



Security Council

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK and developments related thereto, from 16 October 2014 through 15 January 2015.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and in the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (EULEX) continues to be present in Kosovo, in line with the statement by the President of the Security Council of 26 November 2008 ([S/PRST/2008/44](#)) and my report of 24 November 2008 ([S/2008/692](#)). The United Nations agencies, funds and programmes work closely with the Mission.

II. Key political developments

3. The main political developments in Kosovo during the reporting period were the achievement of a coalition agreement, the establishment of the Assembly of Kosovo and the formation of a new Kosovo government, which brought to an end six months of political stalemate following the parliamentary elections held on 8 June 2014.

4. On 19 November, the leaders of the Democratic Party of Kosovo and the Democratic League of Kosovo, HashimThaçi and Isa Mustafa, held a joint meeting with President Jahjaga and announced that they had reached an agreement to form a coalition. On 8 December, the leaders of the two parties signed an agreement which, inter alia, designated the President of the Democratic League of Kosovo, Isa Mustafa, as the new Prime Minister, and the President of the Democratic Party of Kosovo, HashimThaçi, as a Deputy Prime Minister and Minister for Foreign Affairs as well as the coalition's Presidential candidate to succeed President Jahjaga in the first semester of 2016. The agreement also provided that the Deputy President of the Democratic Party of Kosovo, Kadri Veseli, would be nominated for the position of President of the



Assembly. On the same day, the constitutive session of the Assembly was reconvened for the third time since the general elections of 8 June; the members elected Mr. Veseli as President of the Assembly, with 71 votes in favour, 42 votes against and one abstention.

5. On 9 December, the Serbian Civic Initiative signed an agreement with the Democratic Party of Kosovo and the Democratic League of Kosovo to join the coalition government. The agreement provides for the Initiative's representation through a Deputy Prime Minister and two Ministers, namely, the Minister for Communities and Returns and the Minister for Local Government Administration. It refers to the establishment of the association/community of Serb municipalities within a period of three to five months from the start of government. It also includes provisions concerning the "special management" of past and future privatizations of enterprises; the appointment of Kosovo Serbs in the Kosovo police and other institutions; and the need to discuss possible air and rail links between Belgrade and Pristina as part of the European Union-facilitated dialogue.

6. On 9 December, the Assembly of Kosovo approved the new coalition government, which comprises 21 ministers, including 2 women ministers, and 3 deputy prime ministers (one each from the Democratic Party of Kosovo, the Democratic League of Kosovo and the Serbian Civic Initiative). In addition to the two ministries headed by Kosovo Serb representatives, the Ministry of Public Administration is led by a representative from other non-majority communities, namely, a Kosovo Turk.

7. On 16 December, the Council of the European Union, in its conclusions on the Enlargement and Stabilization and Association Process, called upon Kosovo to adopt all prescribed legal changes arising from the initialling, in July 2014, of a stabilization and association agreement. In the conclusions, the Council urged Kosovo to focus in particular on the rule of law, including taking steps to ensure greater independence of the judiciary and intensifying efforts against organized crime and corruption. The Council also stressed the importance of the process of normalization of relations between Pristina and Belgrade and priority completion of the steps necessary for establishing a specialist court in the context of the investigation by the EULEX Special Investigative Task Force into the war crime and organized crime allegations contained in the January 2011 report of the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe, Dick Marty.

8. Also in December, the Assembly of Kosovo adopted the law on the Kosovo budget for 2015. During the final session on the draft law, Assembly members belonging to the Serbian Civic Initiative walked out to protest the failure of the Committee on Budget and Finance to take into account amendments proposed by the Initiative during the review process. The 25 per cent increase in civil servant salaries promised by the outgoing administration during the 2014 parliamentary election campaign was not reflected in the final budget.

9. In Belgrade, the Government of Serbia, which had expressed concern at continued delays in the resumption of a high-level political dialogue in Brussels, welcomed the establishment of the new Kosovo authorities and affirmed its readiness to engage at the earliest opportunity. During the reporting period, some progress was made in the technical-level dialogue, including establishing more consistent arrangements for the travel of Serbian and Kosovo officials, which came

into force on 1 December. Further progress in the implementation of the previously reached agreements on, inter alia, the judiciary, energy, the integrated management of crossing points and freedom of movement is expected once the fully fledged political talks resume.

10. Outside the dialogue framework, the Serbian Prime Minister, Aleksandar Vučić, and the outgoing Prime Minister of Kosovo, Hashim Thaçi, met in New York on 4 December, on the margins of the Security Council session. The Government of Serbia also hosted two regional meetings of a European Union-Western Balkans ministerial forum in which Kosovo officials participated.

11. On 10 December, the Constitutional Court of Serbia declined, by a majority vote, a request by the Democratic Party of Serbia to review the constitutionality of the First Agreement of Principles Governing the Normalization of Relations of 19 April 2013, arguing that the agreement is a political, not a legal, document.

12. On 14 January, Prime Minister Vučić visited Kosovo on the occasion of the Orthodox New Year. Addressing the public in the Shtërpçë/Štrpce municipality, one of three municipalities he visited, Vučić stated that the Government of Serbia would maintain its support for the Serb community in Kosovo and underlined the importance of Serbs remaining in Kosovo and sustaining their homes and livelihoods. Among other things, he stated “We want to live well with our Albanian neighbours and together we have to seek a better life and a better common future as we will be living in the same space even 100 years from now... we have to build peace.”

