



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 July to 15 October 2014.

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

II. Political developments

3. The main political developments relate to the failure to establish a new Assembly of Kosovo, following parliamentary elections held on 8 June 2014. By the close of the reporting period, a troubling political deadlock persisted among the leading parties. The constitutive session of the newly elected Assembly was opened on 17 July, with all 120 elected members present, under the chairmanship of the eldest member of the Assembly (also a member of the Democratic Party of Kosovo). The session was suspended after the quorum was lost as a result of a walkout by a bloc of three opposition parties — Democratic League of Kosovo, Alliance for the Future of Kosovo and Initiative for Kosovo — who were not allowed to nominate a candidate for President of the Assembly. The members of that bloc returned thereafter and, in the absence of any members of the Democratic Party of Kosovo, elected their candidate for the President of the Assembly. This latter action was challenged by the Democratic Party of Kosovo before the Constitutional Court of Kosovo, on 18 July. On 22 July, the Court suspended the election of the President of



the Assembly, carried out by the three-party bloc, and ordered the Assembly to refrain from further action until the Court could rule on several issues.

4. On 22 August, the Constitutional Court announced that it had reached a majority decision, finding, *inter alia*, that the election of the President of the Assembly on 17 July had been unconstitutional and that the constitutive session of the Assembly remained actively in process. The Court also confirmed the right of the Democratic Party of Kosovo, which enjoyed relative majority as a pre-election bloc, to nominate a candidate for President of the Assembly and stressed “the right and duty of all Members of [the] Assembly to find a way to elect the President and Deputy Presidents of the Assembly in accordance with the constitutional provisions in conjunction with the relevant Rules of Procedure of the Assembly and to make the Assembly functional.

5. A series of intensive consultations ensued among political parties and leaders, some of them held under the auspices of the President of Kosovo. On 9 September, the three-party bloc signed an agreement with another opposition party, Vetëvendosje (Self-determination Movement) on the formation of a future coalition government. Following the announcement of the agreement, the main Kosovo Serb political party stated that it would not support or join a government which would include Vetëvendosje.

6. The constitutive session of the Assembly resumed on 18 September and was once more suspended by the Chairperson when the candidate proposed by the Democratic Party of Kosovo for the position of President did not receive a majority of votes.

7. A further continuation, scheduled for 2 October, was subsequently postponed by the Chairperson, ostensibly to allow time for additional consultation. Representatives from Democratic League of Kosovo, Alliance for the Future of Kosovo, Initiative for Kosovo and Vetëvendosje objected to this decision and submitted a request to the Secretariat of the Assembly for the session to be resumed on 9 October. In the absence of a positive response, on 9 October, Democratic League of Kosovo, Alliance for the Future of Kosovo, Initiative for Kosovo and Vetëvendosje held an unofficial session in the Assembly chamber, which was attended neither by the Democratic Party of Kosovo, nor by most of the minority representatives, including Kosovo Serb representatives. Prior to that session, the President of Kosovo, Atifete Jahjaga, had held seven rounds of inconclusive meetings with representatives of both sides, stressing the urgency of resolving the impasse. The situation between the four-party bloc and the Democratic Party of Kosovo, however, remained fundamentally polarized.

8. In Belgrade, this period was focused on Serbian institutional reform issues and steps towards integration in the European Union. Serbia has completed screening of half of the negotiation chapters in the framework of the process for accession to the European Union, although it has yet to formally open them. Belgrade has publicly expressed concern that the political stalemate in Pristina, if prolonged, might also cause delays in the implementation of standing agreements and adversely affect Serbia’s negotiations with the European Union on topics linked to the European Union-facilitated dialogue. In its 2014 progress report for Serbia, the European Commission, while acknowledging the achievements of the dialogue to date, stressed that progress had slowed and that new momentum was needed in order to tackle key outstanding issues and to open a new phase in the ongoing normalization

of relations. It stressed that progress in that area remained essential for advancing the European future of both sides. On 8 October, the European Commission also issued its 2014 progress report for Kosovo. The report welcomed the demonstrated ability of the authorities of Kosovo to engage productively in negotiations with the European Union on a stabilization and association agreement, but also stressed the need for strong political will and leadership to address issues in many sectors of governance, especially, but not limited to, the rule of law (see also sect. V of the present report).

9. Despite the lack of high-level European Union-facilitated dialogue meetings, technical talks have continued to make some progress through working level meetings. On 4 September, in Brussels, further technical agreements were reached under the framework of the agreement on the integrated management of crossing points, which includes the precise location of the six official crossing points, the layout of their new facilities and their support requirements.

10. From 15 to 17 September, technical talks also continued in Brussels in the fields of telecommunications and energy. On the latter, representatives from Pristina and Belgrade agreed to a new action plan on arrangements regarding energy, which includes specific modalities between the inter-transmission systems operators, and addresses various issues relating to regional energy transmission and service provision, including for northern Kosovo. Meetings were also held to advance implementation of the agreement on freedom of movement reached in July 2011. The meetings resulted in an agreement to extend arrangements on the use of Kosovo identification documents to Nikola Tesla International Airport in Belgrade, as well as to five additional crossing points.

