



## 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 2011 to 15 January 2012.

2. The priorities of the Mission, to promote security, stability and respect for human rights in Kosovo and in the region, remain unchanged. However, the possibility of increased challenges to the fulfilment of these priorities may merit heightened attention in 2012. In furtherance of its goals, UNMIK continues to intensify its constructive engagements with Pristina and Belgrade, the 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). In line with the Security Council presidential statement of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692), the European Union Rule of Law Mission (EULEX) operates under the overall authority and within the status-neutral framework of the United Nations. OSCE, KFOR and EULEX continue to cooperate and coordinate with UNMIK. The United Nations agencies, funds and programmes also continue to work closely with the Mission.

#### II. Political developments and northern Kosovo

3. Partly as a consequence of positions and actions taken during the previous reporting period by Pristina, the Kosovo Serbs and Belgrade, the situation in northern Kosovo continues to be tense and potentially unstable, influencing much of the present political discourse. It has also significantly impacted the dialogue between Pristina and Belgrade facilitated by the European Union, as well as the discussions on the European perspective of the region. On 9 December, the Council of the European Union postponed its decision on Serbia's European Union candidate status until March 2012, with some members making specific reference to the situation in northern Kosovo. Kosovo was discussed on 5 December, with the



European Council envisaging in its conclusions the opening of a dialogue on visa liberalization and access to some additional European Union programmes.

4. As a part of the extensive efforts to de-escalate tensions in northern Kosovo, my Special Representative met with local leaders, as well as with leaders both in Belgrade and Pristina, urging them to use their influence to discourage violence and to return matters back to the political arena and the ongoing processes of dialogue and diplomacy. Alongside top level contacts, UNMIK continued to facilitate a new security coordination forum on the ground in northern Kosovo, involving KFOR, EULEX, OSCE and northern Kosovo Serb leaders. This forum has contributed substantially to the reduction of misunderstandings and miscommunication. UNMIK efforts on the ground repeatedly served as a critical element helping to contain and de-escalate the confrontations that took place during the reporting period.

5. During the first half of the reporting period, Kosovo Serbs in the north kept and reinforced their roadblocks at gates 1 and 31 and erected additional roadblocks along other routes to protest the deployment of Kosovo customs and border police officers at the gates. Northern Kosovo Serbs also upgraded bypass routes, which were increasingly used for vehicular traffic. The situation resulted in numerous demonstrations and, on occasion, violent clashes with KFOR, when the latter's troops attempted to dismantle the barricades. While the removal of some barricades occurred peacefully, in populated areas there was significant resistance by local Serbs in some instances. On 23 November, KFOR attempted to clear a roadblock on the Mitrovica bypass at Dudin Krš. When KFOR proceeded to dismantle the barricade, a large number of Serbs converged on the scene. A significant number of injuries on both sides resulted from the ensuing clashes with the KFOR soldiers.

6. In an incident on 28 November at a roadblock near the village of Jagnjenica, which lies on a key route connecting Zubin Potok and Zvečan/Zveçan, KFOR initially cleared one segment prior to an extended clash involving the use of tear gas, water cannons and batons. Unknown individuals fired from a wooded position nearby, wounding two KFOR soldiers. KFOR reported that it responded by firing live ammunition into the air. A total of 15 Kosovo Serbs were admitted to the northern Mitrovica hospital, while 20 others were treated in the health centre in Zubin Potok for injuries inflicted during the clashes; 30 KFOR soldiers were injured in the incident. With UNMIK encouragement, further negotiations resulted in mutual agreement on the removal of the barricade, and its replacement by a joint KFOR/KPS checkpoint, which has been in operation there since 5 December.

7. On 29 November, following the Jagnjenica incident, Serbian President Boris Tadić publicly called for the dismantling of the barricades. Although this message was disregarded by some municipal leaders in the north — notably those belonging to Serbian opposition parties — it was heeded by others, and contributed to the removal of roadblocks in Leposaviq/Leposavić municipality.

8. Alongside messages from Belgrade and the international community, UNMIK interventions on the ground proved again to be a significant contribution to the restoration of freedom of movement for KFOR throughout northern Kosovo. In contrast, freedom of movement for EULEX continues to be severely hampered by the northern Kosovo Serbs, who currently allow passage by EULEX only on a case-by-case basis. Towards the end of the reporting period, a compromise arrangement allowing for EULEX movement, advocated by my Special Representative, was applied successfully in several instances.

9. The northern Kosovo Serbs remain firm in their opposition to EULEX transporting Kosovo border police and customs officers to gates 1 and 31. Although these gates are open, alternate routes continue to be heavily used. KFOR has closed off some of these routes, while others remain open under KFOR control for vehicles weighing less than 3.5 tons. Due to the mountainous terrain, KFOR is not in a position to control all unauthorized routes and crossings.