13. At the same time, Belgrade continued to express concern about the announced intention of the Kosovo authorities to transform the Kosovo Security Force into the “Armed Forces of Kosovo”. Belgrade officials asserted that that would violate the 1999 Kumanovo Military Technical Agreement and Security Council resolution 1244 (1999). A draft law on the Kosovo Armed Forces, submitted to the Kosovo Assembly in 2014, is yet to be considered by the Assembly. In the meantime, KFOR has indicated that that it will continue its engagement with the Kosovo Security Force within its existing mandate, namely, to conduct crisis response operations in Kosovo and abroad, include civil protection operations within Kosovo and assist the civil authorities in responding to natural disasters and other emergencies.

14. On 13 January, the Kosovo Assembly Committee on Internal Affairs approved, during its first reading, the draft law on the prohibition of joining armed conflicts outside State territory. The adoption of the draft law was treated as a priority and follows several high-profile police operations recently carried out against the organized recruitment of persons to fight in the conflicts in the Syrian Arab Republic and Iraq.

III. Northern Kosovo

15. In northern Kosovo, main developments centred around the finalization of the 2015 municipal budget proposals. Extensive talks were held among all interested actors to find suitable compromises on the inclusion of salaries for health and education personnel and on the overall budgetary allocations. On 30 October, as requested by central authorities in Pristina, the municipal assemblies adopted reduced budgets, leaving aside health and education sector salaries. The

Government of Serbia included financing for the four northern Kosovo municipalities in the 2015 budget for its Office for Kosovo and Metohija. While full agreement on the issue of funding public services in the Serb-majority municipalities may have to await the outcomes of the high-level Belgrade-Pristina talks in Brussels, the employees in the local public health and education sectors have been expressing concern about their uncertain future.

16. In North Mitrovica, the moratorium on construction activities in the ethnically mixed neighbourhood of Kroji Vitakut/Brdjani, agreed on 2 July 2014, was breached on several occasions. On 20 October and 22 December, work resumed at a Kosovo Albanian's house, but was halted following an intervention by the Mitrovica North Administrative Office authorities. The construction of two apartment buildings funded by the Belgrade-sponsored Interim Municipal Council resumed in the same area on 22 October.

17. On 19 November, with the alleged aim of implementing agreements reached in the European Union-facilitated dialogue, the Zubin Potok Municipal Assembly adopted a decision to establish a power distribution company for northern Kosovo. The decision was subsequently annulled by the Kosovo Ministry of Local Government Administration.

18. On 8 December, the Mayor of Zubin Potok, who is the subject of an ongoing EULEX investigation, returned to Kosovo and appeared before international prosecutors. He was ordered to be placed under house arrest for 30 days, a measure he successfully appealed on 23 December. Another suspect, the former Mayor of Zubin Potok, also appeared before EULEX prosecutors in North Mitrovica Basic Court on 1 December and was released pending a future trial. On 11 November, a EULEX international judge confirmed the indictment against a Kosovo Serb political party leader, Oliver Ivanović, and four other Kosovo Serbs from the north accused of serious crimes alleged to have been committed in 1999 and 2000. The main trial commenced on 18 December. Mr. Ivanović has been in detention on remand since 28 January 2014; the detention was subsequently extended until 26 February 2015.

19. UNMIK continued its active facilitation role between communities and officials in northern Kosovo, as well as with international organizations and Kosovo authorities. It focused in particular on efforts aimed at preventing and reducing tensions and promoting cooperation among local authorities, in particular in North and South Mitrovica.

IV. Security

20. The overall security situation in Kosovo remained stable during the reporting period, although some increase in the number of incidents in the ethnically mixed areas was observed. A number of peaceful demonstrations were held in various parts of Kosovo, mainly to protest against the prevailing social and economic conditions. On 4 December, a protest by the War Veterans Association in Pristina to demand a special quota for the admission of children of veterans to the University of Pristina turned violent and led to confrontations between demonstrators and the Kosovo police.

21. In addition, there appears to be a significant increase in the number of irregular migrants from Kosovo to Western European countries. This trend has been

reported across Kosovo and has affected, in particular, the Kosovo Roma, Ashkali and Egyptian communities. According to data collected by OSCE, by the end of November 2014, approximately 2,000 people from those communities had left Kosovo, ostensibly owing to poor economic and living conditions and limited access to employment and social services. The Ministry of Internal Affairs has launched a campaign to raise the awareness of communities on the potential consequences of illegally crossing into the European Union. In addition, the Kosovo police has stepped up efforts targeting individuals involved in the smuggling of migrants.

22. In December, the United Nations Development Programme (UNDP) completed the implementation of the seven-year Kosovo Small Arms Control Initiative. The initiative assisted Kosovo institutions in countering uncontrolled possession and proliferation of small arms and light weapons. In addition to the development of the legislative framework for weapons regulation and control, over 1,500 firearms were removed from circulation in 2014. The proliferation of small arms nevertheless remains a concern in Kosovo.

