



## 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 the Secretary-General to report at regular intervals on the implementation of its mandate. The present report covers the activities of UNMIK, and developments related thereto, from 16 January to 15 April 2011.

2. The priorities of the Mission remain unchanged: to promote security, stability and respect for human rights in Kosovo and in the region. UNMIK continues to further those goals by engaging with Pristina and Belgrade, the communities in Kosovo, and with regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) have continued to perform their important roles within the framework of Security Council resolution 1244 (1999). Pursuant to the Security Council presidential statement of 26 November 2008 (S/PRST/2008/44) and the report of the Secretary-General (S/2008/692), the European Union Rule of Law Mission (EULEX) is operating under the overall authority and within the status-neutral framework of the United Nations. OSCE, KFOR and EULEX have continued to cooperate and coordinate with UNMIK. The United Nations agencies, funds and programmes also continue to work closely with UNMIK.

#### II. Political situation

3. Domestic political turmoil dominated the reporting period as a result, inter alia, of the political polarization that emerged following the conclusion of the Kosovo electoral process. On 7 February, the Central Election Commission announced the certified results for the 2010 Kosovo Assembly elections as follows: the Democratic Party of Kosovo (PDK) won 34 of the 120 seats in the Assembly, followed by the Democratic League of Kosovo (LDK) with 27, Vetëvendosje (self-determination movement) with 14, the Alliance for the Future of Kosovo (AAK) with 12 and the New Kosovo Alliance (AKR) coalition with 8 seats. Kosovo Albanian political parties won a total of 95 seats and Kosovo Serb parties won 3 (2 for Independent Liberal Party and 1 for the United Serbian List), in addition to the 10 seats reserved



for them. The “other communities” won two seats (1 for the Kosovo Turk Democratic Party, KTDP, and 1 for the Ashkali Integration Party, PAI), in addition to their 10 set-aside seats (4 for the Roma, Ashkali and Egyptian communities, 3 for the Bosniak community, 2 for the Turkish community and 1 for the Gorani community).

4. Subsequent discussions on the formation of a coalition government revealed sharp divisions between the major political parties. LDK and the AAK refused to participate in a PDK-led coalition, whereas Vetëvendosje refused to partner with any political party that had endorsed the comprehensive status proposal of former United Nations Special Envoy Martti Ahtisaari.

5. The situation left PDK with the option, which it finally chose, of forming a governing coalition with AKR and with the overwhelming majority of the Kosovo Serb and other communities parties. The coalition enjoys the support of 64 deputies in the Assembly of Kosovo. On 21 February, the Assembly convened a constitutive session where deputies elected the new Assembly Presidency and re-elected Jakup Krasniqi as the Speaker of the Assembly. The following day, the Assembly elected AKR leader Behgjet Pacolli as the President of Kosovo, with 62 votes, in the third round of voting, and appointed a government led by Prime Minister Hashim Thaçi.

6. On 1 March, a political crisis emerged after opposition members of the Assembly challenged the legality of the presidential election process. On 30 March, a court ruling found that the election procedure had violated the Constitution due to the absence of a second candidate and because the necessary quorum had not been met.

7. On 6 April, following intensive talks and diplomatic mediation, the coalition parties, PDK and AKR, and the largest opposition party in the Assembly, LDK, reached agreement on a new, consensual candidate for President, on amending the procedure for electing the President and on reforming the electoral system in Kosovo. Prime Minister Thaçi, LDK leader Isa Mustafa and former President Behgjet Pacolli agreed to put forward Atifete Jahjaga, until then the Deputy General Director of the Kosovo police, as the consensual candidate for President. The agreement allowed for the election of Ms. Jahjaga by the Assembly the next day, with 80 votes in favour and 101 deputies present. Under the agreement, Ms. Jahjaga will serve until autumn 2012, at which time the next President will be elected directly, according to expected “constitutional” amendments. The three parties also agreed to the division of Kosovo into several electoral zones. Under the agreement, the format of the ruling coalition remains unchanged, comprising PDK and AKR, with the AKR role increased through two additional ministerial posts. LDK will remain the opposition.

8. At the end of the reporting period, the new Government included six deputy prime ministers and 18 ministries. Kosovo Serbs head three ministries, compared with two in the previous government, including the Ministry for Local Government Administration, whose minister is also one of the six deputy prime ministers.

9. On 25 January, the Parliamentary Assembly of the Council of Europe adopted, by an overwhelming majority, a resolution on the report of Special Rapporteur Dick Marty on the investigation of allegations of inhuman treatment of people and illicit trafficking in human organs in Kosovo. The Parliamentary Assembly, inter alia, called upon European Union member States to clarify the competences of EULEX and/or any other international judicial bodies mandated to conduct follow-up

investigations and to provide EULEX with the resources needed for its activities. It also invited EULEX to conduct an impartial investigation of the allegations contained in the report and requested the Governments of Serbia and Albania to cooperate fully with EULEX. On 28 January, EULEX issued a statement saying that it took the allegations made in the report very seriously, that it had the capacity, the expertise and the jurisdiction to handle the judicial follow-up and that its prosecutors had opened a preliminary investigation. The authorities in Belgrade have expressed their preference for the investigation to be conducted by a body with jurisdiction in all potential investigation locations and operating under the authority of the Security Council. Both the Parliamentary Assembly and the Serbian authorities have stressed the need for additional measures to ensure effective protection for witnesses. The authorities in Pristina have expressed their willingness to cooperate with the investigation.

