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The phenomenon of human organ trafficking in light of the United Nations sustainable development agenda with special emphasis on cultural offences in Republic of Kosovo

“Never use any creature alive only as a means”¹
Immanuel Kant

Introduction

The axiological and legal sphere of the idea of sustainable development is formed by values focusing on three main areas: social (systematic social development), economic (economic growth) and ecological (triple wins)². Thus, they have a triple, both subjective and objective, nature of the impact. In other words, the exploitation and reconstruction of common world resources for their use by future generations should take place through programming and enforcing the complementarity of the three elements: social development, rational use and restoration of shared global resources (eco-development) and economic growth. These “(...) clearly recognized values also enable solving, or at least toning, conflicts between men (society), economics and the natural environment, and facilitate making choices that do not violate the basic interests of man, society and nature”³.

Among the values that are particularly important for the idea of sustainable development, the following types should be particularly distinguished:

¹ I. Kant, [in:] P. Singer, *Practical Ethics*, Warsaw 2003.

² *United Nations Development Programme, Triple Wins for Sustainable Development. Case Studies of Sustainable Development Practice*, UNDP, New York 2012, p. 3.

³ W. Tyburski, *On some axiological premises of sustainable development*, [in:] A. Pawłowski (ed.), *Philosophical, social and economic determinants of sustainable development*, Lublin 2004, p. 48.

rudimentary values for the human social world (the idea of peace and freedom), teleological values for all forms of existence and helpful (instrumental) values in achieving the assumed goals⁴. In general, life, freedom, dignity, egalitarianism and justice are to be found in the axiological foundation of sustainable development idea. In this sense, sustainable development corresponds with the concept of civil society⁵.

In the context of the values described above, it is emphasized that one of the most important threats of human existence is the possibility of a global armed conflict. Therefore, of the highest value and importance seems to be maintaining (both global and regional) peace on a permanent basis for the functioning of a global society. Peace is understood as an elementary value, defining the goal of human development and a factor identifying armed conflicts as historical archaisms which, along with the development and progress of humanity, should be finally eliminated. In this way, the concept of sustainable development also draws attention to the following negative social phenomena. These are: war occupation, illegal armsour trade, human trafficking (including human organ trafficking), organized crime, terrorism, intolerance and hate crimes that constitute the antinomy of pacifist attitudes and oppose the implementation of the assumptions of sustainable development⁶.

Currently, the world is divided into rich North and poor South and this division is great, wide and lasting. The, and “(...) increasing differences between developed and developing countries pose a serious threat to global prosperity, security and stability”⁷. The above-mentioned approach to the idea of sustainable development is the basis for the following considerations. implementation of the concept of human rights aimed at building a fair, democratic and equal civil society.

Kosovo as a case study – criminological profile

Kosovar, Shiptar or Shiptary are terms attributed to the ethnic Kosovar Albanians living predominantly in the youngest European state, i.e. the Republic of Kosovo⁸ – the disputed Albanian-Serbian territory. Kosovo is one of the most important subjects of the EU diplomacy. The nationalized image of

⁴ Ibidem.

⁵ Ibidem.

⁶ Ibidem.

⁷ *Johannesburg Declaration on Sustainable Development*, 2002, pkt 3, 12.

⁸ Kosovo – disputed territory in southern Europe with the capital in Pristina and a country partially recognized internationally, which declared its independence on 17 February 2008. The country is recognized by 110 of 193 UN member states, 23 out of 28 European Union and 24 out of 28 NATO, however, it is formally not recognized. Since the end of the civil war, it was a protectorate administered by the United Nations (United Nations Interim Administration Mission in

this country has been popularized for years and supported by European and world mainstream media. 'Poor and oppressed' country gained favour from the international community, mainly due to the unilateral campaign for independence, at the expense of indigenous Serbs who in their own country have become a minority⁹ – disputed territory between Albanian and Serbian. Albanian Kosovo also has a dark past. As Jagienka Wilczak rightly points out, information about Albanian crimes are not convenient for the international community. For years, they were surrounded by a conspiracy of silence, and what happened in Kosovo reached the EU officials, but it was left without a comment. As a result, leading Kosovo politicians, including those holding the highest state offices, appeared on the EU and world salons, despite the fact they were often accused of the most serious crimes – murders, tortures, participation in organized criminal groups involved in, inter alia, human organs trafficking. Such a picture of the Albanian Kosovo does not fit into the folder image of a friendly and open country.