23. On 25 December, a Serbian national was arrested in Pristina with some 12 kg of explosive materials in his vehicle. The UNMIK police facilitated an exchange of information between the local investigative authorities and their counterparts in a number of European countries and the International Criminal Police Organization (INTERPOL).

24. Some increase in the number of potentially ethnically motivated incidents was also observed. In November, eight Kosovo Serb-owned houses in Lëvoshë/Levoša village, Pejë/Peć municipality, were burglarized while residents were away observing an Orthodox festival. On 6 January, a bus with Serb internally displaced persons on their way to celebrate Orthodox Christmas at the Church of the Holy Virgin in Gjakova/Đakovica town was hit by a stone. Several arrests were made in relation to the incident.

25. The number of incidents affecting religious sites in Kosovo has also slightly increased, compared with the previous period. Out of 20 recorded incidents, 15 involved Christian Orthodox sites, four involved Islamic sites and one involved a Dervish site.

V. Rule of law

26. UNMIK continued to monitor the situation and exercise some responsibilities with respect to the rule of law. It maintained technical cooperation with respective authorities in Kosovo and Belgrade and facilitated requests for mutual legal assistance from non-recognizing countries. UNMIK continued to provide document-certification services, both to Kosovo residents and at the request of non-recognizing States, primarily for the certification of civil documents. A total of 665 such documents were processed during the reporting period.

27. UNMIK also facilitated communications between the Kosovo authorities and INTERPOL and its member States. During the reporting period, it received 33 requests for international wanted notices and issued 9 INTERPOL red notices. UNMIK facilitated the participation of the General Director of the Kosovo police in the eighty-third session of the INTERPOL General Assembly, in November.

28. Publicized allegations of corruption in respect of a few former and present staff members of EULEX were responded to swiftly by the new Head of Mission of EULEX, who affirmed that the body investigates any allegations seriously and on their merits. An independent expert was also appointed by the High Representative of the European Union for Foreign Affairs and Security Policy, who visited Kosovo from 10 to 14 December as part of his inquiries.

29. The responsible authorities in Belgrade and Pristina continued to pursue new sources of information and conduct investigations with respect to 1,655 remaining missing persons from the period from 1998 to 2000. On 18 November, during the 38th meeting of the Working Group on Missing Persons, held in Belgrade, representatives of the Belgrade-based Association of Families of Kidnapped and Missing Persons in Kosovo and Metohija and the Pristina-based Coordinating Council of the Associations of Missing Persons and Families in Kosovo appealed for increased engagement and support from the authorities in Pristina and Belgrade on the matter. The families also appealed to the European Union to place the issue of missing persons on the agenda of the European Union-facilitated dialogue in Brussels.

30. From 9 to 10 December, the Serbian authorities and EULEX carried out an assessment of an alleged gravesite in the Petrovo Selo-Kladovo municipality (Bor District in central Serbia). Representatives of the families of missing persons from Belgrade and Pristina, the Kosovo Department of Forensic Medicine and the International Commission on Missing Persons were also present.

31. On 3 November, the Kosovo Constitutional Court rejected a request submitted by the Ombudsperson for a constitutional review of the President's decree on the continuation of the mandates of the three international judges of the Constitutional Court. In its decision, the Court concluded that the mandate of international judges derives from an "international agreement" between Kosovo and the European Union ratified by the Assembly of Kosovo.

VI. Returns and communities

32. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as at the end of 2014, there was a total of 17,113 internally displaced persons in Kosovo. The number included 9,286 Kosovo Serbs, 7,084 Kosovo Albanians, 710 Kosovo Roma, Ashkali and Egyptians and 33 from other communities. The number of voluntary returns continued to show a declining trend. UNHCR registered 149 individual voluntary minority returnees to Kosovo in October, November and December 2014, namely, 76 Kosovo Serbs, 63 Kosovo Roma, Kosovo Ashkali and Kosovo Egyptians, 5 Kosovo Gorani and 5 Kosovo Albanians.

33. Overall in 2014, there were 631 voluntary returns from parts of Serbia, Montenegro and the former Yugoslav Republic of Macedonia. In October, the International Organization for Migration (IOM) completed the European Union-supported Return and Reintegration, Phase III project, with a total of 210 houses constructed for returnees. IOM has been retained as the implementing agency for phase IV of the project, which is expected to complete about 250 houses for displaced families and provide them with comprehensive return assistance.

34. A progress report issued by OSCE in December highlighted the challenges faced by Kosovo's institutions in facilitating voluntary returns. In the report, it was noted that positive steps had been taken to protect and promote the rights of minority communities, which represent most of the displaced persons and returnees, but that the legislative framework, such as the Law on the Protection of the Rights of Communities, was still insufficient in addressing the needs of displaced persons and returnees. It was noted in particular that delays in the resolution of property claims and lack of effective enforcement of court decisions were among the key obstacles to returns.

35. The United Nations Children's Fund (UNICEF) has conducted and issued the results of its first multiple indicator cluster survey in Kosovo. The conduct of the survey should permit the inclusion of Kosovo within an internationally comparable assessment and enable evidence-based policymaking and monitoring of the situation of women and children in Kosovo. The World Health Organization (WHO) hosted a high-level environmental health mission to Kosovo, with site visits to Mitrovica, Obiliq/Obilić and Pristina. The mission presented preliminary findings on social inequalities in environmental health, which complemented the community vulnerability assessment conducted by the United Nations Kosovo Team in 2013.