10. On 17 February, the Kosovo authorities marked the third anniversary of their declaration of independence with celebrations in the centre of Pristina. Since the previous report of the Secretary-General to the Security Council (S/2011/43), one additional Member State has recognized Kosovo, bringing the total number of recognizing States to 75. On 17 March, Kosovo Serbs marked the seventh anniversary of the riots held in March of 2004 (see S/2004/348) with three commemorative ceremonies, in Pristina, northern Mitrovica, and Graçanicë/Gračanica.

### **III. Engagement between Pristina and Belgrade and practical arrangements**

11. The reporting period saw the start of meetings of the dialogue between Pristina and Belgrade welcomed by the General Assembly in its resolution 64/298 and facilitated by the European Union. The aim of the dialogue is to promote cooperation, achieve progress on the path to the European Union and improve the lives of people in the region.

12. The first three meetings were held in Brussels on 8, 9 and 28 March and on 15 April 2011. Robert Cooper, Counsellor of the European External Action Service, served as facilitator. The Belgrade delegation was led by the Political Director of the Ministry of Foreign Affairs, Borislav Stefanović, and the Pristina delegation by Deputy Prime Minister Edita Tahiri. The parties agreed to discuss topics having a direct impact on the daily lives of the population.

13. Both sides agreed that people must have access to a civil registry and cadastral data in order to be provided with verifiable information in those areas. The discussions identified a way forward on the issue of availability of information contained in civil registry books. The practical work of completing civil registry information will be carried forward by a joint working group, chaired by EULEX. With regard to cadastral information, both parties committed to continue elaborating an outline agreement aimed at producing more accurate cadastral records.

14. Other issues discussed at the first two meetings included regional trade and freedom of movement of goods, which have a substantial impact on the economic development of the small individual markets in South-Eastern Europe. The parties have identified a modus operandi that will allow a pragmatic approach to the holding of Central European Free Trade Agreement (CEFTA) meetings under the

current chairmanship, including the location of the first meetings. Exchanges of views on telecommunications and electricity were also held, and civil aviation was briefly discussed. In terms of those topics, the focus of the talks to date has been on cooperation in order to provide better services to customers, more economic efficiency and more environmentally friendly practices.

15. In the wake of discussions held by technical working groups, the third meeting discussed freedom of movement, focusing on identity cards, passports, car insurance, driving licences and licence plates, and reviewed issues relating to civil registry, telecommunications and electricity. Further discussions are planned, and both parties have reiterated their commitment to work on finding solutions through the dialogue.

16. UNMIK has been contributing to preparations of the dialogue on a range of topics, including customs stamps, CEFTA and certification of documents, and has been providing assistance to the meetings. Complementing the support provided to the formal dialogue process, my Special Representative and my Representative in Belgrade have continued to hold regular meetings with the Serbian leadership, and contacts between my Special Representative and the Kosovo authorities have been more frequent. UNMIK staff have continued to liaise regularly with the Kosovo authorities at the working level.

17. With UNMIK facilitation, Pristina and Belgrade have continued to cooperate on missing persons issues through the Working Group on Missing Persons, chaired by the International Committee of the Red Cross (ICRC). During the reporting period, the remains of nine additional individuals were identified, bringing ICRC estimates of those who are still missing as at 15 April 2011 to 1,814. In addition, a session of the Sub-Working Group on Forensics was held in Pristina and the Commission on Missing Persons of the government in Kosovo approved its 2010 annual report and 2011 action plan. The problem of missing persons remains a major challenge to the efforts to bring about reconciliation between the communities and continues to disrupt the returns process.

#### **IV. Northern Kosovo**

18. Despite underlying tensions, northern Kosovo was relatively calm during the reporting period. While Kosovo Serbs have been trying to consolidate their political stance regarding practical issues to be discussed in the course of the dialogue, particularly those related to customs, police and courts, Kosovo Albanians were focused largely on developments surrounding elections in Kosovo. Winter weather conditions, which were not conducive to construction activities, also contributed to the overall stability in sensitive areas such as Kroi i Vitakut/Brdjani.

19. Repeated efforts by the Kosovo Minister of Interior to deploy ethnically mixed “Republic of Kosovo” regional police traffic units and intensify activities of Kosovo police special units in Kosovo Serb-majority northern municipalities, without consultations with the local communities, increased tensions. Many in the northern communities perceived the attempts as not being dictated by rule of law considerations but, rather, as being intended to intimidate the local population and impose Pristina structures upon them without their consent. Visits to the north by then President-elect Behgjet Pacolli, including transport facilitated by KFOR, were perceived in a similar manner. Local leaders complained that KFOR assistance to

Mr. Pacolli put in question KFOR impartiality and adherence to Security Council resolution 1244 (1999). On 10 April, an explosion, believed to have been caused by a hand grenade, resulted in a fire that completely destroyed a Pristina-based private insurance company kiosk set up at gate 31, in Zubin Potok municipality; no injury was reported and the investigation is ongoing.

20. Similarly, a EULEX/KFOR operation conducted in Zubin Potok on 15 February, aimed at organized criminal activity, was criticized by local business people as having been intended to force all small businesses in the north to pay taxes to Kosovo institutions, which they do not recognize, and placed further strain on the relationship between the communities in the north and both KFOR and EULEX.

21. Setbacks in relations between local communities in the north and some international actors underlined the importance of the role played by UNMIK in facilitating inter-ethnic contacts. During the reporting period, UNMIK continued to successfully mediate contacts between the northern and southern communities.

