



# 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 established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested me to report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK, and developments related thereto, from 17 January to 15 April 2018.

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 constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles under the framework of Security Council resolution [1244 \(1999\)](#). The European Union Rule of Law Mission in Kosovo (EULEX) continues its presence in Kosovo, in line with the statement by the President of the Security Council of 26 November 2008 ([S/PRST/2008/44](#)) and my report of 24 November 2008 ([S/2008/692](#)). The United Nations agencies, funds and programmes work closely with the Mission in furtherance of the “delivering as one” initiative.

### II. Key political and security developments

3. A number of developments during the reporting period heightened tensions and negatively impacted relations between Belgrade and Pristina. In March, shortly after the resumption of the European Union-facilitated dialogue between Belgrade and Pristina, the Kosovo authorities responded negatively to a notification that the Director of the Office for Kosovo and Metohija of the Government of Serbia, Marko Đurić, was to travel to North Mitrovica and warned him not to visit. On 26 March, however, Mr. Đurić travelled to North Mitrovica to attend a round-table session of the internal dialogue on Kosovo of the President of Serbia, Aleksandar Vučić, together with a member of President Vučić’s cabinet, three ministers of the Kosovo government and local Kosovo leaders. Kosovo special police units entered the building where the session was being held and, using stun grenades and tear gas, arrested Mr. Đurić. Several people were injured, including the Kosovo Minister of Agriculture, of the Serbian List for Kosovo and Metohija party, who was hospitalized for three days, two mayors and journalists and bystanders. Mr. Đurić was manhandled by the Kosovo Police down a central street in Pristina, before media and onlookers,



and taken to a police station. After a brief court hearing, he was transferred from Pristina and released at Gate 3 on the Administrative Boundary Line.

4. President Vučić described Mr. Đurić's arrest and detention as a "humiliation", a "brutal provocation" and against agreed protocols. The Kosovo leadership called the action an appropriate response to ignoring their refusal to allow the visit. My Special Representative for Kosovo described the events of 26 March as "unacceptable" and joined the European Union and other international partners in calling for calm and responsible leadership by all concerned.

5. The incident had immediate repercussions. The following day, after a meeting with President Vučić in Belgrade, the Serbian List leadership announced its intention to withdraw from the governing coalition in Kosovo. The Serbian List also announced that, on 20 April, it would start working unilaterally on the establishment of the association/community of Serb majority municipalities in Kosovo, as envisaged under the 19 April 2013 First Agreement of Principles Governing the Normalization of Relations. Nevertheless, on 29 March, the Deputy Prime Minister and Minister for Communities and Returns of the Serbian List participated in a government meeting chaired by the Prime Minister of Kosovo, Ramush Haradinaj. At the meeting, the Deputy Prime Minister indicated that the Serbian List remained open to meaningful dialogue, and called on the government to launch an investigation into the events of 26 March and to proceed with the implementation of the 2013 agreement concerning the establishment of the association/community of Serb majority municipalities.

6. In another significant development, on 29 March the Kosovo Border Police arrested five Turkish citizens with permanent residency status in Kosovo, allegedly on account of their connection with the Hizmet/Gülen movement. They were taken to the police station in Pristina and reportedly denied access to counsel. According to their attorneys, their residency permits were revoked, and they were expelled from Kosovo to Turkey on the same day. A sixth Turkish citizen was also arrested in a separate incident on 29 March and expelled to Turkey with the other five. Both President Thaçi and the Prime Minister, Mr. Haradinaj, condemned the arrest and expulsion of the Turkish nationals and disavowed any prior knowledge of the operation. In response to the incident, on 30 March Mr. Haradinaj announced the dismissal of the Minister of Internal Affairs and the Director of the Kosovo Intelligence Agency and called for a full investigation into the expulsions, allegedly conducted in secrecy. On 13 April, Prime Minister Haradinaj appointed Bejtush Gashi as the new Minister of Internal Affairs.

7. Prior to these developments, the government of Kosovo achieved an important benchmark in the European Union integration process for Kosovo when it ratified the agreement on territorial delineation signed with the Republic of Montenegro in 2015. After several failed attempts to hold a ratification vote, the Assembly of Kosovo reconvened for a vote on 21 March. Members of the opposition party Vetëvendosje (Movement for Self-Determination) again sought to obstruct the vote, including by throwing tear gas during the Assembly deliberations. Following a decree signed by the President of the Assembly to secure the Assembly hall, Kosovo police escorted 13 Assembly members belonging to Vetëvendosje out of the Assembly hall; seven Assembly members belonging to Vetëvendosje were subsequently arrested in connection with the tear gas incidents. In the early evening of 21 March, the Assembly was able to proceed with the vote, resulting in the ratification of the agreement by the required two-thirds majority.

8. Several factors positively influenced the ratification vote, including a visit on 14 February to Kosovo by the Prime Minister of Montenegro, Duško Marković, which helped reaffirm a mutual commitment by Kosovo and Montenegro to promote bilateral relations. Subsequently, on 16 February, President Thaçi and the President

of Montenegro, Filip Vujanović, signed a joint statement in Podgorica, in which they agreed to the establishment of a joint working body to address any disputes concerning the territorial delineation. In a joint statement of 21 March, the European Union High Representative for Foreign Affairs and Security Policy, Federica Mogherini, the Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, and the Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, welcomed the ratification by the Assembly of Kosovo of the territorial delineation agreement with Montenegro, noting that it fulfilled a key criterion for visa liberalization for Kosovo.

9. In other developments, following the attempt in December 2017 by 43 members of the Assembly of Kosovo to revoke a 2015 law in support of the work on the Kosovo Specialist Chambers and the Specialist Prosecutor's Office, on 22 January 2018 the Assembly submitted a request for the government's opinion on the matter. On 1 February, Mr. Haradinaj stressed that the government would follow due process before reverting to the Assembly with its opinion. On 5 February, President Thaçi, in his address to the government, stated that the establishment of the Specialist Chambers was "unfair", but that the Kosovo authorities "assumed certain responsibilities and obligations" and "will fulfil them in accordance with the agreements reached".