36. UNMIK continued to monitor issues affecting minority communities through field visits and engagement with local stakeholders. On 6 November, my Deputy Special Representative held an introductory meeting with the Mayor of the Gjakovë/Đakovica municipality. They discussed, among other issues, the demolition of five local Kosovo Serb-owned houses. On the occasion of All Souls' Day, 1 November, the municipal authorities also facilitated the visit of Kosovo Serb internally displaced persons from the area to the municipality.

37. On 12 November, 32 students from the Lidhja e Prizrenit primary school and the Vëllezërit Frashëri high school in the Deçan/Dečani municipality visited the Visoki Dečani Monastery as part of an OSCE project to increase awareness among young people of the importance of preserving cultural heritage. On 18 November, the Mayor of Rahovec/Orahovac municipality visited, for the first time since his election in November 2013, the Sveti Vrač Monastery in Zoqishtë/Zočište village and discussed ways to improve relations between the monastery and the local community and property-related issues.

VII. Cultural and religious heritage

38. Cooperation among representatives of the Serbian Orthodox Church and those of other religious communities, as well as central and local authorities, continued during the reporting period. In particular, the municipality of Gjakovë/Đakovica initiated work to upgrade the water drainage system at the Serbian Orthodox Church of the Holy Virgin. The Abbot of Visoki Dečani Monastery, the Mayor of Deçan/Dečani and the Commander of KFOR also inaugurated an upgraded road, which will facilitate easier access to the monastery's main water source.

39. The Implementation and Monitoring Council, which includes the Kosovo authorities, representatives of the Serbian Orthodox Church and other denominations, as well as the European Union and OSCE, convened one meeting during the reporting period. Discussions focused mainly on institutional responses to several hate graffiti incidents at the Visoki Dečani Monastery. At the request of

the municipality, KFOR engineers demolished an illegal structure in the special protective zone near the Visoki Dečani Monastery in late October. However, on 17 December, a new illegal construction was observed in the special protective zone around the monastery, at the previously established illegal fish farm. On 6 January, President Jahjaga and Prime Minister Mustafa visited the monastery to participate in the Orthodox Christmas celebrations.

40. On its part, UNMIK has donated some equipment to the Council on the Cultural Heritage of the Historic Centre of Prizren, which continues to suffer from a lack of resources. In violation of the law and applicable administrative instructions in force since 2013, the establishment of the Council for the Protection of the Village of Hoçë e Madhe/Velika Hoča continued to be delayed. On 12 January, an ad hoc commission established by the Rahovec/Orahovac Municipal Assembly reviewed the applications for membership in the Council. A total of six applications, four from Kosovo Serbs and two from Kosovo Albanians, were submitted to the Hoçë e Madhe/Velika Hoča village presidency for final selection. The village presidency is to select two Kosovo Serbs, while the Serbian Orthodox Church is to nominate its representative by 20 January, which would complete the establishment of the Council prior to the next session of the Rahovec/Orahovac Municipal Assembly in late January.

VIII. Human rights

41. In November, UNMIK, supported by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Development Coordinator in Kosovo, organized “Open Day on Women, Peace and Security in Kosovo”, marking the occasion of International Day for the Elimination of Violence Against Women. Progress was acknowledged in several areas, including the adoption of the Kosovo action plan for the implementation of Security Council resolution 1325 (2000), which includes a commitment by the Kosovo authorities to provide 51 per cent of the budget allocated to the implementation of the plan. During the event, the government’s formal recognition, in March 2014, of survivors of sexual violence during the Kosovo conflict as a separate category in the relevant Kosovo legislation was highlighted. At the same time, full implementation of the legal framework continues to be hindered by a range of institutional factors, including inefficient coordination, overlapping mandates, insufficient financial allocations and limited accountability measures. The findings and recommendations from the Open Day will form part of the global study on the implementation of Security Council resolution 1325 (2000).

42. Under the UN-Women/UNDP/European Union joint project on women and peace and security, in support of the implementation of Security Council resolution 1325 (2000), UN-Women has been assisting the Agency for Gender Equality in conducting research on the participation of women in local and central institutions and political parties. The research is part of the preparation of the first monitoring report on the implementation of the action plan for the implementation of Security Council resolution 1325 (2000). On behalf of the Security and Gender Group, UN-Women implemented the 16 Days of Activism against Gender Violence between 25 November and 10 December.

43. The first phase of the Common Voice Forum initiative was completed during the reporting period. The Forum is a multi-ethnic initiative that brings together representatives of all of Kosovo's communities for the advancement of inter-ethnic dialogue, conflict prevention and civic awareness. The initiative was launched in April 2014 with the funding support of the Secretariat and UNDP Kosovo and UNMIK support on the ground. The Office of the United Nations Development Coordinator has prepared a proposal for a second year of funding support for consideration by the Secretariat (Department of Political Affairs selection committee).

44. On 26 November, the third monitoring cycle in respect of the implementation of the Framework Convention for the Protection of National Minorities in Kosovo concluded with the adoption of a resolution of the Committee of Ministers of the Council of Europe. In November 2014, the Office of Good Governance in the Office of the Prime Minister established an ad hoc ministerial technical working group to coordinate the implementation of the recommendations pursuant to the resolution.