Unsolved and hidden by the perpetrators of the Kosovo tragedy, crimes return after years of hibernation, again invoking the Balkan "ghosts"¹⁰. They have a specific face and identity. Below there are presented profiles of three Kosovo politicians responsible for war crimes committed during the Serbian-Kosovo conflict that took place within 1999–2008.

The specifics of Kosovo (Albanian) war criminals is that they usually occupied key political positions and represented their country on the international arena. Until now, it was the domain of postcolonial states, mainly from the MENA area or other parts of Africa. On the one hand, in the case of Kosovo, we are dealing with a European state, aspiring to be a member of the Union, recognizing the principles of a democratic state of law. On the other hand, the structure of Kosovo (Albanian) society is still characterized by tribal and clan character. Tribalism¹¹ invariably remains the basis for the functioning of Kosovo (Albanian) social life¹². Despite the fact that Kosovo is a formally democratic state, the country is managed by individual clans, as in Albania. Albania is the only country in Europe where the virgin revenge is still cultivated in the 21st century – hakmarija.

In Albania, anachronistic social institutions and the tribal justice system prevail. According to it, the crime of the act is decided by the common law and determined high position of the perpetrator, is often the reason for his impu-

Kosovo, widely known as the UNMIK abbreviation) with the help of NATO troops (KFOR). United Nations Mission In Kosowo, <https://unmik.unmissions.org/> (accessed: 8.07.2021).

⁹ Kosovo is perceived by the Serbs as the cradle of their statehood and religion.

¹⁰ R.D. Kaplan, *Balkan ghosts. Travel through history*, Wołowiec 1993.

¹¹ Tribalism – persistence in national societies of old divisions and clan or tribal separations; also: a strong sense of such separateness. For: *Polish Language Dictionary*, <http://sjp.pwn.pl/slowniki/trybalizm.html> (accessed: 8.07.2021).

¹² F. Lubonja, *Albania: freedom threatened*, Sejny 2005.

nity. This kind of Kosovan (Albanian) society's mentality has become the reason for the evasion of criminal responsibility of leading Kosovo.

The traditional Kanun Laws

According to various sources, the Kanun of Lek Dukagjini [and few other very similar codes¹³] sets up the rules upon which the Albanian culture is based, primarily focusing on the concept of honour, hospitality and the word of honour, *besa*, (principle of unity, reconciliation and inviolable trust). Lek Dukagjini (1410–1481), a lord of a powerful northern Albanian family, was a contemporary of the Albanian hero Skanderbeg. It is often said that 'Skanderbeg' evokes the Albanian dream, 'Dukagjini' the Albanian soul¹⁴ Dukagjini formalised and standardise the oral laws regulating the Albanian community life in the 15 th century. Nevertheless, the practice of these codes potentially dates back from 2000 to 3000 years ago (it may be possibly of Illyrian origin going back to the 5 th century BC) and presents the fundamental customary law employed in the Middle Ages in almost all areas of Albanian settlement¹⁵. The Kanun is a formal expression of the deeply felt concept of honour of the Albanian people¹⁶. The foundation of it all is the principle of personal honour. Next comes the equality of persons. From these flows a third principle, the freedom of each to act in accordance with his own honour, within the limits of the law, without being subject to another's command. And the fourth principle is the word of honour, the *besë* (def.: *besa*), which creates a situation of inviolable trust.