22. On 1 February, the resettlement of 38 Kosovo Roma and Ashkali families from Camp Osterode in northern Mitrovica to their newly reconstructed houses in the Roma Mahalla neighbourhood in southern Mitrovica was completed. Thus far, 96 Kosovo Roma and Ashkali families have been resettled from the lead-contaminated Česmin Lug/Česmin Lug and Osterode camps to the Roma Mahalla neighbourhood.

## V. Economic situation

23. On 31 March, the Kosovo Assembly approved the budget for 2011, which includes a controversial increase of salaries for the public sector. The approval occurred against the backdrop of talks between the Kosovo authorities and the International Monetary Fund (IMF) on revenue collection and spending issues, in the framework of the IMF stand-by arrangement for Kosovo. According to IMF, the salary raise for the public sector included in the budget results in a 27 per cent increase of the government's total wage bill, which is dissonant in the region, violates the IMF agreement and, it is feared, may have negative consequences on Kosovo's economy.

24. In addition, certain assumptions made by the government regarding sources and levels of revenue are considered uncertain, such as the revenue expected during the current fiscal year from the proposed sale of the post and telecommunications company and the assumed level of customs revenue collection. In the current context, no further payments of funds under the IMF stand-by arrangement are expected. Following the first tranche disbursed in July 2010, there were no further disbursements, although two more tranches were originally expected in December 2010 and March 2011.

25. Despite expected economic growth of 5.5 per cent in 2011, the Kosovo economy continues to create insufficient numbers of jobs to mitigate high unemployment levels. Although accurate employment figures are difficult to gather, every year some 30,000 young people are estimated to enter a labour market in which few find employment opportunities or opportunities for professional development. The situation adds to the pressure on the overall stability of Kosovo. Labour remains an important export item, and the remittances it generates finance much of the internal consumption in Kosovo.

26. Overall, IMF has advised the government to limit the wage bill increase to a maximum of 15 per cent, and to start applying reforms soon to foster an increase in domestic production and productivity, encourage small- and medium-sized enterprises and the agricultural sector, and only consider further salary increases in the future if they are feasible.

## **VI. Security**

27. The overall security situation in Kosovo remained relatively calm over the reporting period, with most incidents consisting of cases of robbery, theft and property damage. Armed robberies continued to be widespread across Kosovo, with almost 70 per cent occurring in Pristina, where the international presence is concentrated. In fact, there has been an increase of criminal incidents targeting members of the international community.

28. The overall number of murders, confiscations of weapons and drugs and shooting incidents saw a slight increase compared with the same period in the previous year. It should be noted that there were a number of successful operations conducted by the Kosovo police, targeting trafficking in humans and the smuggling of illegal migrants.

29. Crime affecting minority communities continued to consist mainly of cases involving low-level harassment, intimidation, simple assaults and property-related incidents, including damage to Orthodox churches and graveyards and to returnee homes at organized return sites. Two serious criminal assaults were reported during the period. On 23 January, a Kosovo Serbian male from the ethnically mixed village of Oprashkë/Opraška (Istog/Istok municipality) was beaten by three unknown males, while working in his yard. The victim was hospitalized in serious condition. One Kosovo Albanian male suspect is in detention. On 29 March, in the ethnically mixed village of Vitomiricë/Vitomirica (Pejë/Peć municipality), a Kosovo Bosniak male was severely injured when he was shot by three unknown males. The motivation behind the attacks remains unknown.

30. During January and February, the Kosovo police recorded 16 cases of vandalism and theft affecting cultural and religious sites: 7 affected Serbian Orthodox sites, 6 Islamic sites, and 3 Roman Catholic sites. Given that the number of cases recorded showed an increase compared with the same period during the previous year, the Kosovo police have instructed all regional police offices to increase patrols at cultural and religious heritage sites.

31. Arrests of former KLA members and war-related anniversaries led to an overall increase in the number of protests, rallies and demonstrations organized by both the Kosovo Albanian and Kosovo Serbian communities during the period; all were peaceful. The arrest by EULEX of a group of ex-KLA war crimes suspects triggered orderly protests in 26 municipalities populated by Kosovo Albanians on 23 March, which attracted 1,500 people in Pristina and some 15,000 in the other municipalities combined; a second protest in Pristina on 23 March drew a crowd of 3,000. The launch of a hand grenade against a EULEX vehicle in Prizren, the most serious incident affecting the international community during the period, occurred following that arrest.

## VII. Rule of law

32. Technical cooperation with the Kosovo ministries of Justice and Internal Affairs, as well as with the Serbian Ministry of Justice, continued during the reporting period, with UNMIK receiving and forwarding requests for mutual legal assistance from non-recognizing States. The impasse between the Kosovo Ministry of Justice and the Serbian Ministry of Justice on mutual legal assistance continues. UNMIK remains engaged in discussions to address the situation, including with EULEX.

33. UNMIK police also continued technical cooperation and liaison with the Kosovo police, the Ministries of Justice and Internal Affairs in Pristina and the Ministry of Internal Affairs in Belgrade, and facilitated interaction of the Kosovo authorities with Interpol and its member States on a daily basis. During the reporting period, UNMIK received 22 requests for issuance of international wanted notices and facilitated the issuance of three Interpol red notices and six transfers (four from Albania, Germany, Switzerland and the former Yugoslav Republic of Macedonia, and two to Albania).

34. During the reporting period UNMIK also provided document certification services, primarily the certification of civil status, pension and academic documents, both to Kosovo residents and at the request of non-recognizing States.