IX. Observations

45. I welcome the constitution of the Kosovo Assembly and the formation of the new government in Pristina. The elections in 2014 marked a political milestone and the diversity reflected in the composition of the government is a testament to the progress achieved and should give new impetus to the efforts to build a multi-ethnic and democratic Kosovo. I wish to commend President Atifete Jahjaga for her steadfast role in facilitating this outcome through intense and continued engagement with leaders of Kosovo political parties.

46. With key institutions in place, the Kosovo authorities should now move forward in addressing the many challenges still facing Kosovo. One important step would be for the government and the Assembly to move swiftly on the adoption of the legislation concerning the establishment of the specialist court to try cases arising from the findings of the European Union Special Investigative Task Force, as agreed between Kosovo and the European Union. I urge Kosovo's political leaders to redouble their efforts in strengthening a broad public understanding and consensus around this issue, given its importance to Kosovo's future. Sustained efforts should also continue in respect of the rule of law and in promoting genuine long-term reconciliation among Kosovo's communities.

47. Just as importantly, I look forward to early, full and earnest engagement by Belgrade and Pristina in the European Union-facilitated dialogue at the leadership level. This will be crucial in sustaining the engagement at the technical level and in moving forward on the implementation of the outstanding provisions of the 19 April 2013 agreement. The core issue in this respect remains the establishment, in accordance with the agreement, of the association/community of Serb municipalities. It is important that the momentum achieved through strong leadership from both Belgrade and Pristina during the past two years be encouraged so as to further constructive and results-focused engagement during the next phases of the dialogue.

48. The reports of population outflow from Kosovo during recent months are a cause for concern. In that context, I welcome the efforts of the Kosovo authorities to address the issue of migration. I am also encouraged by the stated commitment of

the new Kosovo government to improve social and economic opportunities for all in Kosovo.

49. I welcome the swift steps taken by the European Union to address corruption allegations within EULEX. It is important that these allegations not be used to undermine the important role that EULEX still plays in Kosovo and that all parties continue to fully cooperate with that body. In addition, close coordination and cooperation among all international actors should be strengthened to ensure stability, improved confidence among communities and maximum progress in the Belgrade-Pristina dialogue and the implementation of related agreements.

50. I wish to thank my Special Representative, Farid Zarif, for his skilful leadership of the Mission, and all UNMIK staff for their dedicated service. I also thank our long-standing international partners, including KFOR, EULEX, OSCE, the European Union and members of the United Nations family, for their important contributions and close cooperation with UNMIK.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo covering the period from 16 October 2014 to 15 January 2015

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring and advising activities and to implement its executive functions in line with its mandate regarding the rule of law. Verdicts were pronounced in a number of cases involving the Mission's judges and prosecutors, including in the "Passport case", in which eight defendants received heavy prison sentences. In terms of monitoring, mentoring and advising activities, the Mission continued to advise Kosovo authorities on irregular migration. In addition, it continued to monitor the selection procedure for the Chief State Prosecutor and the recruitment process of the Director General of the Kosovo Correctional Service. The Mission also consistently recalled the need to rapidly address the lack of quorum in the Kosovo Judicial Council.

In northern Kosovo, the surrender of two wanted Kosovo Serbs helped to ease tensions and sent a positive message in terms of rule of law in the region.

Lastly, EULEX continued to facilitate the implementation of dialogue agreements. Particular emphasis was placed on the process of registering and issuing licences to companies intending to import controlled goods through the northern crossing points and the continuing implementation of the agreement on the integrated management of crossing points.

2. EULEX activities, October 2014 to January 2015

2.1 Executive

War crimes

On 6 November, a panel of one local and two EULEX judges at Pristina Basic Court acquitted three Kosovo Serb defendants of all charges listed in the indictment relating to events in April 1999 in the municipality of Novo Brdo/Novobërdë. The case was prosecuted by a local prosecutor in the Kosovo Special Prosecution Office.

On 19 December, a EULEX judge released six of the defendants in the "Drenica case" on bail. In opting for less restrictive measures, the Court considered that the defendants had already been in detention on remand for over 18 months. The Court also noted that the vast majority of the evidence supporting the prosecution's case had already been presented in the main trial. The decision was upheld by the Court of Appeals.

Main developments in organized crime and corruption

On 18 December, a panel of one local and two EULEX judges at Pristina Basic Court found eight defendants guilty in the “Passport case” and handed down prison sentences ranging from 1 to 12 years. The case relates to the theft of around €1,400,000 in the context of a public supply contract for biometric passports at the Kosovo Ministry of Internal Affairs. The case was prosecuted by a EULEX prosecutor.

Other serious crime cases

On 30 October, a panel of one local and two EULEX judges at Pristina Basic Court started the trial in the “Millionaire case” against two defendants charged with trading in influence for having allegedly accepted a bribe in order to exert influence over officials of the Privatization Agency of Kosovo in a tender process in 2009. The case was investigated by the Kosovo police and led by a EULEX prosecutor from the Kosovo Special Prosecution Office.