10. On 9 November, tensions turned into violence in the ethnically mixed Kroi i Vitakut/Brđjani neighbourhood of Mitrovica. A Kosovo Serb juvenile accused of stealing home construction materials was assaulted by a group of Kosovo Albanians in the area. Three Kosovo Serb males, including one off-duty Kosovo police officer, arrived immediately after the initial assault and requested the Kosovo police to respond. Following the arrival of Kosovo police, unknown person(s) fired automatic weapons at the three Kosovo Serbs, which resulted in the death of one and serious injury to a second. A joint EULEX and Kosovo police investigation is ongoing and the Kosovo police have opened a police substation following calls by UNMIK, both before and after the incident, for an increased police presence in the area.

11. On 13 December, a previously announced Russian aid convoy of 25 trucks, accompanied by the Ambassador of the Russian Federation to Serbia, sought to enter Kosovo through gate 1 with a delivery of electricity generators, blankets, clothes, food and cooking equipment. Although the convoy's departure from the Russian Federation had been communicated to EULEX in advance, disagreements arose over how to ensure it would be escorted appropriately. After three days of negotiation, including between European Union and representatives of the Russian Federation in Brussels, the convoy finally proceeded on 16 December to a warehouse of the Serbian Red Cross in Dolan/Doljane village, Zvečan/Zvečan, for distribution to the intended beneficiaries. It was escorted by three EULEX vehicles, which had reached gate 1 through alternate roads in Serbia proper.

12. Towards the end of the reporting period, the municipal authorities in northern Kosovo called for a public referendum on the question: "Do you accept the institutions of the Republic of Kosovo?" and announced that it would take place on 14 and 15 February. The Serbian Government has publicly opposed the holding of such a referendum, calling it unnecessary and beyond the constitutional competencies of municipal governments. Some Kosovo Serbs in central and southern Kosovo are also opposed to the referendum. Towards the end of the reporting period, it remained unclear whether the referendum would be held as planned.

13. Throughout the reporting period, Pristina officials adopted a more conciliatory rhetoric towards the north. Prime Minister Thaçi, in particular, expressed readiness to meet northern Kosovo Serbs in order to hear their concerns and "to assist them more than Belgrade does". He stressed that his government was not in conflict with them and that it could be "as creative as necessary" in meeting their needs. His statements in favour of integration and implementation of the provisions of the Ahtisaari plan were echoed by President Jahjaga.

14. On 6 and 7 January, Serbian President Boris Tadić attended the Orthodox Christmas Day service at the Visoki Dečani monastery in Kosovo. The opposition Vetvëndosje movement organized protests against the Tadić visit in three municipalities: Pejë/Peć, Deçan/Dečan and Podujevë/Podujevo. Several hundred Vetvëndosje supporters blocked roads to Deçan/Dečan and the Peć Patriarchate and

threw stones and petrol at Tadić's convoy. In a television interview aired during his visit to Kosovo, Tadić called for a compromise solution to be found for the Kosovo issue, among other things, renouncing the notion of partition along ethnic lines. President Tadić went on to call for greater creativity in finding solutions, emphasizing the four Serbian priorities he first outlined during the session of the Security Council dedicated to Kosovo on 30 November.

15. On 14 January, Vetëvendosje also staged protests in the vicinity of gates 3 and 5 against the import of Serbian products; attempts to block the flow of traffic led to clashes with police and resulted in injuries on both sides. Opposition parties and civil society organizations have alleged that the police used excessive force, while the Kosovo authorities have defended the actions of the police in the face of unlawful demonstrations. A review of the police response is being conducted with EULEX support.

16. On 17 October the lead prosecutor of the EULEX Special Investigative Task Force on the allegations of organ trafficking, as contained in the Council of Europe report of December 2010 by Senator Dick Marty, formally assumed his duties. He made his first consultative visits to Pristina from 18 to 21 October, to Belgrade from 24 to 26 October and to Tirana from 9 to 11 November, where the respective authorities' official support to and full cooperation with the Task Force were reconfirmed.

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

17. Following bilateral contacts between the European Union facilitator and the parties, as well as meetings of the technical working groups, the European Union-facilitated dialogue resumed at the end of November, following a three-month hiatus. The seventh and eighth rounds of the dialogue were held in Brussels on 21 and 22 November and from 30 November to 2 December.

18. Partly as a response to developments on the ground, the issue of operational management of crossing points was taken up; agreement was reached during the eighth round on the application of the European Union concept of the integrated management of crossing points. As a result, the parties committed gradually to set up joint, integrated management posts at all common crossing points, as soon as practically possible, in line with European best practices. This will include a EULEX presence in line with the mandate of the EULEX mission. Also according to the agreement, a technical protocol will be signed, and a tripartite group, chaired by the European Union, will oversee implementation.

19. The last two meetings of 2011 also helped to carry forward the implementation of earlier agreements. As a result, at the beginning of December the first original civil registry book from the municipality of Lipjan was copied and certified by EULEX in an operational follow-up to the agreement reached in early July, and was subsequently handed over from Belgrade to Pristina, through EULEX, on 6 December. With regard to cadastre records, the agreement reached in September was followed up by meetings between the parties on more detailed, operational matters required for its implementation.