10. On 6 February, the European Commission adopted a new strategy for European Union engagement with the Western Balkans, entitled "A credible enlargement perspective for and enhanced EU engagement with the Western Balkans". On 28 February, a European Union delegation comprising High Representative Mogherini, the President of the European Commission, Jean-Claude Juncker, and Commissioner Hahn, visited Pristina to discuss the role of Kosovo under the new European Union strategy for the region, which continues to take a staggered approach to integration. During the visit, the delegation stressed that, without effective and comprehensive normalization of relations between Belgrade and Pristina, there could not be lasting stability in the region, and Serbia and Kosovo could not advance on their respective European paths.

11. On 13 February, the European Union Election Observation Mission presented its final report on the Kosovo municipal elections of 22 October 2017. The report contains a number of recommendations for improving future electoral processes in Kosovo, which are being reviewed by the Kosovo Central Election Commission and other relevant Kosovo institutions.

12. The government of Kosovo continued to advocate the transformation of the Kosovo Security Force into an army, while accepting that this would need to be pursued through a constitutional amendment. On 5 March 2018, at a ceremony held at the headquarters of the Kosovo Security Force in Pristina to mark the twentieth anniversary of the Kosovo Liberation Army, President Thaçi also advocated the transformation of the Kosovo Security Force into an army through a constitutional amendment, in partnership with the United States of America and the North Atlantic Treaty Organization. The leadership of Serbia remained strongly opposed to such a transformation, which it considers to be a violation of Security Council resolution [1244 \(1999\)](#).

13. Incidents affecting non-majority communities included damage to sites of significance to Kosovo Serbs. On 12 February 2018, a memorial plaque near the village of Zoçishtë/Zočište in Rahovec/Orahovac municipality, dedicated to two Kosovo Serb journalists who went missing in 1998, was forcibly removed and its base damaged. On 1 March 2018, in the majority Kosovo Serb village of Velika Hoča/Hoçë e Madhe in Rahovec/Orahovac municipality, the Serbian flag was removed and

the flag pole damaged at the memorial dedicated to the Kosovo Serbs who went missing or were killed during the 1998–1999 conflict.

### III. Northern Kosovo

14. The slow progress of the investigation into the murder on 16 January of the Kosovo Serb politician, Oliver Ivanović, in North Mitrovica, coupled with the events of 26 March described above, exacerbated resentment among the Kosovo Serb population in northern Kosovo. Initially led by Kosovo Serb and Kosovo Albanian prosecutors of the newly integrated Basic Prosecution of Mitrovica, the investigation into Mr. Ivanović's murder was taken over by the EULEX Special Prosecution Office of Kosovo on 7 March, owing to the "complexity of the case". At the end of the reporting period, no progress had been reported in the investigation. Of note is that the first information-sharing meeting on the investigation between representatives of the interior ministries from Belgrade and Pristina took place at Gate 3 on the Administrative Boundary Line on 13 March, over two months after the murder.

15. Approximately 5,000 people attended Mr. Ivanović's funeral on 17 January, which was declared an official day of mourning in North Mitrovica. On 20 January, President Vučić, accompanied by Marko Đurić, travelled to Kosovo, visiting various locations north and south of the Ibër/Ibar River, including the site of Mr. Ivanović's murder in North Mitrovica. Addressing the crowd at Banjska monastery in Zvečan/Zvečan municipality, President Vučić highlighted the importance of dialogue between Kosovo Serbs and Kosovo Albanians in order to preserve peace and security, but also to advance the interests of Kosovo Serbs.

16. On 18 February, flyers were posted in Zubin Potok municipality, threatening members of the Kosovo Serb community who had joined the Kosovo Security Force following the most recent recruitment campaign directed at members of non-majority communities. The flyers also criticized the municipality, including the mayor, for not preventing such recruitment. In response, KFOR conducted enhanced patrols in the municipality, which continued until mid-March. The Kosovo Police also conducted special operations in the municipality, including static patrols and increased foot patrols, to provide increased protection.

17. Two round tables were organized in northern Kosovo under the framework of the internal dialogue on Kosovo launched by President Vučić, before the meeting in North Mitrovica that was interrupted as a result of the events of 26 March. The first round table, with Kosovo Serb youth and students, was held in North Mitrovica on 8 March and focused on the importance of higher education for Kosovo Serbs. The second — a televised meeting with civil society representatives held in North Mitrovica on 14 March — addressed the departure of Kosovo Serbs from Kosovo and challenges faced by Kosovo Serbs in obtaining personal documents. As well as the discussions held in northern Kosovo, six additional round tables involving various segments of Serbian society were held throughout Serbia under the framework of President Vučić's internal dialogue on Kosovo.

18. On 7 April, Marko Đurić attended the Orthodox Easter midnight liturgy at Banjska monastery; this was Mr. Đurić's first visit to Kosovo after his arrest and expulsion on 26 March. About 400 people attended the liturgy.

19. Following the municipal elections held in Kosovo in October 2017, the municipal assemblies of Leposavić/Leposaviq and Zvečan/Zvečan formed women's caucuses, with support from their respective mayors. On 7 March, on the eve of International Women's Day, the municipality of Zvečan/Zvečan inaugurated the women's caucus with a panel discussion on the role of women in society. The event,

sponsored by UNMIK, was jointly opened by the mayor and my Special Representative.

#### **IV. Normalization of relations between Belgrade and Pristina**

20. The European Union-facilitated dialogue between Belgrade and Pristina resumed after a long hiatus. The technical negotiation teams of Belgrade and Pristina, led by Marko Đurić and Avni Arifi, respectively, met in Brussels on 26 and 27 February and again from 19 to 21 March. The teams reviewed the implementation of the agreements reached, including on freedom of movement, integrated boundary management, the association/community of Serb majority municipalities in Kosovo, the bridge in Mitrovica and energy. The teams agreed that further progress in a number of areas would require consensus at a higher political level.