On 31 October, a panel of one local and two EULEX judges at Pristina Basic Court started the trial against a defendant charged with having ordered the murder, in 2007, of Kosovo police officer Triumf Riza and with the illegal possession of a large amount of weapons. The case was investigated by the Kosovo police, with EULEX assistance on telephone forensics, and led by a EULEX prosecutor from the Kosovo Special Prosecution Office.

On 7 November, a EULEX judge at Mitrovica Basic Court held an initial indictment hearing against eight Kosovo Serbs indicted for, inter alia, endangering United Nations and associated personnel and attacking official persons performing their duties. The incidents took place in Zubin Potok on 30 May 2012 and 3 April 2012 when a EULEX convoy was stopped at a roadblock and not allowed to pass.

On 10 November, a panel of three EULEX judges at Mitrovica Basic Court convicted and sentenced a defendant to 11 years’ imprisonment for a murder that took place in Mitrovica South in January 2013. The case was prosecuted by a EULEX prosecutor from the Mitrovica Basic Prosecution Office.

On 19 November, a panel of one local and two EULEX judges at Pristina Basic Court started the trial against five defendants suspected of stealing around \$1,000,000 worth of luxury items from a jewellery shop in Manama on 10 September 2013. The case is being prosecuted by a EULEX prosecutor from the Kosovo Special Prosecution Office.

On 21 November, a EULEX prosecutor from the Kosovo Special Prosecution Office filed an indictment against a former member of the Kosovo Liberation Army for Presheva, Medvegja and Bujanov suspected of having shot at and seriously injured several police officers in the former Yugoslav Republic of Macedonia during two attacks in 2004 and of possessing a large quantity of weaponry. On 3 December, a EULEX judge at Gjilan/Gnjilane Basic Court held an initial hearing during which the defendant pleaded not guilty on all counts.

On 8 December, a panel of three EULEX judges in Mitrovica Basic Court sentenced a Kosovo Serb to 10 years’ imprisonment for attempted aggravated robbery and unauthorized ownership, control, possession or use of weapons. The crime took place in the municipality of Zvečan/Zveçan in October 2011. Another

person was sentenced to three and a half years' imprisonment for robbery, while a third defendant was acquitted. The case was led by a local prosecutor from the Mitrovica Basic Prosecution Office.

Also on 8 December, a panel of one local and two EULEX judges at Pristina Basic Court found two persons guilty of attempted blackmail and sentenced the first one to a suspended prison sentence of one year and six months and the second one to a suspended prison sentence of six months. The defendants had attempted to blackmail the injured party by threatening to publish a video containing private moments of him and one of the defendants if he did not give them two hectares of land in Pejë/Peć. A third person was acquitted. The case was led by a local prosecutor from the Kosovo Special Prosecution Office.

On 10 December, EULEX supported a Kosovo-wide anti-smuggling operation led by the Kosovo police during which a large number of Kosovo police officers searched 38 locations (3 in the north and 35 in the south) and arrested 17 persons. The Kosovo Border Police and Kosovo Customs also took part in the operation. The preparation of the operation included a financial investigation, which allowed for the confiscation of assets linked to criminal activities.

On 23 December, an initial indictment hearing was held in Mitrovica Basic Court against two Kosovo Serb defendants in the case relating to the murder of Kosovo police officer Enver Zymberi. The case is being led by a EULEX prosecutor.

Allegations found in the report by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe

In 2011, the Special Investigative Task Force was set up to examine the allegations found in the January 2011 report by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe, Dick Marty, entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo".

In a statement delivered on 29 July 2014, the Lead Prosecutor of the Special Investigative Task Force, Clint Williamson, explained that the Task Force had found compelling evidence to file an indictment against certain former senior officials of the Kosovo Liberation Army responsible for an organized persecution campaign against minorities, including abductions, illegal detentions, enforced disappearances, unlawful killings, sexual violence, forced displacements and the desecration and destruction of churches and other religious sites. In addition, Lead Prosecutor Williamson stated that compelling evidence that these individuals were also responsible for the killing of fellow Kosovo Albanians labelled either as collaborators with the Serbs or as political opponents of the Kosovo Liberation Army has been uncovered.

Work on the investigative findings of the Special Investigative Task Force continued during the reporting period.

The Special Investigative Task Force continues to work with victim advocacy groups, injured parties and individuals in order to gather information and evidence for the case. Cooperation with judicial and law enforcement authorities in the region and elsewhere continues to be productive, and investigative and operational activities are moving forward. On 11 December, the European Union announced

that David Schwendiman of the United States of America had been nominated as the new Lead Prosecutor of the Task Force.

In parallel, the planning for the establishment of the Specialist Chambers that will deal with the allegations arising from the investigations of the Task Force progressed. A planning team was set up and is taking the preparatory work forward.

Department of Forensic Medicine

Starting in November, families of missing persons found in Raška, Serbia have been visiting the Kosovo Department of Forensic Medicine to view the clothing and artefacts of their relatives.

On 29 October, EULEX forensic experts at the Department of Forensic Medicine executed a court order at Cabrat cemetery in Gjakova/Đakovica and conducted an exhumation of 14 graves in order to correct wrongly associated remains that had been found in Serbia in 2001. The exhumation was preceded by several meetings with the Ministry of Environment and Spatial Planning and with municipal officials, including the Mayor of Gjakova/Đakovica, who gave her support to the exhumation. The remains were taken to the Department of Forensic Medicine for further identification and DNA analysis.