III. Northern Kosovo

11. In northern Kosovo, the resolution of many practical issues surrounding municipal governance depends upon further European Union-facilitated negotiations, which are expected to resume once a newly established government is in place in Pristina. Nevertheless, some further progress has been achieved in the harmonization of public budgets and the integration of former Serbian Ministry of Interior police as members of the Kosovo police. The Regional Kosovo Police Directorate in North Mitrovica has appointed deputy station commanders in the Zvečan/Zveçan, Zubin Potok and North Mitrovica police stations. OSCE provided supplementary orientation training on, inter alia, the legal framework of Kosovo for recently integrated officers.

12. Issues of residential construction in the ethnically mixed area of Kroi i Vitakut/Brđjani in North Mitrovica continued to be a source of potential conflicts. The terms of a previously agreed moratorium on construction activities have largely been respected, however, which has helped to allay tensions and allow adequate space for mutually agreed solutions. Local discussions also continued to address the legal aspects involved in order to pave the way for a more formal and comprehensive memorandum of understanding among the municipalities of South and North Mitrovica and Kosovo's Ministry of Environment and Spatial Planning, including on the issue of the Austerlitz bridge, which separates North and South Mitrovica.

13. The four Serb-majority municipalities in northern Kosovo also engaged with central authorities in Pristina in the preparation process for municipal budgets. This

process also involved consultation with Belgrade, which will continue to provide funding for certain services, as foreseen in preceding agreements. As part of the preparation of municipal budgets for 2015, further practical steps have been taken towards the rationalization of public expenditures in North Mitrovica. As a result of the continued existence of two authorities in the North Mitrovica municipality, the Mitrovica North Administrative Office and the elected Mayor of North Mitrovica, two separate but mutually coordinated draft budgets were submitted to the Municipal Assembly. Discussions on the future community/association of Serb municipalities, to address other core issues relating to future administrative and financial arrangements in the relevant municipalities, envisaged under the 19 April 2013 agreement, have yet to resume. Tentative agreement on the integration of the judiciary in northern Kosovo is also yet to be finalized, pending the resumption of the European Union-facilitated dialogue at the political level.

14. On 25 July, an EULEX pre-trial judge at the Basic Court of Mitrovica issued arrest warrants for the elected Mayor of Zubin Potok, as well as his predecessor under the Serbian-managed system, pursuant to investigations conducted by the Kosovo police. The warrants and subsequent questioning of family members of the suspects resulted in protests from the local Kosovo Serb population and officials, as well as friction with the EULEX mission. Prior to the issuance of the warrants, on 21 July, in response to an attempt by the Kosovo police to deliver summonses to the two mayors, approximately 2,000 Kosovo Serbs in the area of Zubin Potok staged a protest against EULEX activities in the area, blocking the main road. The situation was resolved peacefully following discussions in early September involving the mayors of the northern municipalities, the Special Representative of the European Union and the Acting Head of EULEX. In a separate development, on 1 August, EULEX announced the handover of responsibility for securing the Mitrovica Basic Court to the Kosovo police.

15. The Government of Serbia, through the Director of its Office for Kosovo and Metohija, Marko Djurić, continued to engage with local communities and officials on the ground and encourage support for the ongoing implementation of the 19 April 2013 agreement.

IV. Security

16. There were a number of serious security incidents relating to illegal logging activities, including near the administrative boundary line. On 27 August, in an exchange of fire with the Serbian Gendarmerie, a Kosovo Albanian was wounded near the village of Orlovac in Serbia's Kuršumlija municipality. On 28 August, a group of illegal loggers attempted to recover equipment and vehicles that had been seized by the Serbian police during the operation on 27 August. Another exchange of fire ensued, in which a Serbian Gendarmerie officer and a Kosovo Albanian were fatally wounded. In the village of Lëvoshë/Ljevoša, Pejë/Peć municipality, illegal logging was reported close to or on a property belonging to minority community members. In mid-October, the Kosovo police, supported by EULEX and KFOR, launched measures to counter illegal logging in the Leposaviq/Leposavič municipality. Kosovo police also regularly intercepted and confiscated illegal timber shipments throughout Kosovo.

17. In the wake of reports regarding the participation of some Kosovo Albanians in fighting in the Syrian Arab Republic and Iraq, Kosovo police conducted a series of operations to detain individuals suspected of supporting terrorist groups. In a Kosovo-wide operation on 11 August, Kosovo police arrested 40 suspected former combatants and supporters of the Islamic State in Iraq and the Levant and Al-Nusra Front. On 17 September, 15 further arrests were made, including of the Imam of the Grand Mosque in Pristina and several other religious figures. Two imams in South Mitrovica were detained and subsequently released on 25 September. Despite a call via social media for protests against these arrests, other local imams opposed public protest actions by their communities. The Kosovo Islamic community denounced participation by Kosovo Albanians in foreign conflicts. A draft law, approved by the Kosovo authorities on 5 February 2014, prohibiting the participation of Kosovars in armed conflicts outside of Kosovo, awaits debate and adoption by the Assembly of Kosovo.

18. Security threats hampered the visits by internally displaced persons from Serbia for the celebration of the Orthodox feast of Assumption Day on 28 August in the Suharekë/Suva Reka and Gjakovë/Đakovica municipalities. The Minister of Communities and Returns promptly condemned these threats. Kosovo police escorted buses with pilgrims to alternative locations (Sveti Vrač in Zoqiste/Zočiste and Visoki Dečani), where celebrations proceeded without incident.