35. According to OSCE reports, despite notable reforms as a result of the vetting and reappointment process for judges and prosecutors, the Kosovo judiciary continued to suffer from serious shortcomings regarding compliance with international human rights standards in civil and criminal proceedings. The backlog of court cases remains an issue of concern. At the end of 2010, the courts had a total of 235,731 uncompleted court cases. The OSCE has noted that, for more than three years, the justice system in the Mitrovica region has only been functioning in a limited capacity with serious adverse consequences for individuals in respect of rights of access to justice, as well as access to trial within a reasonable time.

36. On 16 March, EULEX arrested eight persons on allegations of having committed war crimes; a ninth person was arrested in Switzerland and transferred to Kosovo. The Kosovo authorities have issued statements supporting investigations into those allegations and calling upon the accused to cooperate with the authorities. EULEX confirmed that there was also an arrest warrant for the former Minister of Transport and Telecommunications and PDK Vice-President, Fatmir Limaj, in connection with allegations of war crimes. Mr. Limaj is a member of the Kosovo Assembly and he claims that he therefore enjoys parliamentary immunity; EULEX states that the issue of immunity is still being clarified. On 5 April, a EULEX judge ordered the imprisonment, for 30 days, of Blerim Kuçi, currently the Mayor of Suharekë/Suva Reka, because of his refusal to testify in an ongoing war crimes investigation. Following his detention, protests were held in Suharekë/Suva Reka demanding his immediate release.

## VIII. Communities and returns

37. The Office of the United Nations High Commissioner for Refugees recorded 208 individual voluntary returns by the end of March, compared with 433 during the same period in 2010. The vast majority of the returnees were from the Kosovo

Roma, Ashkali and Egyptian communities, accounting for about 60 per cent of the total number, followed by Kosovo Serbs with 22 per cent, Goranis with 10 per cent, Bosniaks with 6 per cent and Montenegrins with 2 per cent.

38. Several “go-and-see” and “go-and-inform” visits were organized during the reporting period. Nine “go-and-see” visits were conducted for 110 displaced persons, mostly from Montenegro and Serbia; 67 of them were Kosovo Serbs, 43 were from the Kosovo Roma, Ashkali and Egyptian communities. Three “go-and-inform” visits were also organized for the benefit of more than 50 displaced persons in Montenegro and Serbia.

39. Some receiving communities in the Klinë/Klina and Deçan/Deçani municipalities have opposed the return of Kosovo Serbs, claiming, without substantiation, that the returnees had been involved in war crimes during the conflict. The most disconcerting cases were in the Klinë/Klina villages of Budisavc/Budisavci, Drenovc/Drenovac and Krushevë e Madhe/Veliko Kruševo, despite efforts by the Klinë/Klina municipal authorities to mediate. As a result, displaced Kosovo Serbs who had announced their intention to return to Drenovc/Drenovac changed their plans.

40. The Office of the United Nations High Commissioner for Refugees recorded 117 forced returns mainly from Western European countries, of which 84 were from the Kosovo Roma, Ashkali and Egyptian communities. The data further indicate that 13 Kosovo Serbs, 7 Kosovo Bosniaks, 2 Kosovo Turks and 11 Kosovo Albanians were repatriated during the reporting period.

41. Many municipalities envisaged receiving large numbers of forced returnees, but have persistently highlighted that their fiscal and socio-economic limitations would impede the reintegration of such returnees. A pledge by the Ministry of Internal Affairs in Pristina to increase financial support for the reintegration of forced returnees has not yet been realized due to delays that occurred in the approval of the 2011 Kosovo budget.

42. On 1 April, a population and housing census was initiated throughout Kosovo, with the exception of northern Kosovo where, following consultations between Belgrade and the European Union, the United Nations Office for Project Services (UNOPS) will conduct the census at a later date. UNMIK is assisting and supporting UNOPS by providing office space and facilitating meetings between UNOPS staff working on the census and local Kosovo Serb leaders. However, the participation of Kosovo Serbs in the census remained a contentious matter and while Kosovo Serbs affiliated with the Kosovo authorities are participating, it remains unclear what the overall degree of participation by Kosovo Serbs south of the Ibar River has been. In the weeks leading up to the census, the Serbian Minister for Kosovo and Metohija announced that the census should have been conducted by the United Nations in all Kosovo Serb-majority areas, north and south of the Ibar. In addition, some Serbian officials criticized the exclusion from the census of Kosovo Serb displaced persons, not habitually resident in Kosovo, and their properties, and expressed a belief that the results could be manipulated in such a way as to lead to a reduction in the official numbers of the Serb population, with their consequent political marginalization or even the revision of the decentralization process. On 15 April, when the census was initially scheduled to end, the Kosovo Central Census Commission, the European Commission Liaison Office and the Statistical Office of Kosovo announced that the census would be extended through 19 April in seven



municipalities: Pristina, Ferizaj/Uroševac, Deçan/Dečani, Graçanicë/Gračanica, Shtërpçë/Štrpce, Partesh/Parteš and Kllokot/Klokot; the latter four are Kosovo Serb-majority municipalities.

43. Nevertheless, the integration of Kosovo Serbs into Kosovo institutions at the central and municipal levels is gaining some ground. In most of the newly established predominantly Kosovo Serb populated municipalities, some Kosovo Serb employees in the education and health sectors have expressed an interest in signing work contracts with the Kosovo authorities. There has also been greater cooperation between the Serbian Orthodox Church and municipal authorities. In Pristina, with UNMIK facilitation, two Serbian Orthodox Church priests now participate in the meetings of the Municipal Communities Committee and the Municipal Community Safety Council.