In November, EULEX forensic experts at the Department of Forensic Medicine conducted site assessments in the areas of Mitrovica South, Vushtrri/Vučitrn and Gjilan/Gnjilane. No remains were found at the sites. In December, they conducted a site assessment, under the authority of the Serbian War Crimes Prosecutor, in Petrovo Selo, Serbia. However, no remains were found at that site either.

Property rights

The final session of the Kosovo Property Claims Commission was held on 15 and 16 December, marking the successful completion of the Commission's mandate. During that session, the last remaining 193 cases were adjudicated. In total, the Commission has decided on over 43,000 claims resulting from the Kosovo conflict in respect of private immovable property. Around 22 claims are still to be reprocessed owing to certain processing errors identified in the course of the implementation of decisions, but they will ultimately be included in the Commission's decisions from the December session and will not require a further session. It is estimated that all cases in the courts of first instance will be closed by the end of March. From 16 October 2014 to 15 January 2015, the Appeals Panel of the Kosovo Property Agency received 28 new appeals and adjudicated 30 appeals, leaving at the time of reporting a total of 320 cases that are still to be decided.

During the reporting period, the Special Chamber of the Supreme Court for matters relating to the Privatization Agency of Kosovo closed 414 cases in trial panels and finalized 55 cases at the Appellate Panel level.

2.2 Strengthening

The Mission provided advice to the Kosovo Border Police in dealing with irregular immigration. There has been a steady increase in the already high number of young persons, but also in the number of families, who try to irregularly migrate to Western Europe. In accordance with the freedom of movement agreement between Belgrade and Pristina, they can legally cross into Serbia with the sole use

of their Kosovo identity cards. Authorities are aware that the majority of such persons intend to use Serbia as a transit point in order to irregularly migrate to Western Europe but are limited in the actions they can take in order to prevent them from doing so. EULEX supported the Kosovo Border Police in intensifying efforts by screening and profiling travellers, conducting interviews to determine travel plans and, ultimately, by encouraging them not to travel to Western Europe by irregular means. To achieve this, the Kosovo Border Police informs travellers of the risks and implications of irregular migration to European Union countries. The Mission also advised the Kosovo Border Police on the strategic use of the media to help to curb irregular migration.

The Mission intensified advice to the Ministry of Internal Affairs with regard to asylum seekers. The majority of these persons continue to leave the reception centre for asylum seekers after a short while, often during the interviewing phase, and continue on their way to Western Europe.

In October, EULEX advised the Kosovo police on crowd control operations that took place in Pristina and in Mitrovica in response to events relating to the abandoned Serbia-Albania football game. The Mission also provided advice to the Kosovo police during the planning phase of an operational plan for the Albania Flag Day celebrations that took place on 28 November. According to the Mission's assessment, Kosovo police command and operations were conducted in a proportionate and professional manner.

EULEX facilitated the delivery of training to Kosovo Customs, the Kosovo Border Police and the Kosovo Police Narcotics Directorate in the field of risk profiling of air passengers. The training focused on identifying narcotics, prohibited goods and individuals connected to religious or political extremism. This is particularly relevant with regard to Kosovo youths joining extremist groups in the Syrian Arab Republic and Iraq.

The ongoing lack of quorum in the Kosovo Judicial Council, a by-product of the six-month-long political stalemate, remains a matter of serious concern. EULEX continues to encourage the recently formed government to address this as a matter of urgency.

The Kosovo Prosecutorial Council, with a considerable delay of four months, finalized the amendments in regulations pertaining to the selection procedure for the Chief State Prosecutor, following the July decision of the Constitutional Court to suspend the selection process. The vacancy notice was re-published in early December. EULEX will continue to closely monitor the selection process.

On 10 November, the new Director General of the Kosovo Correctional Service assumed his duties. During the recruitment process, EULEX had provided advice about the procedure. The abuse of daily medical treatments in Pristina by high-profile prisoners, which requires considerable Kosovo Correctional Service staff resources, has continued to be of concern.

Following an official complaint from the Kosovo police about the performance of the Prisoner Escort Unit of the Kosovo Correctional Service, EULEX monitored several prisoner escorts to Mitrovica Basic Court, including some of the high-profile "Drenica Group" prisoners. While the overall quality of the work of the Prisoner Escort Unit was assessed as positive by the Mission, there was significant concern

over the preferential treatment extended to members of the “Drenica Group”. EULEX gave extensive advice to the Kosovo Correctional Service to remedy that issue.

EULEX supported the Anti-Corruption Agency in launching the anti-corruption pledge card campaign on International Anti-Corruption Day on 9 December. In particular, the Mission assisted with designing and printing the pledge card and with recording television spots on high public officials in Kosovo.

On 14 January, a Serbian delegation headed by Prime Minister Vučić visited Kosovo. EULEX assisted and advised the Kosovo police in view of and during the high-level visit. Numerous Kosovo police units and departments were engaged in the operation along with the Serbian authorities, who carried out security functions. The performance of the Kosovo police was assessed as excellent; all units displayed a high level of professionalism and worked in partnership to provide a safe and secure environment for both officials and the public. The Kosovo police also maintained a high degree of flexibility at both the command and operational levels. No significant incidents were reported.