It means the entirety of rules according to which a person can protect his own community against the attacks of third parties. This protection includes the moral obligation to apply violence and retaliatory attacks, until the honour of one's own group has been re-established. The Kanun states: "There is no fine for an offence to honour. An offence to honour is never forgiven. The person dishonoured has every right to avenge his honour; no pledge is given, no appeal is made to the Elders, no judgment is needed, no fine is taken. The

¹³ The Albanian customary criminal law is encoded in the following canons: The Code of Lekë Dukagjini (collected and codified by Shtjefën Gjeçovi), Shkodër, 1933; The Canon of Skenderbeu (collected and codified by Dom Frano Ilia), Milot, 1993; The canon of Labëria (Codified and prepared for edition by dr. Ismet Elezi), Tiranë 2006; The canon of mountains (this canon was applicable in the 9 mountains of the Malësia e Madhe e Mbishkodrës until the Gjakova Highlands, Malësia e Madhe and the Kosovo Field) and other special canons (For more see: I. Elezi, *Knowledge on the Pan-Albanian customary law*, Pristi 2003.

¹⁴ M. Camaj, *The Code of Lekë Dukagjini*, trans. L. Fox. Comp. Shtjefën Gjeçov, New York 1989.

¹⁵ L. Fox (trans.), *The Code of Lekë Dukagjini/Kaunui I Lekë Dukagjinit*, New York 1989.

¹⁶ N. Malcolm, *Kosovo: a short history*, New York 1998, p.18.

strong man collects the fine himself”¹⁷. One who meets these revenge obligations from the Kanun is taken to be cleansed white, whereas one who does not fulfil it is labelled unclean and must suffer all humiliations on the part of the village community¹⁸. However the original Kanun also includes very specific clarifications of the manners of retaliatory killings for restoring honour to the offended when the laws are disobeyed¹⁹. The Kanun further specifies: an offence to honour is not paid with property, but by the spilling of blood or by a magnanimous pardon (through the mediation of good friends).

Although it is clear that elements of the Kanun – such as the exaggerated sense of honour, gender subordination and revenge killings – remained part of the Albanian mindset, they are not explicit factors for violent and criminal behaviour. The results of this research support the ‘social confusion hypothesis’ and clearly assesses the genuine importance of the Kanun laws among ethnic Albanians.

Procurement of human organ trafficking in Kosovo – analysis of the phenomenon

A special court for war crimes committed by UCK fighters consisting of international judges, began in 2016 in the former headquarters of Europol. At the same time, David Schwendiman was appointed to the position of a special prosecutor. His main duty is to prosecute war criminals and then prepare an indictment against each of them. Under the election rules, the special Chamber of the Kosovo tribunal became part of Kosovo’s justice system but subject to its significant independence. It resulted from the fact that the court will occupy in the so-called ‘Host country’ – the Netherlands (The Hague). This was done due to fear of witness intimidation and possible corruption in the Kosovo courts.

The jurisdiction of the tribunal covered the period from 1 January 1998 to 31 December 2000. The most difficult point of negotiations regarding the appointment of this court was the issue of international responsibility in the case of complaints about violations of human rights. The Netherlands initially did not want to take responsibility in case of complaints that could end in

¹⁷ J. Arsovska, *Social Confusion on the Road to Modernity: The Meaning of Violence and Crime in Ethnic Albanian Context*, https://www.cerge-ei.cz/pdf/gdn/rrc/RRCVI_54_paper_01.pdf (accessed: 8.07.2021).

¹⁸ P. Waldmann, *Revenge without rules: on the renaissance of an archaic motif of violence*, “Studies in Conflict and Terrorism” 2001, no. 24, p. 440.

¹⁹ M. Valinas, J. Arsovska, *A Restorative Approach for Dealing with the Aftermath of the Kosovo Conflict – Opportunities and Limits*, [in:] I. Aertsen, J. Arsovska, H.C. Rohne, K. Vanspauwen, M. Valinas (eds.), *Restoring Justice After Large Scale Conflicts*, Cullompton 2007 (forthcoming).

proceedings at the European Court of Human Rights in Strasbourg or the UN Commission on Human Rights. Netherlands finally agreed to this kind of commitment. The insufficient protection of witnesses still remains a burning problem of the tribunal.