44. During the reporting period, UNMIK assisted minority community members in communicating with the Kosovo authorities on such diverse issues as ensuring that municipalities respect legal requirements for bilingual references in documents; encouraging outreach and attention by municipal authorities to minority villages; and assisting with infrastructure problems such as electricity disconnection.

## **IX. Cultural and religious heritage**

45. UNMIK continued to facilitate the work of the Reconstruction Implementation Commission on the reconstruction of cultural and religious heritage sites damaged or destroyed during the March 2004 violence. Under the auspices of the Commission, the final instalments of the planned rehabilitation work were essentially completed in January 2011, but international donors were encouraged to participate in funding projects at some sites that had not been covered by the exhausted budget.

46. With the support of UNMIK, the United Nations Educational, Scientific and Cultural Organization (UNESCO) conducted technical assessments and completed the preparation of documentation for the reconstruction of the Ottoman hammam and the Roman Catholic cathedral in Prizren, funded by donations from the Governments of Albania and Turkey. UNMIK and UNESCO signed a supplementary memorandum of understanding on the realization of a donation of \$2 million by the Government of the Russian Federation, to be used for the rehabilitation of four sites in Kosovo that are inscribed on the UNESCO World Heritage List and the List of World Heritage in Danger.

47. In coordination with EULEX, the Kosovo Ministry of Culture, Youth and Sports and KFOR, UNMIK monitored the implementation of the security arrangements provided for the Serbian Orthodox protected sites. Following the reduction of KFOR troops to 5,000 soldiers and the KFOR reconfiguration into two multinational battle groups as at 1 March, KFOR continued to provide security at four “properties with designated special status” (Visoki Deçani, Holy Archangels and Dević monasteries, and the Patriarchate of Peć). The Serbian Orthodox Church continued to oppose the process of further transfers of security responsibilities from KFOR to the Kosovo police, stating that they lacked trust in the latter.

48. On 13 April, the Serbian Ministry for Kosovo and Metohija issued a statement regarding the theft of lead sheeting covering a portion of the roof of the Church of

the Virgin Ljeviška in Prizren, which is on the UNESCO World Heritage List, demanding that the perpetrators be identified and punished. The Ministry also requested that the church be provided with adequate protection from desecration and attacks and argued that the Kosovo police were unable to provide adequate security for the Serbian Orthodox Church monasteries or other Serbian cultural and historical monuments. The Kosovo police have opened an investigation into the incident. The church, which is located in a residential neighbourhood in the centre of Prizren, was unguarded until the Kosovo Ministry for Culture Youth and Sports hired a security firm to guard it between 19 December 2007 and 12 February 2009. The Kosovo police have been guarding the church on a full-time basis since 13 February 2009. The timing of the theft of the roofing materials has yet to be ascertained.

49. On 2 March, Pejë/Peć municipality approved the inclusion in the municipal spatial plans of provisions that stipulate protective arrangements for a special protective zone for the Serbian Orthodox Patriarchate of Peć. The spatial plans had been adopted in 2006 without those provisions.

## **X. Human rights**

50. On 28 February, my Special Representative forwarded to the Committee on the Rights of the Child the report prepared by the Kosovo authorities on the implementation of the relevant United Nations convention.

51. As at 31 March 2011, the UNMIK Human Rights Advisory Panel had completed 92 of a total of 525 matters, including 26 complaints that were closed during the reporting period. Of the 92 completed matters, the Panel closed 41 through opinions on the merits and the remaining 51 through determinations finding the complaint inadmissible. Of the 41 matters closed through an opinion on the merits, the Panel opined that UNMIK had been responsible for a violation of human rights in 39 matters and made appropriate recommendations to the Special Representative in accordance with its mandate.

52. The Ombudsperson institution is still awaiting the appointment of the Deputy Ombudspersons. The Kosovo Assembly has yet to issue a call for nominations, which the Ombudsperson had requested in the previous reporting period, but is in the process of drafting the regulation on the election of the Deputy Ombudspersons. The Institution remains weakened by the absence of the Deputies.

53. In January, Reporters without Borders and the South East Europe Media Organization issued strongly worded condemnations of a verbal attack by a leader of the Kosovo Liberation Army war veterans associations against a journalist of a local Albanian-language daily, *Koha Ditore*. The attack followed some outspoken criticism of public officials printed in the newspaper. A number of local institutions expressed their support for free speech and freedom of the press.

54. The United Nations Development Programme launched the “Kosovo human development report 2010: social inclusion”. The report highlights the sheer scale of exclusion across Kosovo society, noting that exclusion is a condition experienced by a wide range of people who risk becoming Kosovo’s “invisible population”, including the long-term unemployed, disadvantaged children and youth, rural women, the Roma, Ashkali and Egyptian communities and people with special needs.

## **XI. External representation and regional cooperation**

55. During the reporting period, UNMIK continued to facilitate arrangements for Kosovo's engagement in international and regional initiatives. While the position of the Kosovo authorities towards UNMIK facilitation remained fundamentally sceptical, the new government appeared to be taking a pragmatic attitude aimed at ensuring that Kosovo is included in regional and international initiatives.

56. On 11 March, UNMIK facilitated the first meeting in Brussels of the CEFTA 2011 calendar, launching the 2011 chairmanship year. The meeting provided CEFTA parties and donors with background on the past and planned activities of the CEFTA secretariat. On 17 and 18 March, UNMIK facilitated attendance by the Kosovo authorities at a Regional Cooperation Council meeting on the role of parliaments in negotiations for accession to the European Union. However, the Kosovo institutions chose not to participate in other Council meetings held during the period.