21. On 23 March, High Representative Mogherini met with Presidents Vučić and Thaçi in Brussels to discuss, under the framework of the new phase of the dialogue, the full implementation of all existing agreements and preparations for a comprehensive agreement on the normalization of relations. Following the meeting, High Representative Mogherini stressed the urgent need to start with the establishment of the association/community of Serb majority municipalities. She also welcomed the continued commitment expressed by both Presidents to the normalization of relations between Belgrade and Pristina, recalling that progress on their respective European Union integration agendas is firmly linked to progress in the dialogue.

22. Further to the events of 26 March, High Representative Mogherini travelled to Belgrade, where she met with President Vučić on 27 March to discuss the “latest developments and the future of the European Union-facilitated dialogue for normalization of relations between Belgrade and Pristina”. In a communiqué issued after the meeting, the High Representative reiterated the importance that the European Union attaches to the dialogue and to the implementation of agreements reached.

23. Throughout the reporting period, Belgrade stressed that it had fulfilled nearly all its obligations under the agreements reached under the framework of the European Union-facilitated dialogue, while Pristina did not proceed with the establishment of the association/community of Serb majority municipalities, which is of great significance to Belgrade and the Kosovo Serbs. In separate addresses to the media on 25 February and 24 March, the First Deputy Prime Minister and Foreign Minister of Serbia, Ivica Dačić, warned that Belgrade could withdraw from its commitments under the agreements reached in Brussels, if concrete steps were not taken swiftly toward the establishment of the association/community.

24. On 5 April, Prime Minister Haradinaj announced the resumption of efforts to draft the statute of the association/community of Serb majority municipalities, to be completed within four months. The Serbian List, however, characterized the proposal as “unacceptable”, stressing that the association/community should be established in accordance with the Brussels agreement of 25 August 2015, not the Kosovo Constitution. In this respect, the Serbian List remained concerned that the Kosovo authorities would insist on respecting the Constitutional Court ruling of 23 December 2015, according to which a number of provisions in the 2015 Brussels agreement are not in full compliance with the Kosovo Constitution.

## **V. Returns, reconciliation, cultural heritage and community relations**

25. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded three voluntary returns to Kosovo by members of non-majority communities. In total, UNHCR has recorded 27,792 voluntary returns by members of non-majority communities in Kosovo since 2000.

26. UNHCR continued to support members of the Ashkali, Egyptian and Roma communities in Kosovo in obtaining personal documentation and resolving civil status issues, which inter alia enables access to public services. During the reporting period, UNHCR assisted 92 individuals to obtain civil documentation.

27. On 14 February and 15 March, UNMIK, in partnership with the Kosovo Ministry of Communities and Returns, contributed to the organization of two inter-municipal forums held in Pejë/Peć and in Gjilan/Gnjilane, respectively. The forums addressed strategies for increasing returns and the role of municipal bodies in protecting and promoting the rights of communities.

28. During the period under review, 23 municipalities south of the Ibër/Ibar River reconstituted their respective communities committees, bringing to 28 the total number of municipalities with such mandatory anti-discrimination and community protection mechanisms in place. Of note is that members of non-majority communities, including Ashkali, Croats, Egyptians, Montenegrins, Roma, Serbs and Turks, account for approximately 53 per cent of members of the communities committees. Members of non-majority communities were appointed to key municipal positions in Prizren and Kamenicë/Kamenica municipalities.

29. The Implementation and Monitoring Council, established by the government of Kosovo in February 2013 to monitor and facilitate the implementation of the Law on Special Protective Zones, with a focus on the provision relating to the protection of the Serbian Orthodox Church religious and cultural heritage in Kosovo, reconvened on 13 and 23 March 2018, after three years of inactivity. At the meetings, representatives of the Serbian Orthodox Church raised concerns about a plan of the Deçan/Dečani municipality to build a transit road to Montenegro through the special protective zone of the Visoki Dečani monastery. In response, representatives of the Kosovo government reiterated their commitment to respect the special protective zone; a formal decision on the matter, however, remains pending.

30. The Kosovo Ministry of Culture, Youth and Sports worked in cooperation with the Prizren municipal department of urbanism to prevent further illegal demolition activities in the protected historic centre of Prizren. A team of cultural heritage inspectors from the Ministry cooperated with the municipal inspectorate to identify illegal demolitions and constructions in the protected zone and handed over the cases identified to the judicial authorities.

## **VI. Rule of law and human rights**

31. On 5 February, three years after the adoption of the law granting legal status to victims of sexual violence during the Kosovo conflict and establishing a legal basis for their compensation, the government of Kosovo officially launched the application process for wartime survivors of sexual violence to be granted legal status as a victim of war. The Ministry of Labour and Social Welfare authorized four non-governmental organizations specializing in this area to support the application process.

32. During the reporting period, efforts continued to ensure that the justice system in Kosovo is in line with international and European Union standards. In early February, the government reviewed and approved a package of key amendments to legislation regulating the functioning of the judicial system, including the law on courts and the law on the disciplinary responsibilities of judges and prosecutors. On 13 April, the government approved a new draft of the Kosovo criminal code, which includes, inter alia, stricter penalties for offences related to corruption and misuse of official duty. Presenting the bill to the government, the Minister of Justice said that the new code would be in line with European Union standards and would enable Kosovo to successfully fight corruption and organized crime.

33. The Kosovo court system continued to assume responsibility for presiding over new cases hitherto dealt with by EULEX. For example, on 20 February, a case involving a former member of the Assembly of Kosovo, Azem Sylja, and 38 other individuals, accused of expropriating socially owned properties in Kosovo, resulting in damages of EUR 30 million to the government budget, was transferred from EULEX to local judges. The charges included fraud, money-laundering, organized crime and falsification of official documents. On 12 March, Mr. Sylja was released from custody and placed under house arrest.

34. In a separate case, on 26 February, the Appeals Court overturned the verdict of the Basic Court of Pristina, which in November 2017 had convicted three Vetëvendosje party members, including a member of the Assembly, of throwing a grenade at the Assembly building in 2016. The case was sent for retrial. On the same day, the defendants were released from detention on remand. In a separate development, on 9 March, the Basic Court of Gjakovë/Đjakovica acquitted, owing to a lack of evidence, former Kosovo Liberation Army commander and current Deputy Prime Minister, Fatmir Limaj, of war crimes in relation to the murder of two Kosovo Albanians in 1998 in Malishevë/Mališevo municipality, where Limaj served as zone commander.