20. On 26 December, implementation began of the 2 July understanding on freedom of movement, which since July had been elaborated by working groups and

reviewed in the eighth round of the dialogue. Under these arrangements, residents of Kosovo and of Serbia are provided with an entry/exit document issued to them at the crossing point, enabling them to travel in and through their respective areas of control with accepted identity documents. Three crossing points (gates 1, 3 and 5) are opened for passage under this scheme. For onward travel to third destinations, two crossings, one between Serbia and Hungary (Horgoš) and one between Serbia and Croatia (Batrovci), are opened for entering/leaving Serbia proper. This arrangement is expected to be gradually applied at all other crossings.

21. Also under the agreement, cars with Serbian (“SRB”) number plates issued to residents of Serbia proper and cars with “KS” vehicle licence plates being reissued in Kosovo to those requesting them are to be able to travel freely. For people travelling in vehicles with the current “RKS” vehicle licence plates of the Kosovo authorities in circulation since the beginning of 2011, temporary vehicle licence plates valid for Serbia proper are made available by the Serbian authorities upon entry at the crossing points.

22. An insurance scheme is operational on each side, though immediate concerns have been raised about the price, which is proving to be prohibitive for individuals on both sides. The parties have agreed to continue working towards a commercial arrangement on mutual vehicle insurance coverage that could help to address the problem of the prohibitive insurance costs currently imposed.

23. Following agreement in principle on the acceptance of university diplomas, reached at an earlier session on 2 July, the parties agreed on 22 November that the European University Association will verify and certify diplomas issued by universities of each party for use by the other in the context of further education and public employment. A committee of European academic experts established by the Association will carry out the certification.

#### **IV. Economy**

24. Kosovo’s low degree of integration into the global goods and financial markets has kept its economy largely unaffected by financial turbulence in the Euro area. Continued growth in imports, tax revenues and credit to the private sector were recorded by the International Monetary Fund (IMF) during 2011. IMF estimated gross domestic product growth in Kosovo in 2011 at 5 per cent, but forecasts a lower rate of some 4 per cent for 2012.

25. In December, IMF concluded that the fiscal performance of the Kosovo institutions was largely satisfactory under the IMF Staff-Monitored Programme, with strong collection of value-added tax and non-tax revenues, including a €15 million dividend from Post and Telecommunications of Kosovo (PTK). Expenditures remained below the maximum level allowed under the Staff-Monitored Programme, with spending cuts of €60 million compensating for the failure to privatize PTK in 2011. A further review is due in mid-February, and continued strong performance under the Staff-Monitored Programme may pave the way for a return to an IMF-supported, rather than IMF-managed, programme for 2012.

26. On 1 January 2012, the law adopted by the Assembly of Kosovo on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency-Related Matters

entered into force. As noted in my previous two reports, this law, together with the Law on the Privatization Agency of Kosovo, which has been in force since September 2011, will significantly weaken the protection of privatization funds and expose the funds to the possibility of improper use. Overall, international involvement in and oversight of the privatization and liquidation processes, which was previously assured by a majority of international judges appointed by EULEX, is being acutely curtailed by this legislation, and international judicial oversight in particular is now limited to an appeals panel. This constitutes a departure from the privatization and Special Chamber framework established by UNMIK. This notwithstanding, EULEX is of the opinion that the majority international presence in the appeals panel will provide the necessary safeguards to the process.

## **V. Security**

27. In general, there was an overall reduction in common crimes from the previous year. The Kosovo police conducted successful operations against individuals involved in organized crime, human trafficking and drug trafficking.

28. However, this overall reduction did not have a direct impact on the security situation during the reporting period. The situation north of the Ibër/Ibar River was tense owing to the developments described above. South of the Ibër/Ibar River, there was a slight decrease from the previous reporting period in the number of low level incidents affecting the minority communities, including intimidation, assault, thefts, property-related issues and the vandalizing of Serbian Orthodox churches and cemeteries, as well as cars with Serbian licence plates in mixed and mainly Kosovo Albanian areas.

29. Although many of these incidents are considered minor and not directly related to ethnic issues, they continue to affect negatively the perception of security. This is particularly the case when the incidents are not perceived to be followed up by effective action on the part of law enforcement bodies.

30. The most significant incidents during the period were two incidents of shooting fatalities. On 20 October 2011, in the ethnically mixed village of Dobrushë/Dobruša (Istog/Istok municipality), following a property dispute, a Kosovo Albanian male opened fire on three Kosovo Serb males with an automatic rifle, killing one and injuring two others. The assailant was detained by the Kosovo police and has been charged. The second fatality, reported in paragraph 10 above, is under investigation.

## **VI. Rule of law**

31. UNMIK continued to monitor activities and exercise some responsibilities in the area of rule of law, as well as to cooperate at the technical level with the Ministry of Justice and the Ministry of Internal Affairs of Kosovo and the Ministry of Justice of Serbia. The impasse between the Ministry of Justice of Kosovo and the Ministry of Justice of Serbia on mutual legal assistance persisted, with the Kosovo Ministry not processing any documents from the Serbian Ministry received through UNMIK and the Serbian Ministry not processing any documents received directly from the Kosovo Ministry. The technical arrangement on mutual legal assistance

signed on 12 August between EULEX and the Kosovo Ministry of Justice has yet to be accepted by non-recognizing States. UNMIK has therefore continued to facilitate the submission of mutual legal assistance requests from non-recognizing countries to the Kosovo Ministry of Justice.