19. Security incidents affecting Kosovo's non-majority communities, including returnees, continued to occur at a rate comparable to the preceding reporting periods, although their number noticeably increased in the Pejë/Peć region, in the western part of Kosovo. On 14 October, following the suspension of a football match in Belgrade between Serbia and Albania, several hundred supporters of the two sides started to gather at the northern and southern ends of the Mitrovica bridge. A timely intervention by Kosovo police and EULEX helped to avert a likely escalation and violence.

V. Rule of law

20. UNMIK continued to monitor activities and exercise some responsibilities in the area of the rule of law. This included facilitation of requests for mutual legal assistance from non-recognizing countries as well as the provision of document-certification services, with 564 such documents processed during the reporting period. UNMIK also continued to facilitate communications between the Kosovo authorities and the International Criminal Police Organization (INTERPOL) and its member States, receiving 15 requests for international wanted notices and processing two INTERPOL red notices.

21. On 11 August, an international prosecutor from the Special Prosecution Office of Kosovo filed indictments against Oliver Ivanović, the leader of a Kosovo Serb political party in northern Kosovo, and four other Kosovo Serbs. Ivanović has been charged with incitement to commit war crimes in 1999. He is also accused, together with a second defendant, of incitement to commit the crimes of aggravated murder and attempted aggravated murder in February 2000. The other three defendants are accused of the crimes of aggravated murder and attempted aggravated murder in February 2000.

22. On 31 August, President Jahjaga confirmed the continued mandate of the three international judges in the Kosovo Constitutional Court, in accordance with her

exchange of letters with the High Representative of the European Union for Foreign Affairs and Security Policy, which was endorsed by the Assembly of Kosovo on 23 April 2014.

23. On 18 September, the Kleçkë/Klečka war crimes trial was suspended following a motion by the defence to disqualify all three judges, including two EULEX judges, in the light of the new law on EULEX jurisdiction, which requires that the majority of the panel consist of local judges, except under specific conditions. On 30 September, the President of the Court of Appeals disqualified both EULEX panel members, on the grounds of perceived partiality.

24. On 8 October, OSCE released a new biannual report on the activities of the courts of first instance in Kosovo, for the period from 1 January to 30 June 2014. The report assesses the compliance of the courts with international fair trial standards. On the basis of the cases monitored, the report highlights several significant compliance gaps, including: deficient translation in 61 per cent of cases involving non-majority community members; 63 per cent of decisions found to be not fully reasoned, and only 24 per cent of main trials having been recorded as required by law. On the positive side, the report noted that 74 per cent of hearings were productive.

25. The European Commission's 2014 progress report for Kosovo noted some progress in the judicial sector with regard to Kosovo's efforts to prioritize cases involving organized crime and corruption over others and to further improve the legislative framework. The report also noted the continued cooperation of authorities in Kosovo with EULEX and improvement in the investigative capacity of the Kosovo police. However, the report equally expressed the Commission's serious concerns regarding the independence, accountability and impartiality of the Kosovo judiciary. It emphasized the need for more transparent, merit-based recruitment and evaluation of judges and prosecutors, as well as better accountability mechanisms that would comply with European Union standards. Efficiency was also identified as a major concern, in the light of the substantial backlog of unprocessed cases, and the absence of a clear model for prioritization. The report also called for more tangible results in fighting organized crime, corruption, money-laundering and terrorist financing.

26. The main trial in war crime cases against former members of the Kosovo Liberation Army from the "Drenica Group" continued before the panel of EULEX judges at the Basic Court of Mitrovica. The *Drenica Group 1* and *Drenica Group 2* trials are also ongoing, involving 15 defendants, and resumed with testimonies of protected witnesses.

27. UNMIK continued to support and encourage progress on the issue of missing persons. As of the end of September, a total of 1,690 persons remained listed as missing from the Kosovo conflict. On 13 October, the repatriation of remains recovered at a mass grave site in Rudnica, southern Serbia, was completed. The Department of Forensic Medicine of EULEX received the remains of the last 12 Kosovo Albanians found at that site from the Serbian authorities, while the remains of three Kosovo Serbs were transferred to the Serbian authorities. In total, Kosovo received the remains of 52 missing persons, recovered from the Rudnica site, of whom 48 are awaiting DNA identification at the Pristina morgue, while four were handed over to their families and buried.

28. On 16 October, the Interministerial Working Group on Dealing with the Past and Reconciliation met for the first time in almost 10 months. The meeting followed the approval by the Kosovo government of the amendment to the decision establishing the Working Group, its rules of procedure and workplan. During the meeting, four sub-working groups were established to assist in the design and adoption of a comprehensive strategy on transitional justice, in line with the four pillars, focusing on: institutional reform, the right to justice, the right to the truth and the right to repatriations.

VI. Returns and communities

29. UNMIK continued to monitor Kosovo's minorities through field visits and discussions with relevant stakeholders, including on issues affecting the Kosovo Serb community and the Kosovo Roma, Ashkali and Egyptian communities. UNMIK also continued to cooperate with its international partners on the ground, including the International Committee of the Red Cross, the Danish Refugee Council and OSCE.