57. UNMIK additionally facilitated six community meetings on energy including on developments and plans regarding energy efficiency and renewable energy, a meeting of the Steering Committee of the South East Europe Transport Observatory, and a conference on the protection and sustainable development of the Dinaric Arc region.

## **XII. Observations**

58. I am pleased that the much-awaited dialogue between Belgrade and Pristina, welcomed by the General Assembly in its resolution 64/298 was launched during the reporting period, following the formation of a new government in Pristina in February. The holding on a regular basis of meetings between the sides, facilitated by the European Union, is an encouraging development. In that regard, it is important for all stakeholders to ensure that the dialogue continues to progress at a steady pace. I am also encouraged by the positive and constructive atmosphere in which the dialogue's initial meetings have been held, and by the willingness demonstrated by the sides to find solutions that will have a positive impact on the daily lives of the population. While it is early to assess the results of the dialogue, I urge Pristina and Belgrade to intensify their good faith and constructive engagement and redouble their efforts to reach convergences on the topics under discussion.

59. I welcome the continued cooperation between the European Union and the United Nations in the dialogue. My Special Representative will continue to engage closely with European Union officials, and UNMIK experts will continue to support the process, in order to help to produce concrete results and positive solutions to the issues under discussion. Now that the dialogue is under way, it is important that the cooperation continues so as to ensure an effective exchange of information and reporting on the dialogue to the Security Council.

60. It is encouraging that the situation in northern Kosovo remained relatively calm during the reporting period, despite continuing underlying tensions. I expect that the dialogue between Pristina and Belgrade will provide the appropriate forum for the resolution of long-standing issues related to northern Kosovo. At the same time it is important to I renew a call for dialogue between the communities there and to urge all sides to avoid taking any unilateral actions that could undermine the situation on the ground. In this context, it remains crucial that any initiatives to

address the situation undertaken by the international actors operating within the framework of the United Nations and Security Council resolution 1244 (1999) continue to be closely coordinated, in the overall interest of maintaining peace and stability in Kosovo.

61. The Reconstruction Implementation Commission remains the only mechanism for technical interaction on cultural heritage reconstruction and preservation matters between the Serbian Orthodox Church, Belgrade and Pristina. The Commission has continued its invaluable work, but if it is not allocated additional funds, it will need to be phased out by the end of 2011. I call on the international community to provide concrete support for the Commission in order to enable it to continue to function as a useful platform for cooperation in this important area.

62. I have taken note of the adoption of a resolution by the Parliamentary Assembly of the Council of Europe on the report on the investigation of allegations of inhuman treatment of people and illicit trafficking in human organs in Kosovo. There is a need for a thorough, impartial and independent investigation into those serious allegations, with a strong witness protection programme and with the full cooperation of all relevant stakeholders. UNMIK is ready to extend its full cooperation to any investigation that may be conducted.

63. I would like to conclude by expressing my gratitude to my Special Representative, Lamberto Zannier, for his dedication and leadership of the Mission and for his efforts to advance cooperation between all sides and to maintain security and stability in Kosovo and in the region. I would also like to commend the staff of UNMIK for their work and commitment to the goals of the United Nations.

64. Finally, I would like to extend my gratitude to the long-standing partners of the United Nations in Kosovo — the European Union, the North Atlantic Treaty Organization and OSCE — as well as to the United Nations agencies, funds and programmes, for their ongoing support for and 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**

#### **1. Executive summary**

The European Union Rule of Law Mission in Kosovo (EULEX) continues to implement its mandate by assisting and supporting Kosovo authorities in the rule of law area while employing its executive functions, when necessary, for the conduct of policing and investigatory tasks. The emphasis of the Mission on enforcing rule of law in the north of Kosovo continues to guide several key efforts, including the deployment of a task force focusing on serious and organized crime, as well as a greater emphasis on the outreach and visibility of the Mission in the area. Several police operations and judicial investigations involving war crimes, corruption and organized crime have also been conducted throughout Kosovo. With the final resolution of a long election process, EULEX has begun to establish a working relationship with the new government in Kosovo.

#### **2. Activities of the European Union Rule of Law Mission in Kosovo from January to April 2011**

##### **General**

EULEX is currently comprised of 2,858 staff (1670 international and 1,188 local staff). Monitoring, mentoring and advising remains the defining function of EULEX and constitutes the bulk of its everyday work, although the executive functions of the Mission attract the most attention.

In March, EULEX arranged for a retreat for the Joint Rule of Law Coordination Board and the new government ministers (chiefly the ministers of Internal Affairs, Justice and Finance) to coordinate further cooperation on rule of law and technical issues related to the Mission mandate. Another meeting was held on 18 April.

EULEX continues to pay special attention to enforcement of rule of law in the north of Kosovo. The Mitrovicë/Mitrovica task force, a joint anti-organized crime unit composed of EULEX police, justice and customs staff, has now been formalized and is handling a number of sensitive investigations within the EULEX executive mandate. Operations in the area remain delicate, with major law enforcement efforts, such as that carried out in Zubin Potok on 15 February, often prompting localized protest actions and hostility towards EULEX and any international presence. Efforts by the government in Kosovo to enforce rule of law in the north prompted similar hostile reactions among the local population, including a number of protests and roadblocks established in response to the attempted deployment of Kosovo police regional traffic units in February. Despite such localized sensitivities, EULEX continues to carry out executive and monitoring, mentoring and advising functions while working actively to defuse tensions between the local population and the government in Kosovo. In addition to such efforts the EULEX presence in the area, is supported through both continued

outreach and educational endeavours and by increasing the number of EULEX staff residing in the north.