32. During the reporting period, progress continued to be seen on the issue of missing persons, with direct support and engagement by UNMIK. This issue is a major obstacle to reconciliation between the communities. The tenth public meeting of the Belgrade-Pristina Working Group on Missing Persons was held in Belgrade on 24 November, chaired by the International Committee of the Red Cross (ICRC). Participants included the Deputy to my Special Representative, Kosovo and Serbian delegations, family representatives and relevant international organizations. Meanwhile, during the reporting period, the remains of five individuals were identified. ICRC estimates some 1,797 individuals remain missing from the conflict.

33. UNMIK further continued to provide document certification services, both to Kosovo residents and at the request of non-recognizing States, primarily for the certification of civil status, pension and academic documents.

34. UNMIK facilitated the interaction of the Kosovo authorities with the International Criminal Police Organization (INTERPOL) on a daily basis. During 2011, 188 individual asylum requests were submitted to the Kosovo Ministry of Internal Affairs. The top five countries of origin were Afghanistan, Algeria, Palestine, the Syrian Arab Republic and Tunisia. No status of refugee, subsidiary or temporary protection was attributed in 2011 in the court of first instance or the court of appeals.

35. New Kosovo legislation on witness protection will enter into force in September 2012. Protecting witnesses from threats or intimidation has been, and remains, one of the greatest challenges for the judicial authorities in Kosovo. Instances of witness intimidation continue to hamper the proper functioning of the justice system.

## **VII. Returns and communities**

36. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported 271 individual voluntary returns during October, November and December, making an annual total for 2011 of 1,143, including 457 Serbs; 118 Roma; 364 Ashkali/Egyptians; 60 Bosniaks; 106 Goranis; 28 Albanians in a minority situation, 1 Turk and 9 Montenegrins. The total number of returns for 2011 is therefore down 51 per cent when compared to 2010 (2,314 persons).

37. UNHCR, as well as its implementing partners and donor States, continued to provide financial and other support to Kosovo municipalities for conducting outreach activities to displaced persons outside and within Kosovo, including go-and-inform and go-and-see visits. Several returns assistance projects are continuing; they include a European Union-funded return and reintegration project that began providing technical support to the Ministry for Communities and Returns and five selected municipalities in November, along with direct return and reintegration assistance to families who are willing to return to Kosovo.

38. Forced repatriations from host countries (mainly in Western Europe) continued in significant numbers during the reporting period. By the end of the year, UNHCR

had recorded a total of 3,186 persons forcibly returned to Kosovo from West European countries during 2011. Among these, 639 individuals belong to minority communities as defined under the UNHCR Eligibility Guidelines. UNHCR assesses that there are few prospects for sustainable integration for minorities forcibly returned to Kosovo, inter alia, because of the lack of personal documentation, housing, employment and family support, as well as perceptions of insecurity in the places to which they are being returned.

39. On 20 December, the first go-and-see visit to Gjakovë/Đakovica municipality in many years was organized for seven Kosovo Serbs currently displaced in Montenegro by the Danish Refugee Council in coordination with UNHCR and the municipality. The Danish Refugee Council also organized a go-and-see visit for 10 Kosovo Serbs displaced in Serbia to Dobërdoll/Dobri Do village in Pejë/Peć municipality.

40. During the reporting period, members of all communities throughout Kosovo regularly cited electricity and potable water shortages and poor infrastructure as major points of concern. UNMIK has continued to facilitate interaction and dialogue among all communities in Kosovo, as well as to urge public officials and leaders to improve public services and outreach. In response to the fatal shooting of a Kosovo Serb visiting his property in western Kosovo, as mentioned in paragraph 30 above, local Kosovo Serb leaders petitioned the Kosovo institutions and international community representatives for improved law enforcement responses. Similar petitions were forwarded from other minority areas, including Zallq/Zaç and Dragash/Dragaš.

## **VIII. Cultural and religious heritage**

41. International stakeholders continued bilateral consultations with the parties to find a consensual formula to preserve the efficient mechanism of the Reconstruction Implementation Commission. The European Union's Facilitator for the protection of religious and cultural heritage of the Serbian Orthodox Church in Kosovo continued to engage with all stakeholders, trying to bridge differences over the future of the Commission between the Kosovo authorities, on one side, and the Serbian Orthodox Church and the Institute of the Protection of Cultural Monuments in Belgrade, on the other side.

42. UNMIK continued monitoring security arrangements being provided to key Serbian Orthodox sites. Three sites of the Serbian Orthodox Church, the Visoki Dečani, Dević and the Peć Patriarchate, remain under the permanent protection of KFOR. Other Orthodox patrimonial sites are guarded by the Kosovo police, and while several acts of vandalism and theft were recorded during the reporting period, sites where protection duties have been taken over by the Kosovo police have generally recorded a drop in such incidents.