30. The Office of the United Nations High Commissioner for Refugees (UNHCR) registered 177 individual voluntary returnees to Kosovo during July, August and September 2014, 45 of whom were Kosovo Serbs, 115 Kosovo Roma, Kosovo Ashkali and Kosovo Egyptians, 3 Kosovo Gorani, 1 Montenegrin and 13 Kosovo Albanians. On 4 September, a meeting of the Task Force on Durable Solutions for Internally Displaced Persons and Refugees was held in Pristina. The meeting, co-chaired by the Ministry of Communities and Returns and UNHCR, brought together key stakeholders to discuss durable solutions for displaced persons within and outside of Kosovo.

31. Based on a survey conducted by UNHCR in 2013, as of the end of September, the total number of internally displaced persons residing within Kosovo was 17,227, the majority of whom are Kosovo Serbs. 597 internally displaced persons within Kosovo are still housed in 36 collective centres in Kosovo. UNHCR continued to provide support to individual community members in obtaining personal documentation and resolving civil status issues.

32. The Serbian leadership has continuously expressed its concern at the pace of progress in voluntary returns to Kosovo. In an effort to amplify its efforts in this direction, the Serbian Government's Office for Kosovo and Metohija has launched a new consultative body, including the United Nations and other international and regional organizations, as well as the Kosovo Minister of Communities and Returns. The first meeting of the group was held in Belgrade on 13 October. The body is intended to promote discussion with the full range of stakeholders on improving outcomes for internally displaced persons from and within Kosovo.

33. In September, a biometric team of the Civil Registration Agency of the Ministry of Internal Affairs of Kosovo delivered 260 birth records and 44 identity cards to Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian internally displaced persons in Podgorica, Montenegro. The provision of documentation will enable displaced persons to apply for permanent status in Montenegro.

34. There were signs of possible improvement in the access for minority communities to employment opportunities in Kosovo's public institutions. The

number of minority community members applying for the Kosovo police has increased, though relatively few of them have so far passed the required examinations. At the same time, there continue to be delays in the processing of applications, in many cases owing to the current non-acceptance of certificates and diplomas issued by educational institutions following the Serbian curriculum.

35. In August, the Ministry of Communities and Returns launched a Kosovo-wide needs assessment to determine which subsidized transportation routes (primarily serving isolated communities) would be discontinued. As a result of the assessment, the Ministry of Infrastructure extended 13 humanitarian bus lines for another year and closed two such lines.

VII. Cultural and religious heritage

36. The Implementation and Monitoring Council resumed its activities during the period under review. The Council recommended, inter alia, preserving the site of the unfinished Orthodox Church of Christ the Saviour on the campus of Pristina University. The site was cleaned and secured by the Ministry of Environment and Spatial Planning and handed over to the Serbian Orthodox Church in late September. There has been no progress on the establishment of the council for protection of the historic village of Hoçë e Madhe/Velika Hoča during the reporting period.

37. On 12 October, the Abbot of Visoki Dečani Monastery reported to KFOR and Kosovo police that offensive graffiti had been painted on several buildings in the vicinity of the Monastery. The Kosovo police station commander, relevant police units, KFOR and the Deputy Special Representative of the Secretary-General attended the scene. The graffiti read: “Islamic State”, “ISIS”, “Caliphate is coming”, “UÇK” (the Albanian language acronym for the Kosovo Liberation Army) and “AKSH” (the Albanian language acronym for the Albanian National Army). During the ensuing investigation, Kosovo police detained three Kosovo Albanian youths for shouting “UÇK” outside the fence of the Monastery. The following day, similar provocative messages were sprayed on two service entrances to the Monastery. These incidents were promptly and strongly condemned by President Jahjaga and other Pristina central authorities, as well as by the Serbian Government.

38. Inadequate responses to illegal construction in the special protective zone in the Deçan/Dečani municipality remained a matter of wide concern. Enforcement of a demolition order from 3 July for two illegal constructions within the special protective zone is still pending. On 17 September, the Implementation and Monitoring Council discussed the matter further and recommended, with consent from the Serbian Orthodox Church, that one of the structures be allowed to remain, provided no additional construction takes place. On 9 October, the Municipality of Deçan/Dečani requested support from KFOR for dismantling the other structure. In early October, another illegal construction (a small warehouse) also appeared in the special protective zone.

39. In the Pejë/Peć municipality, the cordial and cooperative relationship between representatives of the Serbian Orthodox Church and local authorities has continued. On 18 September, the construction of two river dams near the Pejë/Peć Patriarchate was completed. The project was funded by the Pejë/Peć municipality and will complement the electricity needs of the Pejë/Peć Patriarchate. A new access road to

Dević Monastery, which was funded by the European Union, was inaugurated on 23 September.

40. In total, 18 criminal incidents occurred at religious sites in Kosovo, including 11 at Orthodox sites, 6 at Islamic sites and 1 at a Catholic site. Five of the incidents were assessed as being economically motivated.

VIII. Human rights

41. In July, the Office of Good Governance in the Office of the Prime Minister presented its annual progress report on the implementation of the Kosovo strategy and action plan for the rights of children. The report notes that 13.2 per cent of the total budget for Kosovo in 2013 was allocated for services benefiting children. Despite an increase in the public expenses allocated to education services in 2013, to 5 per cent, the amount was still considered insufficient to guarantee the provision of inclusive education of good quality for all children in Kosovo. According to the report, a number of other factors have hampered the fulfilment of the objective of achieving quality and inclusive education, including a lack of institutional accountability, insufficient implementation of education-related legislation and a lack of capacity in municipalities and schools.