During the last 20 years, potential witnesses were intimidated, some of them were tortured, detained and even murdered. The Court was ordered to prosecute serious crimes committed in 1999–2000 by members of the Kosovo Liberation Army, which involved persecution, discrimination or physical elimination of national and ethnic minorities and uncomfortable political opponents. A court composed of international judges has started working at the former seat of Europol. His appointment in August 2016 was supported by the Kosovo parliament, which proclaimed independence in 2008. The Tribunal funded by the European Union judges according to the law of Kosovo.

The former UÇK guerrillas have been suspected of war crimes committed during the war in 1998–1999. Some of them are also accused of human organs trading from Serbian war prisoners. In this matter, the United States and the European Union were strongly under pressure from the Kosovo government, which demanded the trial of suspects. After the Kosovo deputies rejected the proposal to create a tribunal for the first time, the West threatened that the matter what, they would go to the UN Security Council, which would mean Russia and Serbia's involvement in the debate – these countries are strong opponents of Kosovo. Serbia did not recognize the independence of this country and still considers it as its own province. The independence of Kosovo was recognized by about 100 countries, including the US and most of the European Union member states. Clint Williamson²⁰, a special European Union prosecutor for the study of trafficking in human organs during the Kosovo war, stated that the issue became alarming when information about the abducted Serbs and Roma living in Kosovo began to enter public opinion in Serbia. European politicians for many years have evaded the admission that this criminal activity took place. In addition, Kosovo and partisans from UÇK were idealized by international opinion, and all the evil in the Balkans was accused of Serbs. Today, C. Williamson's special investigation group reports 300 people missing and 500 killed after the end of military operations in Kosovo²¹.

The first report about this procedure was made public by one of the American journalists. The reporter reached families who talked about the kidnappings carried out by member from UÇK. He also found the place of the now famous yellow house, where criminal operations were carried out and witnesses of incidents were held. He also talked to Bernard Kouchner, head of the Provisional Administration in Kosovo (in 1999–2001), who showed complete

²⁰ J.C. Williamson, *Special Investigative Task Force*, <http://www.sitf.eu/index.php/en/7-sitf/6-john-clint-williamson> (accessed: 8.07.2021).

²¹ *Ibidem*.

helplessness and the lack of interest in the case. Then in 2008, Carla del Ponte, a special crime prosecutor in former Yugoslavia described in her memoirs the crimes committed by UÇK in Kosovo near the town of Burrel.

These events were then examined by a special envoy of the Council of Europe, a Swiss deputy and judge Dick Marty²², who presented the results of his inquiry in 2011 at the Council of Europe. The report contained a comprehensive account of the crimes and trafficking in human organs on the territory of Kosovo that took place in 1998–2000. Marty collected the witness accounts and secret service documents that confirmed information about the murders and organs trafficking for transplants. In addition, it also pointed other war crimes: kidnapping, sexual violence and ethnic cleansing on the Serbs and Roma living in Kosovo. The report includes the names of potential perpetrators – Kosovan (Albanian) high-rank politicians whose profiles are described in this article. In addition, the current president of Kosovo, Hashim Thaci, was involved in organized crime and managed the so-called Drenicka Group²³.

At the same time, it should be noted, that this alleged war criminal has been negotiating with the European Union an agreement on the association and stabilization of Kosovo, and personally met with Cathrine Ashton. Of course, Kosovo documents and partnerships with this country do not mention the conclusions of the Council of Europe envoy's report. However, the head of investigation group Clint Williamson, established by the United Nations, confirmed the allegations that Marty had previously made. Although the prosecutor stated that only ten cases of abductions for illegally harvesting human organs and sales to wealthy Western citizens were documented, it does not rule out that there were more such cases, and even that the trade, in a changed form, continues until these days²⁴. In addition, investigators are concerned that due to numerous voices about intimidation and even killing witnesses, it will not be possible to collect more evidence. The fact that only ten cases of organ donation have been confirmed is no excuse. There are, however, defence voices saying that this was not a practice on an industrial scale. Williamson did not provide names of people accused of organs trafficking and other crimes, arguing his silence with the good of the investigation and the safety of witnesses²⁵.