35. On 21 March, 12 persons were arrested, 8 in Kosovo and 4 in Slovenia, in connection with the smuggling of 300 migrants from Kosovo to Slovenia. The arrests were the result of a joint operation involving the Kosovo Police, the Kosovo Prosecutor's Office in Mitrovica, the Slovenian National Police, the Slovenian State Prosecutor's Office, EULEX and the European Union Agency for Law Enforcement Cooperation (Europol).

36. The appointment of the Specialist Prosecutor of the Specialist Prosecutor's Office, David Schwendiman, came to an end on 31 March, with his deputy serving as Acting Specialist Prosecutor until the appointment of a successor. In a related development on 14 March, 40 lawyers from Kosovo and beyond were cleared to perform defence counsel services in cases before the Kosovo Specialist Court.

37. The International Committee of the Red Cross convened a meeting on 27 February of the Working Group on Missing Persons in relation to the events of 1998–1999 in Kosovo. At the meeting, the Belgrade and Pristina delegations highlighted the need for the Working Group to shift from a humanitarian to a justice-based approach, and to focus on finalizing unsolved cases of missing persons.

38. On 1 March, the Special Rapporteur in the field of cultural rights, Karima Bennouna, presented her report on Serbia and Kosovo at the thirty-seventh session of the Human Rights Council in Geneva. The report includes findings and recommendations following the Special Rapporteur's visit to Serbia and Kosovo from 3 to 14 October 2016. It focuses on the right to participate in cultural life, including the right to access and enjoy cultural heritage without discrimination, and emphasizes the need for an appropriate legal and institutional framework.

39. On 2 March, the first shelter for domestic violence victims in a non-majority area was opened in Novobërdë/Novo Brdo municipality. The shelter will provide a temporary home for victims of domestic violence, regardless of their ethnicity.

## **VII. Women, peace and security**

40. On 5 March, in collaboration with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), UNMIK hosted the eighth Global Open Day on Women, Peace and Security, which focused on women's political participation. The event, which was opened by my Special Representative, together with the Vice-President of the Kosovo Assembly and the head of UN-Women in Kosovo, brought together over 150 participants, including members of the Assembly, government officials, civil society activists and representatives of the international community. The event served as an opportunity to, inter alia, capture the experiences of women candidates in the 2017 elections in Kosovo, discuss structural barriers to women's participation in political life in Kosovo and review the use of electoral gender quotas. Participants identified a need to ensure that Kosovo legislation complies with the standards set by the Law on Gender Equality; promote women to leadership positions within political parties; and address patriarchal norms and stereotypes regarding women's role in politics.

41. A number of additional events were conducted on the occasion of International Women's Day. On 6 March, KFOR organized a conference, bringing together representatives of the Kosovo government, international organizations and non-governmental organizations, focusing on challenges to women's security in Kosovo and the role of women as actors for peace and security. On 8 March, OSCE, with the Embassy of France in Kosovo, organized a high-level forum on property rights of women in Kosovo, which addressed, inter alia, traditional norms that hinder women from claiming and owning property. Participants underlined the impact of women's lack of access to property and inheritance rights on socioeconomic development in Kosovo and the need to improve mechanisms for the protection of women's property rights.

42. On 13 March, the North Mitrovica non-governmental organization Women's Rights, in partnership with the South Mitrovica women's rights organization Mundësia and with support from UNMIK, held its third trust-building dialogue session, entitled "Women in Politics". The event, which brought together Kosovo Albanian and Kosovo Serb women from North and South Mitrovica, highlighted that women's participation in politics remained low in Kosovo and hence that it was necessary for women holding political positions to share their experiences.

## **VIII. Partnerships and cooperation**

43. During the reporting period, UNMIK implemented two confidence-building measures. The first supported three multi-ethnic women's groups in Pejë/Peć, Klinë/Klina and Istog/Istok municipalities in building women's entrepreneurial skills and helping women start up their own businesses. The second, in Istog/Istok municipality, supported the establishment of a community centre and the training of over 200 youth from different ethnic backgrounds in conflict resolution and inter-community trust-building.

44. UNMIK also continued to implement programmatic activities in the areas of trust-building, human rights and rule of law. During the reporting period, 36 activities were launched, in close cooperation with the United Nations Kosovo Team, to improve, inter alia, access to justice, the capacities of Kosovo justice and corrections



institutions to address juvenile delinquency and the capacities of law enforcement agencies to address gender-based and domestic violence. In addition, UNMIK, in close cooperation with the United Nations Kosovo team and other international partners, prepared for a Kosovo trust-building forum, to be held from 6 to 8 May, bringing together representatives from a wide spectrum of Kosovo society, including local government, civil society, academia and media, as well as religious, youth and women's groups.

45. My Special Representative continued his visits to municipalities in Kosovo. On 7 March, he visited Zubin Potok and Zvečan/Zvečan municipalities and discussed recent developments, including the security situation, with the mayors. In Zvečan/Zvečan municipality, he also opened an event hosted by the chair of the municipal assembly and head of the women's caucus, which included a panel discussion on the situation of women, held on the occasion of International Women's Day. On the same day, my Special Representative visited the courthouse in North Mitrovica, where the President of the Basic Court of Mitrovica highlighted challenges related to compliance with language provisions in the law. On 14 March, my Special Representative visited Kamenicë/Kamenica municipality, where the mayor lamented the lack of investment and lack of employment opportunities in the municipality and highlighted progress towards gender parity in local institutions, with 6 out of 11 of the newly appointed municipal directors being women.

46. On 11 April in Pristina, UNMIK organized a working session of a platform comprising youth from mixed ethnic backgrounds under the heading "Stories from the other side". Young women and men discussed challenges to inter-community relations, youth inclusion in decision-making processes at local and central levels and ways of addressing the widening education-to-employment gap, including through capacity-building initiatives for young people.