EULEX provided mentoring, monitoring and advice in respect of several other aspects of management-level methodology in key Kosovo institutions, including contributing to the new Kosovo police structure signed into force in March. The new structure focuses on the Kosovo police at the headquarters level, merging two Kosovo police border departments, implementing new multilevel planning capabilities and improving quality control with regard to forensic examinations. Following the restructuring, work will proceed on the establishment of a witness protection unit. The Mission also monitored the first two phases of the three-tier handover/takeover process of the border with the former Yugoslav Republic of Macedonia. The first phase began in January 2011, with a second section of the border handed over from KFOR to Kosovo police control in March. EULEX will continue to closely monitor the progress of Kosovo in successfully administering and patrolling the southern border to help ensure an orderly process ahead of the third and most critical stage.

### **War Crimes**

In January, several judgements were delivered in regard to cases related to war crimes. A mixed panel of EULEX and local judges at the Supreme Court partially granted the appeals of the three defendants in the so-called “Llapi group” war crimes case and returned the case to the first instance court for a (second) partial retrial.

In March, the “Geci” trial, involving two individuals (Sabit Geci and Riza Alija), commenced under the direction of the Mitrovicë/a District Court, with a panel of two EULEX judges and one local judge. The defendants have been indicted for war crimes against the civilian population in connection with crimes committed in Albania during the armed conflict in Kosovo in 1999. Mr. Geci stands accused of inhuman treatment, torture, violation of bodily integrity and participation in a killing while holding a command position in the Kosovo Liberation Army. Mr. Alija is charged with violation of bodily integrity and inhumane treatment of detainees within a Kosovo Liberation Army military compound. Court sessions are expected to be held from March to June. Also in March, the so-called “Bllaca” war crimes trial against defendants Fahredin Gashi and Hysni Rama began at Pristina District Court, under the direction of a panel of one local judge and two EULEX judges. That trial is the first resulting from the testimonies of the cooperative witness Nazim Bllaca, who is expected to complete his testimony later in April.

On 16 March, EULEX police carried out eight arrests in Prizren and one arrest in Switzerland in relation to war crimes allegations against former members of the Kosovo Liberation Army. The arrests were ordered by a EULEX pretrial judge of the District Court of Pristina, based on grounded suspicions of killings, torture and other offences against Kosovo Albanian and Serb civilians and prisoners of war in a detention centre in Kosovo in 1999. A warrant for the arrest of former Minister of Transport and Telecommunications Fatmir Limaj in the case was also prepared, but has not been served pending clarification of his parliamentary immunity. The investigation is under the supervision of a EULEX prosecutor.

## **Corruption**

EULEX continued to prioritize the investigation and prosecution of corruption cases through close cooperation between EULEX and Kosovo prosecutors. Ongoing investigations continue in two separate corruption cases: against four defendants in connection with the former Governor of the Central Bank of Kosovo and regarding former Minister of Transport and Telecommunications Limaj. In January, EULEX searched four companies in connection with the investigation into a suspicious tender of the Ministry of Transport and Telecommunications.

In addition to executive tasks, EULEX is providing extensive advice and input into Kosovo institutions and legislation. Having found that current Kosovo confiscation laws are not being used sufficiently, EULEX is supporting, tracking and reporting prosecutions for corruption proactively to ensure that such cases are disposed of successfully.

The Mission has also provided support to the government in Kosovo in respect of reform efforts, supporting the call of the government for confiscation laws to be extended to include non-conviction-based confiscation and is working to ensure that such laws are compatible with international standards, particularly with the European Convention on Human Rights.

## **Organized crime**

In January 2011, the report of Council of Europe Special Rapporteur Senator Dick Marty, entitled “Investigation of allegations of inhuman treatment of people and illicit trafficking in human organs in Kosovo”, was endorsed by the Parliamentary Assembly of the Council. The report implicates Kosovo leaders in an organized crime ring involving drug smuggling, organ trafficking and murder. Since the time the allegations were made public, EULEX has maintained a consistent stance on the issue, stating that the Mission has the capacity, expertise and jurisdiction to handle the case and is assuming responsibility for the investigation. EULEX has also consistently called on all relevant organizations and individuals to present their findings and contact the Mission in order to facilitate any such investigation. On a practical level, EULEX has opened a preliminary investigation into the matter and is committed to providing all the necessary means, including witness security, risk assessment and management, adequate facilities and dedicated staff, as part of the investigation of the case. EULEX prosecutors have called on their counterparts in Tirana and Belgrade to assist in the investigation. EULEX prosecutors have also met with Senator Marty to discuss his findings.

On 2 February, the so-called Tisa River trial began in Pristina, overseen by a EULEX judge. The trial involves eight defendants accused of causing the death of 15 Kosovo Albanians as part of a botched attempt to cross the border between Serbia and Hungary in October 2009. The events are thought to have exposed an international organized crime ring that offered migrants illegal passage from Kosovo to the European Union. Nevertheless, each defendant has pled not guilty to organized crime and human-trafficking charges.

On 15 February, EULEX carried out a large-scale law enforcement operation to tackle organized crime in the Zubin Potok area in the north of Kosovo. The operation was carried out by EULEX police and supported by KFOR units.

