament. The SITF has equally established external frameworks for cooperation with EULEX, Europol and ICTY, several EU Member States, as well as with a number of third countries that might prove relevant for the investigation.

## **Next steps:**

A thorough criminal investigation that looks at the whole range of crimes in the CoE report, encompassing multiple jurisdictions and acts alleged to have occurred 12-13 years in the past, will inevitably be long and complex. Legal processes take time and similar investigations at ICTY have taken two to four years to complete.

This investigation is a judicial and impartial process. Depending on the outcome of it the SITF will either file an indictment or issue a finding that there is insufficient evidence to substantiate the allegations in the CoE report.