47. UNMIK continued to provide document certification services. A total of 929 documents were processed, including 451 relating to pensions and 478 to civil status, such as high school and university diplomas, and marriage, birth and death certificates. UNMIK also continued to facilitate liaison between the Kosovo authorities and the International Criminal Police Organization (INTERPOL). During the reporting period, UNMIK received and processed 45 requests for the issuance of international wanted notices.

## **IX. Observations**

48. I am concerned by signs of deterioration in the relations between Belgrade and Pristina, particularly following the arrest of the Director of the Office for Kosovo and Metohija of the Government of Serbia, Marko Đurić, on 26 March. I call on both sides to avoid provocative actions and refrain from inflammatory rhetoric. I urge the leadership in Belgrade and Pristina to continue to address issues of concern through dialogue and to show the political will necessary to ensure full normalization of their mutual relations.

49. The conduct of Kosovo police during a high-profile operation such as the arrest of Mr. Đurić, which resulted in a number of injuries, is cause for concern. A thorough inquiry is needed into the events of 26 March, with corrective action in case of failures to uphold human rights.

50. I note, with concern, the slow pace of progress of the investigation into the murder on 16 January of the Kosovo Serb politician Oliver Ivanović. So long as credible answers and justice are not obtained, mutual suspicions and perceptions of

insecurity will continue to undermine efforts to build trust amongst communities throughout Kosovo.

51. The European Union-facilitated dialogue between Belgrade and Pristina seems to have reached another standstill following its brief resumption — both at the technical and political levels — in March. I urge both sides to provide new impetus to the dialogue process, in order to ensure the full implementation of all agreements reached to date.

52. I am encouraged by the ongoing efforts to operationalize an integrated Kosovo judiciary, in line with the agreements reached between Belgrade and Pristina under the framework of the European Union-facilitated dialogue. I call upon the Kosovo institutions involved to provide the necessary support in order to overcome remaining obstacles.

53. I welcome the ratification of the territorial delineation agreement with Montenegro by the Assembly of Kosovo, an indication of the commitment of Kosovo to its European perspective. Despite persistent efforts by some members of the Assembly to obstruct its work, including by violent means, the Assembly managed to conclude a matter that for too long had diverted its attention from other pressing issues.

54. I once again reiterate my call to contribute to the trust fund which was established further to the work of the UNMIK Human Rights Advisory Panel to support the Ashkali, Egyptian and Roma communities affected by lead poisoning in Kosovo. Contributions to the trust fund will support the implementation of projects addressing the most pressing needs of these vulnerable communities, particularly in the areas of health, economic development and infrastructure.

55. I am grateful to my Special Representative, Zahir Tanin, and to the Mission at large for their unwavering commitment to promote progress towards long-term peace and stability for Kosovo and the region, in cooperation with local counterparts and international partners. I also reiterate my appreciation to the United Nations agencies, funds and programmes on the ground for their ongoing collaboration with UNMIK and to the long-standing international partners of the United Nations in Kosovo, including the European Union, KFOR and OSCE.

## 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 from 16 January to 15 April 2018**

#### **1. Summary**

On 21 March, Kosovo law enforcement authorities, together with Europol and the European Union Rule of Law Mission in Kosovo (EULEX), supported a Slovenia-led operation to apprehend migrant smugglers as part of a cross-border operation aimed at dismantling an organized crime group on the Balkan route.

Challenges to the efficiency of the court system still remain, in particular instantaneous adjournments of court hearings or late commencements and unduly prolonged sessions.

Political interference and preferential treatment in the Kosovo Correctional Service for a number of high-profile prisoners remain concerning. This includes hospitalizations of high-profile prisoners not in compliance with the Service's escort regulations.

#### **2. Activities of the European Union Rule of Law Mission in Kosovo**

##### **2.1. Executive**

###### *Organized crime and corruption*

On 1 February, a panel of one local judge and two EULEX judges at the Pristina Basic Court rendered its judgment against a defendant and found him guilty of one count of drug trafficking. The defendant received a prison sentence of six years. At the same hearing, the defendant was acquitted of eight other charges linked to drug trafficking, including organized crime. He was also acquitted of murder charges owing to a lack of evidence.

On 14 March, a panel of one local judge and two EULEX judges at the Mitrovica Basic Court announced its verdict in a criminal case against two defendants and found them guilty of smuggling migrants. One was sentenced to four years' imprisonment and the other to two years and three months' imprisonment.

On 21 March, Kosovo law enforcement authorities, together with Europol and EULEX, supported a Slovenia-led operation to apprehend 12 migrant smugglers as part of a cross-border operation aimed at dismantling an organized crime group involved in the smuggling of migrants from Kosovo to Slovenia via the Balkan route.

On 29 March, a panel of EULEX judges at the Mitrovica Basic Court acquitted a defendant charged with organized crime and unauthorized purchase, possession, distribution and sale of dangerous narcotics.

###### *War crimes*

Following the assassination on 16 January outside his office in Mitrovica of the only defendant in a war crime case, the trial against him was terminated.

The main trials continued in the war crime cases "Vukotić I" and "Vukotić II". In addition, the war crime case "Vukotić III" is at the Court of Appeals further to an appeal against the ruling on the indictment.

*Handover of cases and case files*

EULEX continued to hand over cases, case files and evidence to Kosovo institutions. EULEX prosecutors handed over cases and case files to the EULEX Special Prosecution Office of Kosovo and the Basic Prosecution Office of Mitrovica. Meanwhile, EULEX judges continued to transfer cases to local counterparts.

*Institute of Forensic Medicine*

EULEX forensic experts identified the remains of one missing person. In addition, they handed over 2 individual and 13 sets of remains to the respective families.

Two Kosovo forensic doctors successfully completed an advanced course in forensic anthropology provided by the University of Leicester and have continued, in parallel, with their on-the-job training in forensic anthropology.

*Property rights*

The Kosovo Property Agency Appeals Panel adjudicated 34 cases, with 183 pending (17 of which are being translated). The Special Chamber of the Supreme Court for privatization matters rendered 2,471 decisions in first-instance trial panel cases and finalized 539 cases at the appellate panel level. A total of 21,329 cases are pending before the Special Chamber of the Supreme Court.