The problem of human organs trafficking in Kosovo has an international and multithreaded dimension that goes back many years. At the beginning of

²² Committee on Legal Affairs of Human Rights, *Inhuman treatment of people and illicit trafficking in human organs in Kosovo*, http://assembly.coe.int/CommitteeDocs/2010/20101218_ajdoc462010provamended.pdf (accessed: 8.07.2021).

²³ *Drenička grupa optužena za organizovani kriminal*, Balkanska Tranziciona Pravda, <http://www.balkaninsight.com/rs/article/dreni%C4%8Dka-grupa-optu%C5%BEena-za-organizovani-kriminal> (accessed: 8.07.2021).

²⁴ Ibidem.

²⁵ Ibidem.

2016, the Serbian prosecutor's office asked the Nigerian authorities to allow the doctor Philip Njemanze to be questioned. The medic said that deputy prime minister and head of the Kosovo diplomacy Hashim Thaci and Nigerian politician Rochas Okorochoa were involved in the trade of human organs. "Both were participating in the trade of Serbian organs trafficking of men who disappeared during and after the war in Kosovo" – it was a statement of the Serb prosecutor's office for war crimes²⁶. In total, 17 countries were involved in the study of criminal activity. An international investigation showed the participation of members of the Kosovo Liberation Army (UÇK) in the kidnapping of Serbian civilians and killing them for organ poisoning. Reporter Tobore Ovuorie conducted in 2013 an ongoing investigation involving many years of trafficking of women and men organs in Nigeria. The investigation report, on its course, went to several organizations dealing with women rights. The report also includes a reference to Kosovo and its network of human organs traffickers²⁷.

The first convictions for participation in the trafficking of human organs were made in 2013. The trial took place in front of the international panel of judges, because the judiciary was exercised in Kosovo by the mission of the European Union – EULEX²⁸.

Head of the Medicus Clinic, Lutfi Dervishi urologist was sentenced to 8 years of imprisonment, fined and banned on practicing the medical profession for two years. His son Arban was sentenced to 7 years and 3 months imprisonment. Lutfi Dervishi cooperated with the Kosovo Liberation Army and traded the organs of Serb prisoners. The other three physicians involved spent time in prison from a year and up to three years. The court found that as many as 30 illegal removals and transplants were carried out at the Medicus clinic in Pristina. The court handed down lesser punishments to the others found guilty, including three years behind bars for Sokol Hajdini, the clinic's chief anaesthetist. Organised by Eulex, Europe's rule of law mission to the former Yugoslav republic, and starting in 2011, the court heard from 80 witnesses who provided a chilling testimony to the greed and ruthlessness of the gang.

²⁶ Ibidem.

²⁷ *Human Trafficking in Nigeria: Root Causes and Recommendations*, <https://www.nigerianlawguru.com/articles/human%20rights%20law/HUMAN%20TRAFFICKING%20IN%20NIGERIA%20-%20ROOT%20CAUSES%20&%20RECOMMENDATIONS.pdf> (accessed: 8.07.2021).

²⁸ EULEX – Mission of the European Union in Kosovo – EULEX Kosovo, created on the basis of a document of the Council of the European Union "Joint Action Council 2008/124 /CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO". EULEX Kosovo assumed responsibility for this Balkan region from the United Nations Interim Administrative Mission UNMIK Kosovo after it became operational on 9 December 2008. Representatives of the European Union Member States and third countries (including the US, Russia and Canada) participate in the mission. Turkey). The Eulex court dealt with matters that the Kosovar justice system could not cope with because of the very low legal culture of the young Kosovo state. See more: *Eulex Kosovo*, [info.policja.pl](http://www.info.policja.pl), <http://www.info.policja.pl/inf/wspolpraca-miedzynarod/misje-pokojowe/55336,EULEX-Kosowo.html> (accessed: 8.07.2021).