42. On 30 September, the United Nations Development Programme released the 2014 Human Development Report for Kosovo, on the theme “Migration as a force for development”. The report examined the impact of various forms of migration on participation in public life in Kosovo and noted that, according to opinion surveys, approximately half of young people plan to migrate. It also analysed the factors contributing to the willingness of Kosovo residents and members of the Kosovo diaspora to engage in political and social processes in Kosovo. The report concluded that migration and remittances were not sufficient to encourage sustainable development and economic growth in the medium and long term and that the design and implementation of effective public policies remains critical for improving the investment climate and for laying the foundation for sustained growth.

IX. Observations

43. I am particularly concerned by the protracted political deadlock in Pristina and its potential negative impact on the progress achieved thus far in strengthening democratic institutions and processes in Kosovo. I strongly urge all of Kosovo’s political entities, and especially their leaders, to intensify efforts to build on the success of the 8 June election and ensure that the current impasse is overcome. This includes ensuring that the Assembly is constituted and the next government swiftly formed and fully empowered in order to tackle many pressing issues affecting the future of all people living in Kosovo. This generation of leaders must continue the historic process of normalization with Belgrade, reconcile with the past, make use of the opportunities presented by the stabilization and association talks with the European Union and continue structural reforms that will allow Kosovo’s economy and society to grow.

44. I note with appreciation the work of Kosovo police and security bodies to help address the global problem of violent extremism, in particular their work to inhibit

participation in foreign conflicts through action as well as legislation. I also wish to commend the leadership of the Islamic community of Kosovo, as well as other religious and secular leaders, for dissociating themselves and their communities from extremism.

45. I congratulate both the Kosovo authorities and the Government of Serbia on the progress towards a common European future. In this light, I encourage the earliest resumption of the high-level meetings on normalization of relations, facilitated by the European Union, and continuation of the courageous path both parties have wisely chosen in this respect. I also urge all sides to seek ways to accelerate momentum in this process, regardless of the rhythms of short-term political challenges.

46. With regard to the protection and respect for religious and cultural heritage sites, I urge the responsible authorities to redouble efforts to ensure this rich heritage is safeguarded and respected, to the benefit of all. Proper establishment of a long-delayed council for protection of the historic village of Hoçë e Madhe/Velika Hoča would be an important sign of this proactive commitment.

47. The close cooperation between the North Mitrovica municipality and the Mitrovica North Administrative Office in preparations for the 2015 municipal budget is commendable, as are the constructive approaches adopted by nearly all parties during discussions to resolve differences over construction in the ethnically mixed area of Kroi i Vitakut/Brdjani in North Mitrovica.

48. I commend the professionalism and commitment of forensic and other experts from Serbia, EULEX and Kosovo for the completion of the process of repatriation of remains recovered at the mass grave in Rudnica. I reiterate my appeal to political leaders, civil society and individuals to bring forward any relevant information that may help advance further progress in determining the fate of those still missing from the time of the conflict.

49. I wish to thank my Special Representative, Farid Zarif, for his leadership, and all the staff of UNMIK for their work. I further extend my gratitude to our close and committed partners in Kosovo, including KFOR, OSCE, the European Union and EULEX and all members of the United Nations family, for the continuing joint efforts to forge peace, stability and development and for closely cooperating 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 July to 15 October 2014

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring and advising activities and to implement its executive functions in line with its mandate as regards the rule of law. Further steps were taken in the fight against corruption and serious crimes, as three verdicts were pronounced by EULEX Kosovo judges, including in the case relating to allegations over the fraudulent handling of socially owned land, where eight judges and two legal representatives were found guilty of issuing unlawful judicial decisions. In terms of monitoring, mentoring and advising activities, the Mission advised on a range of issues, with the aim of enhancing the institutional capacity of local counterparts, such as concerning developments relating to the election of the Chief State Prosecutor and the continuing abuse of hospitalization by influential prisoners. The Mission also observed with concern the lack of a quorum in the Kosovo Judicial Council. The implementation of the Mission's mandate in the north generated accusations from local leaders regarding ongoing criminal investigations. EULEX met directly with local leaders and reiterated that justice is independent and that it remained committed to its policy of transparency as regards the north. The implementation of the agreement on the integrated management of crossing points, in the framework of the European Union-facilitated dialogue between Belgrade and Pristina, saw progress in September, with the agreement on the draft layouts for the permanent crossing points by both parties. The Mission commemorated the death of Audrius Šenavičius, a EULEX Customs Officer and Senior Inspector for the Customs Department in Lithuania, who was killed in the line of duty in northern Kosovo, in September 2013.

On 9 October, the Political and Security Committee of the European Union appointed Gabriele Meucci (Italy) as the new EULEX Head of Mission. He officially took up duties on 15 October, succeeding Bernd Borchardt (Germany), who had been in the position since 1 February 2013.

2. EULEX activities, July to October 2014

2.1 Executive

War crimes

On 23 July, a EULEX judge in Gjakovë/Đakovica Basic Court ordered detention on remand against a Kosovo Albanian defendant who was suspected of having committed war crimes against the civilian population in April 1999. On 13 August, a EULEX forensic doctor at the Department of Forensic Medicine participated in the autopsy of the suspect, who had been found dead in his cell in Pejë/Peć Detention Centre a day before. The cause of death is yet to be officially established.