**2.2. Strengthening***Case monitoring*

Challenges to the efficiency of the court system remain, including immediate adjournments of court hearings, late commencement and unduly prolonged sessions, often resulting in unproductive hearings. This is due mainly to the frequent rotation of prosecutors and unexpected reassignment of judges.

Following the assassination of the Kosovo Serb politician Oliver Ivanović on 16 January, EULEX monitored the situation and liaised with relevant counterparts. On 26 February, EULEX monitored a joint coordination meeting at the Basic Prosecution Office of Mitrovica, attended by both Kosovo Serb and Kosovo Albanian prosecutors and the police investigation teams. On 7 March, at the request of the Chief Prosecutor, the Ivanović case was transferred to the Special Prosecution Office of Kosovo, owing to the complexity of the case. On 13 March, EULEX facilitated a first information-sharing meeting on the investigation between representatives of the Kosovo and Serbian police at Gate 3 on the Administrative Boundary Line.

Following the arrest of Marko Đurić on 26 March, EULEX, at the request of Kosovo Police, activated its role as second security responder and patrolled relevant areas in northern Kosovo.

*Judiciary*

Notable challenges remain with regard to the selection processes for senior positions in the judiciary. EULEX monitored the reselection process for the positions of presidents of the Supreme Court and of the Court of Appeals after the original process was challenged before the Constitutional Court, as well as the selection process for five presidents of basic courts and supervisory judges of court branches. Additional efforts are needed for these recruitment processes to be implemented in an unbiased and transparent manner, with strict adherence to the rules of procedure and fair and equal treatment of all candidates.

The selection processes for 21 prosecutors and 39 legal officers in the prosecutorial system were positively assessed, in line with the applicable rules and regulations, demonstrating the extraordinary commitment of the selection commission to complete its work efficiently and within extremely tight timelines.

Of the 2016 package of laws, only two regulations remain to be adopted by the Kosovo Judicial Council: the regulation on lay judges and the regulation on professional associates. These have, however, been put on hold until the adoption of amendments to the Law on Courts and the Law on the Kosovo Judicial Council. Once adopted, all previously adopted regulations need to be reviewed again to reflect any related changes.

#### *Kosovo Correctional Service*

Political interference in the Kosovo Correctional Service and preferential treatment of a select group of high-profile prisoners remain issues of concern. Since February 2018, EULEX has noted an increase in the number of hospitalizations of high-profile prisoners, coupled with a continued lack of full compliance with Kosovo Correctional Service escort regulations, in particular concerning prisoners from Dubrava Correctional Centre.

In response, EULEX prepared a report for the Dubrava Correctional Centre privileges panel with several recommendations to enhance its functioning. It also recommended to the Kosovo Correctional Service and the Conditional Release Panel that they ensure that, in line with the legal requirements, all prisoners receive a written response within three days to their requests for information concerning a Conditional Release Panel ruling. EULEX had received continual complaints from Dubrava Correctional Centre prisoners that the Conditional Release Panel did not provide information in case of denial of their requests, thereby depriving them of the option of a review of their cases.

The vacancy for the position of Director General of the Kosovo Correctional Service was opened again in December 2017/January 2018, after the previous selection process was cancelled in July 2017. From the 11 applications received, 5 candidates were shortlisted and invited for interview. The process was steered by the co-implementing partner of the project of the Embassy of the United Kingdom of Great Britain and Northern Ireland for assistance in recruiting senior officials in Kosovo institutions, and monitored by EULEX, resulting in three candidates being proposed to the Minister of Justice for final presentation of one candidate to the government.

The Kosovo Correctional Service continues to suffer from infrastructure, staffing and management weaknesses. Since January, staff and management at Lipjan Correctional Centre have failed to take adequate measures to ensure the safety and security of juveniles in their custody, who have set cells on fire, vandalized premises and committed self-harm. Contraband, mainly cell phones and related equipment, in particular in Dubrava Correctional Centre, remains a problem, and the increasing quantity of narcotics recently being found, with all its side effects, is highly concerning and requires immediate action.

#### *Kosovo Police*

In an effort to improve its ethnic and gender balance, of the 270 vacant positions to be filled in the recruitment drive taking place in the second quarter of 2018, the Kosovo Police is considering assigning 30 per cent to female officers. While public support for an increase in female representation in the police and the use of a quota are encouraging, additional affirmative action is needed to support this initiative. The affirmative action taken by the Kosovo Police to encourage serving officers from

minorities to apply for the Special Operations Unit Pristina-Mitrovica was a positive development; however, to date, there were insufficient applicants.

#### *Police Inspectorate of Kosovo*

EULEX also observed with concern the ongoing undue interference and reported pressure within and outside the Police Inspectorate of Kosovo and the Kosovo Police Economic Crime Unit. On 5 March, the Pristina Basic Court annulled as unlawful the selection process for 17 investigator and inspector positions at the Police Inspectorate of Kosovo. Previous successful candidates had filed a lawsuit against the Ministry of Internal Affairs and Police Inspectorate of Kosovo. The Ministry of Internal Affairs has appealed the decision.

#### *Forensics*

On 2 March, EULEX, in partnership with UN-Women, facilitated the first in a series of working-level meetings with representatives of the Kosovo Police, the Office of the Chief Prosecutor, the Institute of Forensic Medicine and the Kosovo Forensic Agency. The aim of the meetings is to support and strengthen cooperation among all partner agencies on the identification, acquisition, analysis and presentation of forensic evidence in investigations into sexual and gender-based violence, including through the development of cross-institutional standard operating procedure.

#### *European Union-facilitated dialogue*

EULEX continued to advise Pristina and Belgrade, at the appropriate level, and to facilitate integrated border management meetings. In addition, EULEX has been called upon to facilitate and to undertake follow-up enquiries on issues related to the implementation of the integrated border management technical protocol. Finally, after nine months of inactivity, the Minister of Internal Affairs assumed the role of new Integrated Border Management National Coordinator, promising a revitalization of the implementation of the integrated border management action plan and the development of the Centre for Border Management. However, the Minister resigned in April.