Economical, social and criminological prolems in Kosovo in the contex of Agenda for Sustainable Development

Intergenerational criminal traditions in this part of Europe is not only the result of tribal and traditional cultural patterns, but also depend on the economy which was devastated by the recent civil wars and economic crises. According to statistical data from recent years GDP growth in the Western Balkans slowed from 3.1 percent in 2016 to an estimated 2.4 percent in 2017. Regional growth in 2017 is less optimistic than the 2.6 percent expected when the Fall issue of this report was published. It slowed in Serbia due to a harsh winter and stalled in FYR Macedonia, where the political crisis deterred both public and private investment. Bosnia and Herzegovina (BiH) grew at a rate similar to the last two years. The dynamism of the smaller economies of Albania, Kosovo, and Montenegro drove regional growth in 2017, with support from higher growth in trading partners, a pickup in commodity prices, and the execution of large investment projects²⁹. Kosovo is also a region where recorded the highest unemployment rate in Europe, especially among the younger generation of Kosovar Albanians. Although job growth was slower than in 2016, in the first nine months of 2017 190,000 new jobs were created in the region. Labor force participation increased in most countries, as more people entered the labor market and found jobs. Over 80 percent of new jobs were in services, mostly retail and wholesale trade, supported by growth in consumption. Although unemployment fell in most countries, it still ranges from 13.5 percent in Serbia to 30.4 percent in Kosovo. Poverty continued to fall despite rising food and energy prices. In Kosovo unemployment rate fell to 26.50 percent from 30.60 percent and Youth Unemployment Rate went down to 54.00 percent from 55.90 percent in Q4 2017. Unemployment Rate all-time average stands at 36.90 percent and it's projection for Q2 2018 is 23.8. Youth Unemployment Rate averaged 54.17 percent and is projected to be 53.2 in Q2 2018³⁰.

In this connection, the UNDP will comment on the introduction of the following tools that would lead to poverty reduction and the regulation of uncontrolled migration in the Kosovo region. UNDP's recommendations are based on the following assumptions. One of them promotes strengthen national and local government capacities through multi-stakeholder collaboration to build a joint evidence base on the social and economic impact of forced displacement and migration, as a basis for well-informed policies and programming. This will require investment in intensive, technical advice and training

²⁹ Western Balkans Regular Economic Report: Spring 2021, <http://www.worldbank.org/en/region/eca/publication/western-balkans-regular-economic-report> (accessed: 8.07.2021).

³⁰ Kosovo Agency of Statistics, <https://ieconomics.com/kosovo-unemployment-rate> (accessed: 8.07.2021).

support for local and national actors to lead assessment and analyses; In particular, UNDP recommends measures to strengthen capacities in terms of assessments and analysis in the following areas:

- 1) Root causes of forced displacement and drivers of forced migration;
- 2) Economic impact of migration on countries of destination;
- 3) Role of diaspora and remittances on economic recovery and sustainable development;
- 4) Social impacts of migration and displacement³¹;
- 5) Role of migrants, refugees and IDPs in achieving the Sustainable Development Goals (SDGs) targets;
- 6) Livelihood and workforce development;
- 7) Additional research and data on irregular and mixed migration flows³².

Uncontrolled migratory movements lead to the formation of multiethnic and thus multicultural countries, where cultural cultures and cultural conflicts are very often confronted with different legal cultures. On the other hand, it is also important in traditional closed communities like the Albanians or Kosovar Albanians, where tribal courts are still used today, generally functioning outside the judicial system of justice. Although it concerns a small part of the described nations, the clan system of social life radiates to official state institutions, especially local ones. Family crime clans operate in both Albania and neighboring Kosovo, and Kosovo UCK was built on the basis of these assumptions. Traditional, clan criminal groups propagate violence, weapon worship, patriarchy, culture of pride and shame, and divide the world into their own and strangers.

This attitude leads to social conflicts, the development of punishments, the collapse of the economy, the growth of corruption and discrimination on the racial and ethnic levels. These kinds of problems are currently observed in Kosovo. A specific antidote that prevents the development of excisions and the reduction of culturally motivated acts is propagating and developing the idea of a civic society that is based on common values; such as dialogue, peace and strong state institutions, not blood ties. Such values of a civil society based on sustainable development are recommended by the UN in the following document: United Nations post-2015 development agenda: Transforming our world: the 2030 Agenda for Sustainable Development³³, to restore and consol-

³¹ Trade documents, <http://tfig.unecce.org/contents/trade-documents.htm> (accessed: 8.07.2021); <https://prishtinainsight.com/like-serbian-citizens/7> (accessed: 8.07.2021); Balkan Route, <https://www.greeneuropeanjournal.eu/the-western-balkan-route-a-new-form-of-forced-migration-governance-in-europe/> (accessed: 8.07.2021).