On 2 March, a EULEX judge partly confirmed the indictment against four defendants in the so-called “Medicus” case. Counts regarding unlawful exercise of medical activity and the abuse of official position or authority were confirmed but the EULEX judge dismissed the counts of trafficking in persons and organized crime. The prosecutor appealed the decision of the judge and the decision on the appeal is scheduled for 27 April. That was the last action to be taken before commencement of the main trial. Of 11 suspects, 7 individuals, mostly prominent local doctors, have thus far been charged with illegal kidney transplants performed in a private clinic in Pristina known as “Medicus”. Kidneys were allegedly removed from impoverished individuals, recruited on false promises of payment that they never received, then transplanted to wealthy foreign patients. The case was initiated by Kosovo and UNMIK police officers in November 2008.

Approved by Xavier **Bout de Marnhac**  
Head of Mission

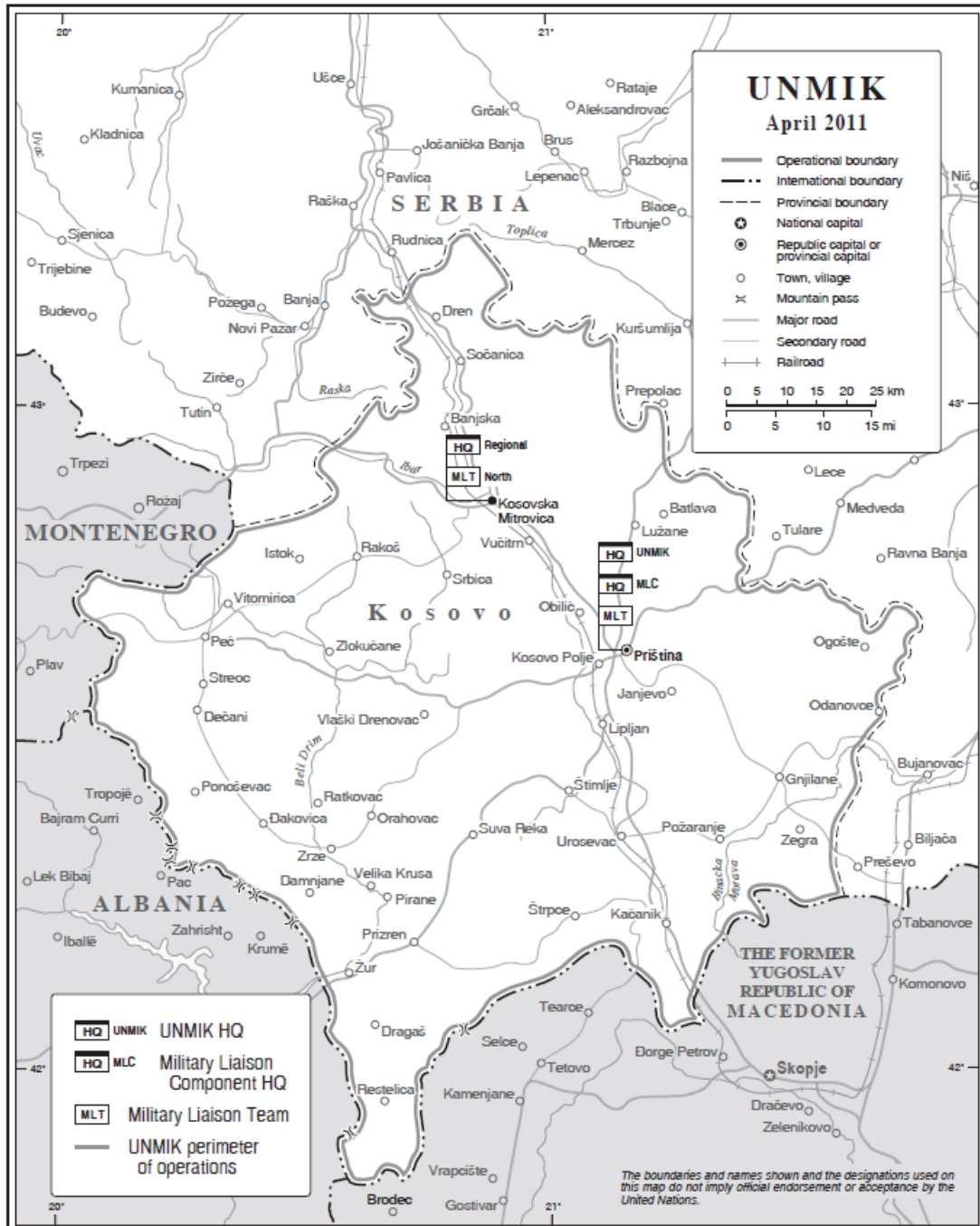


**Annex II****Composition and strength of the police component of the  
United Nations Interim Administration Mission in Kosovo****(as at 15 April 2011)**

<i>Country</i>	<i>Number</i>
Germany	1
Ghana	1
Italy	1
Pakistan	1
Romania	1
Russian Federation	1
Turkey	1
Ukraine	1
<b>Total</b>	<b>8</b>

**Annex III****Composition and strength of the military liaison component  
of the United Nations Interim Administration Mission  
in Kosovo****(as at 15 April 2011)**

<i>Country</i>	<i>Number</i>
Czech Republic	1
Denmark	1
Norway	1
Poland	1
Romania	1
Spain	1
Ukraine	2
<b>Total</b>	<b>8</b>



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Department of Field Support  
Cartographic Section