As regards the permanent common crossing points to be opened by Pristina, construction work is ongoing at Merdarë/Merdare and Mutivodë/Mutivode. No progress has been made at the common crossing point of Bërnjak/Tabalije and at the three permanent common crossing points to be opened by Belgrade.

As regards the technical-level implementation of the freedom of movement agreement of 2011, an expert-level meeting between the Belgrade and Pristina teams was held in Brussels from 19 to 21 March under the framework of the European Union-facilitated dialogue. The meeting provided a good opportunity for the Pristina team to present its progress to date. However, challenges remain regarding the implementation of the final arrangements, as agreed in September 2016. These concern, inter alia, the implementation of the sticker regime, the registration process for vehicles in northern Kosovo, insurance bureaus based on the insurance agreement and the recognition of civil status documents issued by parallel structures.

On 16 March, following the advice of EULEX, the Ministry of Internal Affairs signed an administrative instruction on registration of vehicles with KS licence plates including two related decisions. One decision allowed for the continuation of the process of exchanging temporary licence plates with the letters RP for plates with the letters KS or RKS, which had closed in August 2017, despite 610 remaining vehicles with temporary RP plates. The other decision guaranteed tax exemption for the registration of vehicles with KS or RKS plates, for vehicle owners in possession of Former Republic of Yugoslavia (FRY) or similar plates.

Regarding the integration of the 39 remaining former Serbian interior ministry administrative staff into municipal civil status offices in northern Kosovo, the Kosovo government approved a decision on funding for additional staffing. Once the decision has been approved by the Minister of Finance, the Kosovo Ministry of Local Government Administration can proceed with the recruitment process.

#### *Capacity-building activities*

In order to strengthen the investigation and prosecution of crimes relating to sexual abuse and domestic violence in Kosovo, EULEX, together with the Kosovo Police and the Embassy of the United States, organized a training session on forensic and interviewing techniques for approximately 50 Kosovo Police investigators.

EULEX also held a training workshop on intelligence-led policing and strategic planning for Kosovo Police. The training focused on the integration of intelligence-led policing into Kosovo Police policies, procedures and activities at the managerial level.

EULEX, together with the Kosovo Academy of Justice and with the involvement of international experts, organized two training courses for Kosovo prosecutors and prosecution officials. The first, on international criminal law tools for investigating and prosecuting war crimes under the jurisdiction of Kosovo, was aimed at enhancing the capacity of Kosovo prosecutors to investigate and prosecute war crimes cases by applying the legal tools of international criminal law. The second, on media communication, was aimed at increasing the capacity of Kosovo prosecutors in communication with media and handling of sensitive cases.

### **3. Other key issues**

Nothing significant to report.

## Annex II

### Specialist Chambers and Specialist Prosecutor's Office

On 14 March 2018, further to a rigorous assessment of all candidates, 40 lawyers were admitted to the lists of Specialist Defence Counsel and Victims' Counsel. The response to the opening of the lists has been positive; the application process remains open, and the Specialist Chambers continues to receive applications.

In furtherance of its mandate to ensure the rights of accused, victims and others appearing before the court, the Specialist Chambers has continued to focus on bolstering its accountability systems by adopting a code of professional ethics for interpreters and translators on 13 March, continuing its work on a code of professional conduct for counsel, and finalizing legal aid regulations, in line with best practices for the provision of legal assistance to accused and victims.

On 15 and 16 March, Specialist Chambers' judges convened in The Hague for their third plenary. During the plenary, the judges were given informative presentations and had discussions with units of the Registry directly supporting and assisting judicial proceedings. The judges were also informed about all activities performed by the Registry throughout the previous year and discussed milestones ahead. Following discussions at the plenary, the President assigned a group of three judges to identify topics relevant for the effectiveness and efficiency of future proceedings. A judge of the Specialist Chamber of the Constitutional Court was also assigned to identify case law of the Kosovo Constitutional Court and of the European Court of Human Rights, where applicable, relevant to the future work of the Specialist Chambers.

The Specialist Chambers continues to engage in close collaboration with the host State in order to facilitate its work, including in relation to the renovation of the future premises of the Court in The Hague. On 25 January, the Registrar met with the Ambassador for International Organizations of the Kingdom of the Netherlands, and on 29 March and 11 April the Deputy Registrar participated in steering committee meetings regarding the renovations of the premises.

The Specialist Chambers continues to prioritize its outreach activities to ensure that its mandate is understood and to foster direct communications with affected communities. In January, a grant agreement was signed with the Government of Switzerland to increase the outreach activities of the Specialist Chambers and Specialist Prosecutor's Office in Kosovo over two years, enabling the Specialist Chambers to expand upon its outreach work and add to originally planned activities.

From 5 to 8 February, the Specialist Chambers held consultations with civil society in Kosovo on future outreach activities. On 6 February, the Head of the Defence Office and the Head of the Victims Participation Office met with members of the Kosovo Bar Association in order to provide technical information on applications and admissions to the list of counsel. In March, the Specialist Chambers Head of Public Information and Communication Unit and the Head of the Victims Participation Office held meetings on outreach activities with 115 representatives of women's groups from the Kosovo Women's Network and with members of civil society in North Mitrovica.

On 21 March, the Deputy Registrar, in cooperation with the nongovernmental organization the Humanitarian Law Centre, held a panel discussion in Pristina, at which representatives of the Specialist Chambers briefed non-governmental organizations, lawyers and members of the diplomatic community on the mandate and structure of the Chambers. In February and March, representatives of the Specialist Chambers also held numerous individual meetings with representatives of civil



society, journalists, international organizations and diplomatic representatives in Pristina; and the Specialist Chambers continues to host group visits through its visitors' programme.