On 11 August, a EULEX prosecutor from the Kosovo Special Prosecution Office filed an indictment against a Kosovo Serb political leader from northern Kosovo and four others. An initial hearing was held on 26 August in front of a panel of three EULEX judges at Mitrovica Basic Court, during which all defendants pleaded not guilty. One of the defendants is accused of incitement to commit war crimes in April 1999. He is also accused, together with a second defendant, of incitement to commit aggravated murder and attempted aggravated murder in February 2000. The other three defendants are accused of aggravated murder and attempted aggravated murder.

Main developments in combatting organized crime and corruption

On 9 September, a panel of one local and two EULEX judges at Prizren Basic Court convicted all 10 defendants in the case relating to offences committed in 2006-2007 concerning land. Eight judges were found guilty of having issued unlawful judicial decisions concerning socially owned land, so that high-value land parcels were conveyed to private claimants. This was done despite the fact that such decisions are within the exclusive competence of the Special Chamber of the Supreme Court. Two lawyers were convicted of having facilitated the crimes. The defendants were sentenced to suspended sentences and accessory punishments prohibiting them from practicing law for the next two to three years. Given the suspended nature of the sentences, a EULEX prosecutor from the Kosovo Special Prosecution Office announced an intention to appeal.

Developments also took place in one of the Mission's major cases concerning large-scale migrant smuggling into the European Union. On 10 September, a panel of one local and two EULEX judges at Prizren Basic Court started the *PINK 2* trial, a case against eight defendants, five of whom are not from Kosovo, accused of organized crime, migrant smuggling and money-laundering. Four other people have already been tried in two separate trials, in a related case. The case was investigated jointly by Kosovo and EULEX Police in cooperation with law enforcement authorities in several European countries, through INTERPOL and the European Police Office (Europol). The case is prosecuted by a EULEX prosecutor from the Kosovo Special Prosecution Office.

Other serious crime cases

On 31 July, a panel of one local and two EULEX judges at Pejë/Peć Basic Court started the trial against a suspect who is charged with, inter alia, aggravated murder. He was acquitted in 2007, but the Supreme Court returned the case for a retrial. The suspect was extradited from Sweden earlier this year.

On 11 August, a panel of three EULEX judges at Mitrovica Basic Court started the second retrial against a suspect who was sentenced to imprisonment for murder and unauthorized control, possession or use of weapons in 2012 and 2013. Panels of local judges at the Court of Appeals have twice returned the case for a retrial. The Basic Court has now been instructed to have forensic and cardiology examinations carried out.

On 3 September, a panel of one local and two EULEX judges at the Supreme Court rejected a request by the counsel for the defence for protection of legality and confirmed the verdict of the court of first instance and the Court of Appeals in the *Bllaca 2* case. The five defendants were variously found guilty of aggravated

murder and attempted aggravated murder and were sentenced to a total of 54 years imprisonment by the then District Court of Pristina. The Supreme Court ruled that once an ongoing case is assigned to a majority EULEX panel, it remains with a majority EULEX panel during proceedings.

On 9 September, a panel of one local and two EULEX judges at Pristina Basic Court sentenced a defendant to 25 years imprisonment for aggravated murder of his father-in-law and illegal possession of weapons. Another defendant, charged with assisting the defendant in committing the offence, was acquitted.

On 23 September, a panel of EULEX judges at Mitrovica Basic Court started the second retrial in a case where four defendants are charged with, inter alia, aggravated murder in 2009. Panels of local judges at the Court of Appeals had sent the case back for retrial in 2012 and 2013.

On 25 September, a panel of two local judges and one EULEX judge at Gjakovë/Dakovica Basic Court sentenced a defendant to 20 years imprisonment for aggravated murder, while another defendant was sentenced to 8 years imprisonment for assistance in aggravated murder.

Special Investigative Task Force

Established in 2011, the Special Investigative Task Force is examining allegations made in the December 2010 report by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe, Dick Marty, entitled “Inhuman treatment of people and illicit trafficking in human organs in Kosovo”. On 29 July, the Lead Prosecutor of the Task Force, John Clint Williamson, stated in a press conference that the Task Force has found compelling evidence to file an indictment against certain former senior officials of the Kosovo Liberation Army responsible for an organized campaign of persecution of minorities (including unlawful killings, abductions, enforced disappearances, illegal detentions, sexual violence and forced displacements, desecration and destruction of churches and other religious sites) and of fellow Kosovo Albanians labelled either as collaborators with the Serbs or as political opponents of the Kosovo Liberation Army. During the reporting period, the Task Force has continued its investigative work into its findings. Victim advocacy groups, injured parties and individuals are being engaged in order to collect information useful for the case. Investigative and operational activities are moving forward, and cooperation with judicial and law-enforcement authorities in the region and beyond continues to be fruitful.

On 29 September, the Council of the European Union mandated EULEX to “support re-located judicial proceedings within a [European Union] Member State, in order to prosecute and adjudicate criminal charges arising from the investigation into the allegations raised in a report entitled ‘Inhuman treatment of people and illicit trafficking in human organs in Kosovo’ released on 12 December 2010 by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe”. Preparations are ongoing to establish an appropriate judicial mechanism.

Department of Forensic Medicine

EULEX forensic experts at the Department for Forensic Medicine have continued to conduct field operations in Kosovo and beyond. On 21 August,

EULEX forensic experts, under the authority of the Office of the Serbian War Crimes Prosecutor, completed the excavation at a third site in Rudnica, thus concluding the field operation in Raška, Serbia. All victims are Kosovo Albanian and have been linked to massacres in three villages in Kosovo. The repatriation of remains for identification and re-association took place on 22 August, 12 September and 13 October. The handing over of remains to the respective families started on 19 September.