43. UNMIK continued its engagement with the Pejë/Peć municipal authorities and the Serbian Orthodox Church in the hope of finding an amicable solution for projects being implemented by the municipality in the vicinity of the Peć Patriarchate, a site inscribed on United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List. The Peć Patriarchate called upon the municipality to suspend construction of a bicycle and pedestrian route traversing the Special Protective Zone around the monastery until a compromise agreement is

reached. The Serbian Orthodox Church criticized the municipal authorities for proceeding without consulting them, recalling a similar problem that occurred recently with the construction of the water reservoir and the pumping station near the monastery. Kosovo Serbs from the nearby Levoshë/Ljevoša village also oppose the project, due to security concerns. After several meetings and joint assessments of the projects between the municipality and the Patriarchate, a compromise solution appears likely. UNMIK also facilitated the activities of UNESCO in Kosovo. In the reporting period, UNESCO started the first phase of fresco restoration in Bogorodica Ljeviška Church, funded by combined donations of several countries.

## **IX. Human rights**

44. During the reporting period, the Ombudsperson Institution underwent an internal restructuring in order to improve its performance. A new departmental organization of the Institution takes into account the responsibilities of the newly appointed Deputies to the Ombudsperson, for anti-discrimination; gender equality; children's rights; community rights; people with disabilities; prevention of torture; and the environment.

45. Following the endorsement by the Assembly of Kosovo of the five candidates proposed by the Ombudsperson Institution for the posts of Deputy Ombudsperson, the new officials took office on 1 November, concluding a protracted appointment process. Three of the deputies are from the Kosovo Albanian community, and one each from the Kosovo Serb and Kosovo Turkish communities.

46. The Association of Professional Journalists of Kosovo reported on cases of intimidation and violence against journalists at a news conference on 5 December, noting that during 2011 it had publicly responded on 27 cases of violations of the rights of journalists, down from 32 cases in 2010. Of the 27 cases, 9 involved physical violence against journalists and 7 involved threats against journalists, including a threat by a member of the Assembly of Kosovo.

47. As at 31 December 2011, the UNMIK Human Rights Advisory Panel had completed 166 of a total of 525 cases. In the course of the year 2011, the Panel closed 100 cases, compared to 37 in 2010.

48. Following a letter from the Special Rapporteur on freedom of religion or belief, UNMIK conveyed on 16 December 2011 a request from the Special Rapporteur to the Government for follow-up information regarding recommendations made in the report of 9 December 2009 of the Special Rapporteur after her mission to Kosovo in 2009.

49. UNMIK and United Nations partner agencies participated in events for the global campaign "16 days of activism against gender violence" from 25 November to 10 December, coordinated by the Agency for Gender Equality. Over 30 separate activities were held in Kosovo to raise awareness about gender-based violence and to campaign for improved institutional responses. It is estimated that less than 50 per cent of domestic violence incidents are reported in Kosovo, with institutional support for victims in need of significant strengthening.

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

50. During the reporting period, UNMIK continued to facilitate the participation of Kosovo representatives in a variety of international and regional meetings in the context of the Energy Community, the Central European Free Trade Agreement (CEFTA), the South-East Europe Transport Observatory, the European Common Aviation Area, the Organization for Economic Cooperation and Development, the International Criminal Tribunal for the former Yugoslavia and the Regional Cooperation Council, as well as in the subject areas of justice and home affairs, agriculture, migration, social economy, civil documentation and the information society.

51. The CEFTA Experts and Ministerial Joint Committee meetings held on 23 November in Paris presented a good occasion to review the 2011 CEFTA chairmanship year, during which UNMIK facilitation enabled most of the annual objectives to be accomplished and the full 2011 schedule of meetings to be held.

## **XI. Observations**

52. Developments during the last quarter of 2011 have further demonstrated that risks to peace and stability from the Kosovo issue continue to confront the people on the ground and the international community. Optimistic assumptions that durable solutions might simply evolve from the status quo, without a strong vision for the way forward and a united engagement of the international community, are belied by dynamics on the ground, in particular in northern Kosovo. Although tensions in the area subsided by the end of the reporting period, I remain concerned over the volatile situation there, which carries a continued risk of provocations and of an escalation of inter-ethnic tensions.

53. At the same time, the European Union-facilitated dialogue in Brussels has shown that practical agreements to alleviate daily problems faced in Kosovo are achievable. I commend the parties for restarting the dialogue under challenging circumstances, and for demonstrating renewed faith in a process designed to resolve differences in a peaceful manner. I am pleased that some positive results were achieved during the intensive sessions held in November and early December, and that there is now visible progress in the implementation of previously reached agreements. The agreement on the integrated management of crossing points, although not implemented yet, represents an important breakthrough that can lead to the full normalization of the situation at the northern gates, and the restoration of full freedom of movement throughout the north. I therefore reiterate the support of the United Nations to the continued engagement of the parties at all levels and urge them to maintain their commitment to dialogue.