2.3 The north

In northern Kosovo, the Mission continued its efforts to reach out to local actors and to communicate its rule of law mandate in that region. On 15 December, the Head of Mission and Deputy Head of Mission visited Mitrovica North, where they met with mayors, the Kosovo police regional command north, the Director of the Mitrovica Detention Centre and civil society representatives.

Overall, the situation remained calm but fragile, with few incidents in the reporting period. The main disruptions were gatherings on both sides of the main bridge in Mitrovica after a Serbia-Albania football game in Belgrade, which was followed by other skirmishes in the northern part of the city.

Tensions also remained in ethnically mixed residential areas in Mitrovica North. As second responder, EULEX monitored tensions relating to illegal housing construction in Brdjani/Kroi i Vitakut, a known hotspot for ethnic tensions since 2009. The verbal moratorium of June 2014 on construction activities in that area has been breached several times. An assessment shared by all relevant actors is that there is no immediate threat of escalation of conflict, but the issue remains a matter of concern for stability and might spark tensions.

EULEX continued to exercise its executive functions in a number of judicial cases that are also attracting wide attention. On 1 December, a former elected official in northern Kosovo was arrested after having appeared voluntarily for an interview with a EULEX prosecutor. A EULEX judge at Mitrovica Basic Court ordered the defendant to report once a week to police stations in Mitrovica North and Zubin Potok.

Another Kosovo Serb, an elected official in northern Kosovo, was arrested and put under house detention by order of a EULEX judge after having appeared voluntarily for an interview with a EULEX prosecutor on 8 December. On 19 December, the Court of Appeals terminated his house detention. The case relates to his suspected role in facilitating the escape of a Kosovo Serb from the Zubin Potok police station on 12 March 2014.

On 18 December, the first hearing in the case relating to a Kosovo Serb politician accused of war crimes was held. Members of Oliver Ivanović's Civic Initiative "Serbia, Democracy, Justice" and civil society have continued to show discontent with the fact that he remains in detention on remand.

The Mission maintained its monitoring, mentoring and advising efforts by providing advice to the Kosovo police. Particular focus was placed on principles of intelligence-led policing and community policing and their implementation in respect of countering human trafficking in the north. EULEX is advising the Kosovo Police Inspectorate on its plans to extend services to a wider audience by establishing an office in Mitrovica North.

2.4 Dialogue implementation

With regard to the implementation of the agreement on the integrated management of crossing points, reached in the European Union-facilitated dialogue between Belgrade and Pristina, since 15 October, there has been no permanent EULEX presence at the four southern crossing points. The Mission is present at the crossing points during the day on a daily basis or several times a week, depending on the size of the crossing point. Counterparts were given the contact details in case of urgent matters during the absence of EULEX.

Over recent months, EULEX supported efforts by the dialogue team regarding the registering and issuing of licences to companies intending to import controlled goods through the crossing points Rudnica/Jarinjë and Bërnjak/Tabalije, for which the deadline was 31 December 2014. An agreement was reached between Belgrade and Pristina to resolve the various issues.

In December 2014, the collection of customs revenues at the two northern crossing points, which had started 12 months earlier, in December 2013, amounted to €4.472.621; the aforementioned sum has been transferred to the Development Fund.

During November and December, EULEX conducted an inspection of the Kosovo police unit responsible for the protection of religious and cultural heritage sites, as well as an inspection of the state of the respective sites. The assessment also included meetings with religious representatives, wherever possible. The overall assessment is that the performance of the unit is satisfactory and professional. The above notwithstanding, the security infrastructure at some of the sites could be improved (for instance, with better lighting or closed-circuit television). The Mission will follow up on the issue with the Kosovo police.

With a view to establishing a reliable civil status system, EULEX continued monitoring the use of the certified copies of the civil registry books through field visits to the regions. Overall, 84 out of 136 civil status main and satellite offices were visited in 2014. The assessment visits will continue in 2015.

3. Other key issues

At the end of October 2014, local and international media reported on allegations of corruption against former and current EULEX staff members. These allegations have been investigated for months; the investigation will continue until the facts are established. In the context of the ongoing joint EULEX-Kosovo

judicial investigation, the European Union had already agreed to partially lift the immunity of one former staff member before the publication of the allegations.

EULEX is also fully cooperating with the independent and experienced legal personality Jean-Paul Jacqué, who was appointed by the High Representative for Foreign Affairs and Security Policy to review the implementation of the Mission's mandate, with a focus on the handling of the corruption allegations.

All the above notwithstanding, the allegations will not distract the Mission from carrying out its core responsibilities and common efforts with local institutions in building the rule of law in Kosovo.

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 January 2015)

<i>Country</i>	<i>Number</i>
Austria	1
Germany	1
Hungary	1
Italy	1
Pakistan	1
Russian Federation	1
Turkey	1
Ukraine	1
Total	8

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 January 2015)

<i>Country</i>	<i>Number</i>
Czech Republic	2
Republic of Moldova	1
Poland	1
Romania	1
Turkey	1
Ukraine	2
Total	8



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