On 7 October, EULEX forensic experts at the Department for Forensic Medicine carried out an excavation in the Gjakovë/Đakovica area, following information that it could be the possible location of a mass gravesite. No remains were found at the site. On 9 October, EULEX forensic experts also conducted an excavation in Batajnica, Serbia under the authority of the Office of the Serbian War Crimes Prosecutor. No remains were found at the site.

Property rights

In the area of civil justice, commissioners of the Kosovo Property Claims Commission continued their work. During the reporting period, 303 cases (mainly inter-ethnic property claims) were adjudicated. Out of the total of 42,745 claims lodged with the Kosovo Property Agency, only 343 are still pending a decision.

From 16 July to 15 October, the Appeals Panel of the Kosovo Property Agency received 79 new appeals and adjudicated 32 appeals.

During the reporting period, the Special Chamber of the Supreme Court for matters relating to the Privatization Agency of Kosovo rendered 88 decisions in trial panel cases. The Special Chamber also closed 376 workers' list cases and finalized 55 cases at the Appellate Panel level.

2.2 Strengthening

EULEX has been monitoring the implementation of the visa regime for foreigners since its entry into force on 1 July 2013. Since then, Kosovo Border Police has issued over 100 visas at the crossing points, mostly at Pristina Airport. However, the issuing of visas at the crossing points should be granted in exceptional circumstances only. EULEX has prepared a set of recommendations for Kosovo Border Police with a view to enhancing the enforcement of the relevant legislation.

At the same time, irregular migration from Kosovo through the Serbia-Hungary border to the European Union appears to be increasing. Thus, Kosovo Border Police started to screen more thoroughly the travel plans of young men from Kosovo at crossing points in order to identify those wishing to travel to the European Union without the necessary documentation. Travellers are then either convinced to return or issued with a refusal of exit form. As a refusal of exit form is only applicable to non-Kosovo residents, EULEX has advised Kosovo Border Police to end this practice and is working with counterparts to identify appropriate solutions.

As for the Kosovo Correctional Service, the abuse of medical services and hospitalization by high-profile prisoners continues to be a concern, as also noted in the European Commission's 2014 progress report on Kosovo. The Mission continues to monitor the issue, and it is the matter of an investigation at the Kosovo Special Prosecution Office. Furthermore, a high number of detained terrorism suspects, arrested by Kosovo police in operations in August and September, are

straining the stretched resources of the Correctional Service. EULEX has advised the Correctional Service on how to ensure the safe and separate detention of the suspects while limiting overcrowding. However, there is no short-term solution to the space issue.

In September, the Mission advised senior management of the Correctional Service on addressing the issue of several recent escapes from semi-open prisons in Kosovo. Recommendations include risk assessments for prisoners before transfer to semi-open facilities, an end to transfers of foreign prisoners, in line with European Union best practice, on account of the high flight risk, and a comprehensive review of procedures in said facilities. As a consequence, since 24 September, there are no foreign prisoners in the semi-open facility at Dubrava Correctional Centre.

On 8 July, the Constitutional Court instructed the Kosovo Prosecutorial Council to repeat the election procedure for the Chief State Prosecutor, owing to a violation of the right to fair proceedings. Despite having been advised to explore other options to swiftly address and rectify all the violations of the election procedure, the Prosecutorial Council decided to repeat the entire selection procedure. Given the retirement of the former Chief State Prosecutor on 5 August, the Prosecutorial Council elected an acting Chief State Prosecutor.

Progress was made with regard to the quorum of the Kosovo Prosecutorial Council, as the Civil Society Representative, a position that had been vacant since July 2014, was appointed as a full member of the Prosecutorial Council. However, there has been no quorum at the Kosovo Judicial Council since 31 August. This development is directly linked to political developments, as the appointment of international and local members requires the approval of the Assembly. The appointment of judges, including from non-majority communities, had to be put on hold.

EULEX assisted in the training of Kosovo Customs staff during a seminar at Pristina International Airport on “Cash money controls, fighting money-laundering and the financing of terrorism”. The aim of the seminar was to enhance cooperation between the airport staff and prosecutors.

On 27 August, a shooting incident between a group of illegal loggers and members of the Serbian Gendarmerie took place in Serbia, close to Merdarë-Merdare crossing point. One Kosovo Albanian, who had sustained gunshot injuries, was arrested by Serbian Gendarmes on the spot. He was taken to hospital in Serbia. On 28 August, in the early hours, a second shooting incident between a group of illegal loggers and Serbian Gendarmerie took place at the same location. One Gendarmerie officer sustained gunshot injuries and succumbed to his wounds later in the day while in medical care. Later, the body of a Kosovo Albanian was discovered near the scene of the incident. EULEX attended the crime scene and provided advice on coordinated follow-up actions. In September, EULEX supported Kosovo police north in the operational planning against illegal logging, in close cooperation with KFOR.