54. I also take special note of recent encouraging, albeit tentative, signals from both Pristina and Belgrade in acknowledging the importance of positive rhetoric. Specifically, I welcome recent public pronouncements by the leaders in Pristina reflecting the need to establish better communication with the population and leaders in the northern Kosovo municipalities. I also note recent statements from the leaders in Belgrade, stressing the need for a comprehensive, lasting settlement on Kosovo, while ruling out the possibility of its division along ethnic lines. The

international community needs to support efforts by both sides to demonstrate strong leadership in overcoming barriers to communication and inter-ethnic trust.

55. I note with continued concern that progress appears to be slowing on two major issues essential for reconciliation: voluntary returns of the displaced and determining the fate of missing persons. In both areas, I hope that the coming year will be a time for redoubling efforts to assert the political will, not simply the technical resources, and to strengthen the cooperation that is required to produce better results.

56. It is my hope that the members of the Security Council will reinforce the firm messages delivered to the parties by UNMIK that it is time to muster the boldness, the courage and the pragmatism necessary to achieve genuine progress towards lasting peace and stability. It is also my hope that the Council will continue to express support for the role of UNMIK, especially in facilitating engagement between all stakeholders and containing tensions and confrontations on the ground. In this context, it remains crucial that initiatives undertaken by the international actors operating within the framework of the United Nations and resolution 1244 (1999) are strategically aligned and closely coordinated, in the overall interest of maintaining peace and stability in Kosovo.

57. I would like to express my gratitude to my Special Representative, Farid Zarif, for his leadership of the Mission and his efforts to advance cooperation between all sides and maintain security and stability in Kosovo and in the region. I would also like to commend the staff of UNMIK for their continued commitment to the goals of the United Nations.

58. I conclude by extending my gratitude to the long-standing partners of the United Nations in Kosovo — the European Union, NATO and OSCE — as well as to the United Nations agencies, funds and programmes, for their essential support 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 2011 to 15 January 2012)**

#### **1. Summary**

The European Union Rule of Law Mission in Kosovo (EULEX) continued to assist in long-term institutional reforms through its daily monitoring, mentoring and advising activities in the Kosovo rule of law sector. In its executive capacity, EULEX judges, in a mixed panel with local judges, began the main trial of the so-called Medicus case involving allegations of human organ-trafficking linked to a Pristina clinic. Major trials also began in the cases of a Kosovo Assembly member and nine ex-Kosovo Liberation Army (KLA) members charged with war crimes, and of two high officials indicted for corruption. A mixed panel of EULEX and local judges issued a verdict sentencing an individual to 18 years of imprisonment in a notorious war crimes case relating to the cooperative witness Nazim Bllaca. Meanwhile, roadblocks erected throughout the north of Kosovo since July 2011 (see S/2011/675, annex I) continued to severely restrict EULEX access to the north by road, compromising the Mission's ability to build and enforce rule of law north of the Ibër/Ibar River. Close cooperation with UNMIK and KFOR has continued to be a priority for the Mission in addressing the political, legal and security implications of the current situation in the north, as well as further developments as they occur.

#### **2. EULEX activities October 2011 to January 2012**

##### **General**

EULEX is currently comprised of 2,531 staff (1,377 international and 1,154 local staff) engaged to support the Mission's executive and monitoring, mentoring and advising tasks as it works to strengthen Kosovo institutions.

In the north of Kosovo, the Mission remained in place at gates 1 and 31 at the crossing points with Serbia. Roadblocks along major thoroughfares in the north, specifically restricting the movement of EULEX, resulted in the postponement of trials and the rescheduling of hearings at Mitrovica District Court, and significantly limited the work of EULEX police. EULEX has continued to state unequivocally, through media and direct contact with Kosovo Serb representatives, the need to remove the roadblocks and restore free, permanent and unconditional access for all, to allow the administration of justice in the north to take place. On 2 December, an agreement on integrated management of crossing points was reached in the European Union-facilitated dialogue process between Belgrade and Pristina, with EULEX to be present at the crossing points in line with its mandate. The Mission continues to facilitate the implementation of other agreements, including on freedom of movement and civil registry books.

On 6 December the Mission received a letter from the Russian Ambassador in Belgrade announcing that a Russian convoy of trucks was headed to the north of Kosovo to deliver aid to Kosovo Serbs and requesting that EULEX escort the

convoy to its destination and back to the crossing point. The trucks arrived at gate 1 on 13 December, but were forced to wait for three days while EULEX escort vehicles were repeatedly blocked by the barricades north of the Ibër/Ibar River. After an agreement was reached at the political level, the EULEX vehicles travelled through Serbia to gate 1 and successfully escorted the convoy to its destination.

The intent of EULEX to reinforce the rule of law in the north of Kosovo was increasingly hampered by the ongoing security situation. The monitoring, mentoring and advising by the Mission of Kosovo police north of the Ibër/Ibar River decreased significantly, as EULEX police were unable to visit their local counterparts owing to movement restrictions. This decrease in interaction between EULEX and Kosovo police officers affected vital professional relationships and made it more difficult for the Mission to structure and organize the implementation of monitoring, mentoring and advising activities in the north. The regional Kosovo police commander, appointed on 13 October, showed signs of improved leadership capable of finding pragmatic solutions for Kosovo Serb police officers working in northern stations. This led to an incremental but positive trend towards integrating Kosovo police in the north into the chain of command and has improved information flow within the Kosovo police generally.