³² UNODC on human trafficking and migrant smuggling, <https://www.unodc.org/unodc/en/human-trafficking/index.html?ref=menuside> (accessed: 8.07.2021).

³³ Resolution adopted by the General Assembly on 25 September 2015 [without reference to a Main Committee (A/70/L.1)] 70/1. Transforming our world: the 2030 Agenda for Sustainable Development.

idate peace, sustainable development and cooperation between the warring Balkan nations³⁴. In accordance with the provisions of the Agenda, the following objective should be disseminated and implemented in the territory of the Western Balkans. “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. And this goals should be achieved by means of specific tools such as: significantly reduce all forms of violence and related death rates everywhere (see the cult of possession of weapons, violence and the primacy of honor among the Albanians). In addition, the UN Agenda highlights strengthening relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime and by 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime nad substantially reduce corruption and bribery in all their forms”³⁵. In addition, Agenda calls for a reduction “abuse, exploitation, trafficking and all forms of violence against and torture of children and by 2030, provide legal identity for all, including birth registration”³⁶. Then, Agenda wants to promote the promotion “the rule of law at the national and international levels and ensure equal access to justice for all, develop effective, accountable and transparent institutions at all levels and promote and enforce non-discriminatory laws and policies for sustainable development”³⁷. In addition, Agenda calls for “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements end ensure responsive, inclusive, participatory and representative decision – making at all levels”³⁸. On the other hand, the general, universal goal that Agenda recommends is based on: “broaden and strengthen the participation of developing countries in the institutions of global governance”³⁹.

The UN recommendations listed above should be communicated to the Kosovo authorities, in order to introduce in this country the idea of sustainable development based on building and strengthening peace, security and development of civil society respecting human rights.

³⁴ A/RES/70/1 Transforming our world: the 2030 Agenda for Sustainable Development, 25 September 2015, p. 10/35.

³⁵ Ibidem.

³⁶ Ibidem.

³⁷ Ibidem.

³⁸ Ibidem.

³⁹ Ibidem.

Conclusions

In light of the foregoing on trafficking in human organs in Kosovo should be run, and deploy force in the territory of Kosovo following the strategy developed by the United Nations: United Nations post-2015 development agenda: Transforming our world: the 2030 Agenda for Sustainable Development⁴⁰, to restore and consolidate peace, sustainable development and cooperation between the warring Balkan nations⁴¹. It should be pointed out that criminal activity involving the trafficking of human organs on the territory of Kosovo continues to alert for the matter is extremely serious and shocking. For a long time, the case was concealed by the Kosovo (Albanian) authorities, because in this crime the leading Kosovar politicians including the current president of the country were involved. The youngest European state based its founding myth on the 'heroic' attitude of the Kosovo Liberation Army, fighters for freedom and democracy, who – as it turns out – hid their second, dark face. Many of them were also members of organized criminal groups dealing not only with the trafficking of human organs but also with drug smuggling⁴², car thefts, etc. These attitudes were confirmed empirically in field studies of the author of the article. Although the research sample was small, but the collected data in many aspects (mainly in general trends) confirm the results of other international research centers, providing credibility to this research.

This criminal activity puts a shadow on the image of the Republic of Kosovo in the international arena. Until now, the Kosovo Albanians enjoyed favour not only of the European Union but also of the United States, presenting themselves exclusively as victims of the Serbian-Albanian conflict. Currently, this positive face is slowly obscuring, and the issue of human organs trafficking in Kosovo still requires investigation and clarification. However, one should hope that these procedures will not last another 20 years.

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⁴⁰ Ibidem.

⁴¹ Ibidem.

⁴² Drug money and opiate trafficking on the Balkan route, focus of new UNODC report, <https://www.unodc.org/unodc/en/frontpage/2015/November/drug-money-and-opiate-trafficking-on-the-balkan-route-focus-of-new-unodc-report.html> (accessed: 8.07.2021).