2.3 The north

In northern Kosovo, reactions against the implementation of the Mission’s executive mandate marked the reporting period. On 20 July, an attempt by Kosovo police north to serve summonses to the former and current mayors of Zubin Potok,

upon the order of a EULEX prosecutor, sparked reactions. The initial hearing in the war crimes case against Oliver Ivanović and four others added to tensions. As part of such reactions against EULEX, leaflets and graffiti featuring a swastika next to the EULEX logo appeared in northern Kosovo. The Mission condemned the actions while both Belgrade and the leaders of the northern municipalities distanced themselves from the hate messages. However, some inflammatory language used by northern leaders in connection with the implementation of the Mission's mandate in the region persisted.

On 20 August, the Mayor of Mitrovica North, Goran Rakić, convened a meeting of the northern mayors, municipal speakers and interim council members to discuss relations with EULEX. The press release that was issued after the meeting accused EULEX of being an obstacle to the implementation of the 19 April 2013 agreement. The following week, on 29 August, during a joint session of the municipal assemblies of the four northern municipalities, participants accused EULEX of acting outside the scope of its mandate and invited the Mission's representatives to a dialogue to end the "arbitrary and unlawful actions of the Mission".

To counter this negative messaging, the Mission renewed its efforts to reach out to local actors. Both the Head of Mission and the Deputy Head of Mission held background briefings for civil society, media, businesses and legal representatives on EULEX activities. The Deputy Head of Mission is now based in Mitrovica North on a part-time basis and has held meetings with both the Head of the Serbian Government's Office for Kosovo, Marko Djurić, and with a number of local leaders. In this way, the Mission maintained and developed open channels of communication with northern representatives, while reiterating that justice is independent. The Mission's efforts were supported by the Special Representative of the Secretary-General and by the Special Representative of the European Union.

Panels made up only of EULEX judges continued to decide over cases at Mitrovica Basic Court. In this period, 7 cases were finalized, there are 21 cases pending main trial and 65 pretrial cases. In July, EULEX handed over security responsibilities for Mitrovica Basic Court to Kosovo police north.

The quick response team of Kosovo police north is an important element in the build-up of a fully functional regional command north. The quick response team has conducted over 10 operations since July 2014 and has also proven to be able to deal with small and mid-scale crowd and riot control.

EULEX also advised Kosovo police north to set up a community policing strategy.

On 19 September, EULEX donated 13 vehicles to the Kosovo Correctional Service, some of which are intended to support the capacities of Mitrovica Detention Centre.

2.4 Dialogue implementation

On 4 September, the Belgrade and Pristina parties gave their written agreement on the draft layout of the crossing points, marking an important milestone in the implementation of the technical protocol in the framework of the agreement on the integrated management of crossing points. On 11 September, a central level meeting on the agreement was chaired by the Belgrade party. The topics for discussion included outstanding infrastructure issues at the interim

crossing points, exchange of customs information and harmonizing of veterinary certificates in line with European Union standards. The Mission has continued supervision of revenue collection at the northern crossing points, at which a total of over €3 million had been collected between December 2013 and October 2014.

In the framework of the freedom of movement agreement, the Belgrade party agreed to grant the right of passage out of Serbia to travelers holding Kosovo entry/exit documents at six additional border crossing points. Belgrade's Nikola Tesla International Airport started enforcing the agreement on 22 September. The agreement is scheduled to become functional at the five remaining border crossing points by 15 November. Discussions on a mutual recognition agreement for car insurance are ongoing.

In August, Kosovo police retroactively issued the new ranks for the integrated former Serbian Ministry of Interior officers in northern Kosovo. Eight of them were appointed to the rank of major and 17 to the rank of lieutenant.

With a view to establishing a reliable civil status system, EULEX continues to monitor the use of the certified copies of the civil registry books through field visits to the regions. A consolidated report on the use of the registry books in the Pristina region was finalized in September, which was based on multiple assessment visits to the region over the past four months. The overall assessment by the Mission is positive, with some recommendations to further improve the use of the registry books. The books were distributed to all offices and sub-offices, with very few exceptions. While civil status officers use the registry books in their daily work, conducting official training on existing legislation and establishing internal standard operating procedures were among the recommendations of EULEX.

3. Other key issues

On 1 September, EULEX integrated the international staff of the Constitutional Court. The day before, the Kosovo President confirmed the continued mandate of the three international judges in the Kosovo Constitutional Court, in accordance with the exchange of letters between her and the European Union High Representative for Foreign Affairs and Security Policy, as confirmed by the Assembly of Kosovo on 23 April 2014.

On 19 September, EULEX commemorated the death of Audrius Šenavičius, who was killed in the line of duty in northern Kosovo one year earlier. On 9 October, the Political and Security Committee of the European Union appointed Gabriele Meucci (Italy) as the new EULEX Head of Mission. He officially took up duties on 15 October, succeeding Bernd Borchardt (Germany), who had been in the position since 1 February 2013.

The Mission has completed its reconfiguration process, in line with the decision of the Council on 12 June to extend its mandate until 14 June 2016 and the invitation letter from the Kosovo President to the High Representative for Foreign Affairs and Security Policy.

Annex II

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

(as at 15 October 2014)

<i>Country</i>	<i>Number</i>
Austria	1
Croatia	1
Hungary	1
Italy	1
Pakistan	1
Russian Federation	1
Turkey	1
Ukraine	2
Total	9

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

(as at 15 October 2014)

<i>Country</i>	<i>Number</i>
Czech Republic	2
Poland	1
Romania	1
Turkey	1
Ukraine	2
Total	7