Against the backdrop of encumbered EULEX access to the north, the number of trials held at Mitrovica District Court decreased significantly. The Mission eventually exhausted all possibilities to transport justice staff to the courthouse, leading to the postponement of scheduled trials. Access to justice in the north was brought to a near standstill by these conditions.

On 21 November, a Joint Rule of Law Coordination Board retreat was held following the release of the 2011 European Commission Progress Report. The Board, which includes EULEX, the European Commission Liaison Office and Kosovo rule of law actors, focused on identifying and agreeing a set of priorities to guide the efforts of the Board over the next 10 months. These include the fight against organized crime and corruption, judicial sector reform and customs measures focused on the protection of society. The Board meetings allow for regular interaction between these major actors in order to prioritize legislation and internal reform in line with jointly identified priorities.

On 1 January 2012, the new law on the establishment of the Special Chamber of the Supreme Court on Privatization Agency of Kosovo-Related Matters came into force. Under the new law, the Special Chamber will continue to provide for an independent judicial control mechanism for the privatization process in Kosovo, with special emphasis on working to reduce the large backlog of cases. The court's Appeals Panel continues to be staffed by a majority of EULEX judges, preserving international judicial oversight over the privatization process in respect of safeguards required by it and of the various international conventions referred to in Security Council resolution 1244 (1999).

EULEX also continued its efforts to provide monitoring, mentoring and advising activities within the Kosovo Ministry of Justice, focusing its efforts on ensuring a high standard of legal policy and legislative drafting in compliance with European best practices and international human rights standards.

**War crimes**

The trial of MP Fatmir Limaj and nine other former KLA members, charged with war crimes against civilians and prisoners of war in 1999, started on 11 November, with the defendants pleading not guilty. The EULEX prosecutor questioned Kosovo Prime Minister Thaçi and other former members of KLA about Limaj's role in the organization.

On 23 November, a mixed panel of EULEX judges and a Kosovo judge rendered a verdict in the so-called Bllaca case against Fahredin Gashi et al., finding the defendant guilty of war crimes and sentencing him to 18 years in prison. Hysri Rama, the other defendant in the case, received a suspended sentence of six months in prison for assisting the perpetrator in a politically motivated murder in 1999. The trial is the first based on statements by the cooperative witness Nazim Bllaca, who made a video confession in November 2009, giving details on more than 20 alleged politically motivated killings taking place from 1999 to 2003, many allegedly taking place under orders from the Kosovo Information Service, which served KLA until the end of the Kosovo conflict but was officially disbanded in 2008. The case was led by a EULEX prosecutor from the Kosovo Special Prosecution Office.

**Corruption**

EULEX and local judges adjudicated several corruption cases on mixed panels. On 19 October, a mixed panel at Pristina District Court confirmed the indictment of the Head of Kosovo Customs and Head of the Kosovo Customs Legal Directorate, moving to trial a case accusing them of abuse of official position relating to tobacco importation. The main trial began on 10 January 2012. On 12 January, EULEX and the Kosovo police conducted a raid on the Kosovo Ministry of Health as part of a corruption-related investigation, arresting several officials.

Through its monitoring, mentoring and advising activities, EULEX worked closely with local institutions in fighting corruption. The Mission supported the Kosovo government in drafting and implementing legislation and continued a training programme for Kosovo and EULEX judges, prosecutors and investigators on the use of existing confiscation powers as a standard tool in the fight against organized and other serious crime, including corruption.

**Organized crime**

The so-called Medicus trial regarding allegations of human organ-trafficking linked to the Medicus clinic in Pristina continued, having started on 4 October. EULEX has located and put under protection two key witnesses. The seven defendants are charged with one or more counts of trafficking in persons, organized crime, unlawful exercise of medical activity and abusing official position or authority. The high-profile trial continues to attract significant media attention due to the nature of the charges.

EULEX filed several indictments in other high profile organized crime cases and convicted an individual involved in a pan-European criminal network. On 11 January, a mixed panel of EULEX and local judges at Prizren District Court found eight persons guilty of human trafficking, issuing an aggregated sentence of 12 years of imprisonment for charges related to the trafficking and sexual

exploitation of a minor from Albania. The investigation was led by a mixed team of EULEX and local prosecutors.

On 17 October 2011, Clint Williamson assumed his position as Lead Prosecutor of the Special Investigative Task Force and immediately visited Pristina, Belgrade and Tirana to reconfirm high-level support for the Task Force. In meetings with Williamson, Kosovo's President Jahjaga and other Kosovo authorities all pledged their full support for and cooperation with the investigation. Serbia's President Tadić and Albania's Prime Minister Berisha made the same commitment in their meetings with Williamson. In all his meetings, Williamson emphasized that the investigation is complex, spanning different jurisdictions, and that it will take time to complete. Williamson also noted that, in addition to the allegations of organ trafficking often highlighted by the media, the Task Force is examining possible abductions, detentions, mistreatment and killings during the period in question, as well as any other crimes related to the allegations in the report of the Special Rapporteur of the Council of Europe, Dick Marty.