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Summary

The phenomenon of human organ trafficking in light of the United Nations sustainable development agenda with special emphasis on cultural offences in the Republic of Kosovo

Keywords: law, criminology, sustainable development, win-win, cultural offences, human and organ trafficking, war crimes, rotten trade, transnational crime, Republic of Kosovo.

The article concerns the issues related to the illegal trade in human tools in the light of the theoretical structure of sustainable development created by the United Nations (UN). The text consists of several parts. The work aims to show the following research areas:

- axiological and legal assumptions of sustainable development in the context of a triple win: social, economic and environmental,
- the criminological profile and picture of organized crime in the Republic of Kosovo – trafficking in human organs in the territory of the Republic of Kosovo,
- information on traditional customary law (Kanun) in Albanian culture – analysis of the phenomenon of harvesting human organs in Kosovo.

The last part of the article presents the economic, social and criminological problems of Kosovo in the context of the Sustainable Development Agenda.

The analysis contained in the text proves that the youngest European country (2008) struggles with many problems of a legal, economic and social nature. These problems are not only a consequence of the recent post-Slavic armed conflicts but also result from the specific Albanian legal culture (Kanun rules), which still affects the functioning of this society (especially in the provinces). Therefore, these customs still determine the level of crime in this country, both common and related to the activities of organized crime groups (with particular emphasis on trafficking in human organs). Therefore, it is recommended to successively implement the legal solutions contained in the Agenda for Sustainable Development, to stabilize not only this country but the entire region.

Streszczenie

Zjawisko handlu narządami ludzkimi w świetle agendy ONZ na rzecz zrównoważonego rozwoju ze szczególnym uwzględnieniem przestępstw kulturowych w Republice Kosowie

Słowa kluczowe: prawo, kryminologia, zrównoważony rozwój, win-win, przestępstwa kulturowe, handel ludźmi i ludzkimi narządami, zbrodnie wojenne, nielegalny handel, przestępczość transgraniczna, Republika Kosowa.

Artykuł dotyczy problematyki związanej z nielegalnym handlem ludzkimi narządami na terytorium Republiki Kosowa. Tematyka tekstu jest analizowana w świetle teoretycznej konstrukcji zrównoważonego rozwoju – koncepcji opracowanej przez Organizację Narodów Zjednoczonych. Celem pracy jest ukazanie następujących obszarów badawczych: założeń aksjologiczno-prawnych zrównoważonego rozwoju w kontekście potrójnej wygranej: społecznej, ekonomicznej i ekologicznej. Tekst zawiera kryminologiczny opis obrazu przestępczość zorganizowanej w Republice Kosowa, ze szczególnym uwzględnieniem handlu ludzkimi narządami na terytorium Republiki Kosowa. Ponadto prezentuje informacje na temat tradycyjnego prawa zwyczajowego (Kanun) w kulturze albańskiej. Ostatnia część artykułu przedstawia ekonomiczne, społeczne i kryminologiczne problemy Kosowa w kontekście Agendy Zrównoważonego Rozwoju.

Analiza zawarta w tekście dowodzi, że najmłodsze europejskie państwo (2008) boryka się z wieloma problemami natury prawnej, ekonomicznej czy socjalnej. Są one nie tylko konsekwencją ostatnich postjugosłowiańskich konfliktów zbrojnych, ale wynikają też ze specyficznej albańskiej kultury prawnej (zasad Kanun), która nadal wpływa na funkcjonowanie tego społeczeństwa, zwłaszcza na prowincji). Owe obyczaje nadal determinują poziom przestępc-

czości w tym kraju, zarówno pospolitej, jak i tej związanej z działalnością zorganizowanych grup przestępczych (ze szczególnym uwzględnieniem handlu ludzkimi narządami). W związku z tym rekomenduje się sukcesywne wprowadzania rozwiązań prawnych zawartych w Agendzie Zrównoważonego Rozwoju celem stabilizacji nie tylko tego państwa, ale całego regionu.