Williamson held meetings with European Union officials and members of the diplomatic community in Pristina, Belgrade and Tirana. He also met law enforcement and judicial authorities during each visit to discuss ways in which their cooperation with the investigation will be required. The Special Investigative Task Force is currently in the process of analysing information already collected from institutional sources, and is engaging other Governments that might be able to assist the investigation of the Task Force.

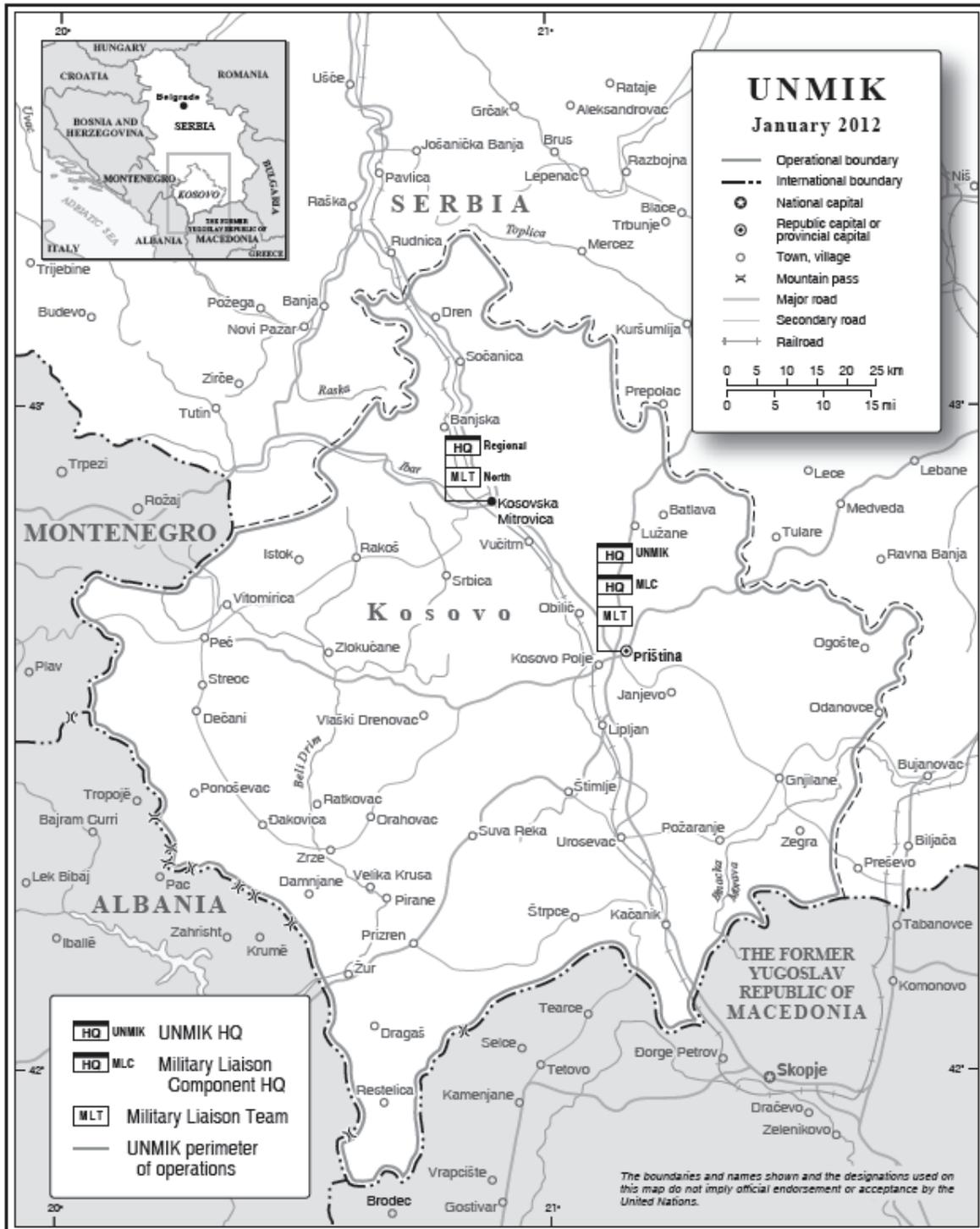
Approved by Xavier Bout De Marnhac  
Head of Mission

**Annex II****Composition and strength of the police component of the  
United Nations Interim Administration Mission in Kosovo  
(as at 15 January 2012)**

<i>Country</i>	<i>Number</i>
Germany	1
Ghana	1
Italy	1
Turkey	1
Romania	1
Pakistan	1
Ukraine	1
<b>Total</b>	<b>7</b>

**Annex III****Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo (as at 15 January 2012)**

<i>Country</i>	<i>Number</i>
Czech Republic	1
Turkey	1
Norway	1
Poland	1
Portugal	1
Romania	1
Spain	1
Ukraine	2
<b>Total</b>	<b>9</b>



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Cartographic Section