The Specialist Chambers further reinforced its communications with European Union and international partners. On 29 January, the Registrar and Chef de Cabinet of the President briefed delegates of the European Union Council Committee for Civilian Aspects of Crisis Management on the activities of the Registry and Chambers. On 19 March, the European Parliament Rapporteur for Kosovo, Igor Šoltes, met with the principals of the Specialist Chambers and Specialist Prosecutor's Office in The Hague. On 21 March, the Specialist Chambers hosted a visit by the European Council Working Party on the Western Balkans Region. The Specialist Chambers' engagement with individual European Union Member States, third contributing States and other states remains ongoing, and is highly focused on garnering support for cooperation on witness protection and enforcement of sentences.

In accordance with its mandate as set out in the special law adopted by the Kosovo Assembly in August 2015, the Specialist Prosecutor's Office has continued the investigation into the allegations contained in the report of January 2011 of the Council of Europe Parliamentary Assembly entitled "Inhuman treatment of people and illicit trafficking in human organs", which it took over from the Special Investigative Task Force in September 2016. In recent months, the Specialist Prosecutor's Office has also been carrying out a systematic review of all evidential holdings, in compliance with requirements under the Rules of Procedure and Evidence.

David Schwendiman, who was appointed Specialist Prosecutor in September 2016, stepped down on 31 March 2018, when his fixed-term appointment as a Senior Foreign Service Officer in the United States State Department came to an end. Since Mr. Schwendiman's departure, Kwai Hong Ip, the Deputy Specialist Prosecutor, has been serving as Acting Specialist Prosecutor with the same authorities as the Specialist Prosecutor, and there has been no interruption in the work of the Specialist Prosecutor's Office. The special law gives the Specialist Prosecutor, among other things, the authority to call upon Kosovo institutions to assist him. When it has been in the interest of the investigation, assistance has been requested and that assistance has been provided to date. The Specialist Prosecutor will continue to seek assistance from any person and any institution, domestic or international, to advance the investigation and to ensure that it is done objectively, professionally, impartially, thoroughly and well. Assistance from authorities in Belgrade and Pristina, as well as from the European Union and the wider international community, is essential. The Specialist Prosecutor's Office requires the continued engagement and full support of the international community, international organizations and individual states in all its activities.

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

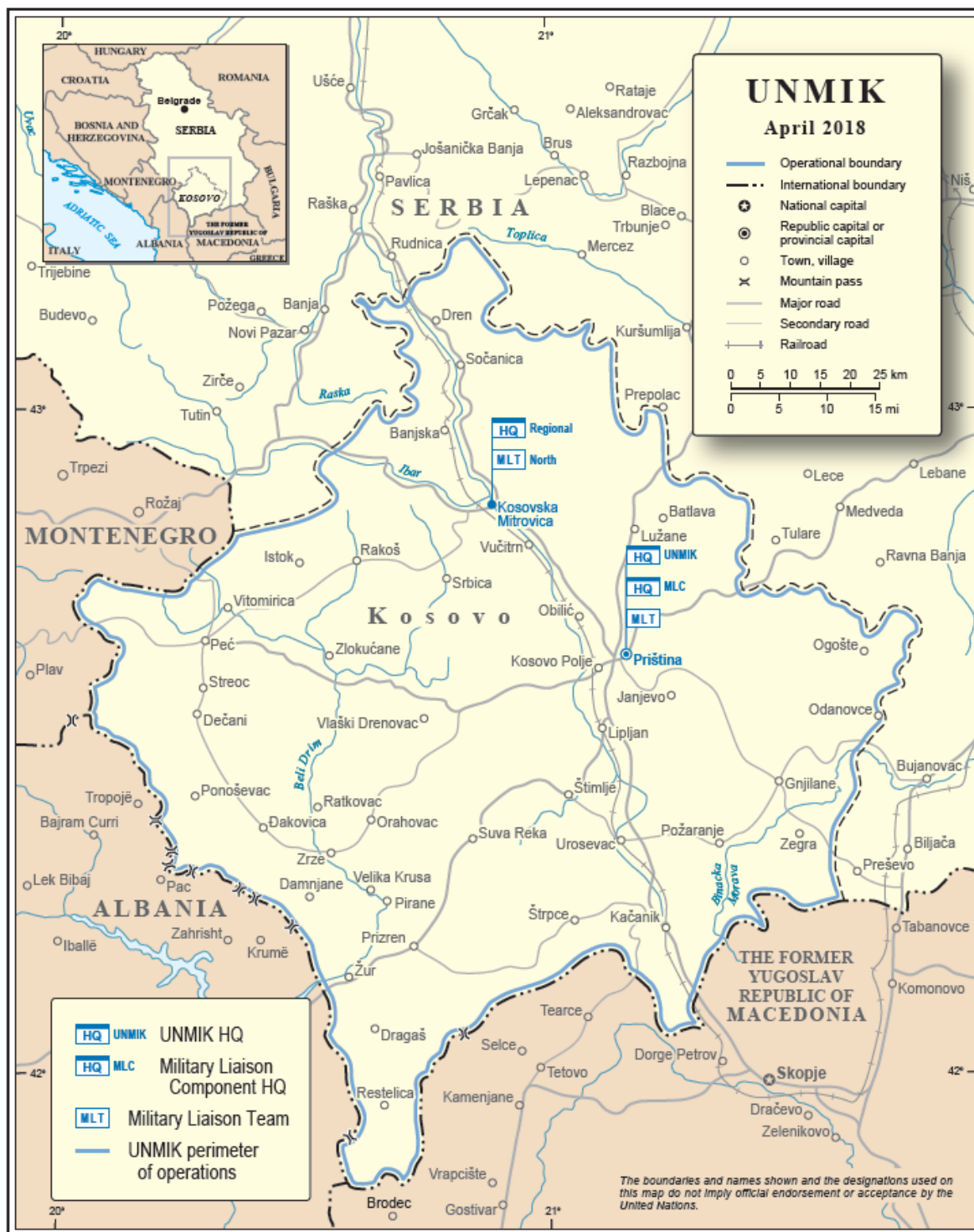
(as at 15 April 2018)

<i>Country</i>	<i>Number</i>
Austria	1
Bulgaria	1
Finland	1
Germany	2
Hungary	1
Russian Federation	2
Turkey	1
<b>Total</b>	<b>9</b>

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

(as at 15 April 2018)

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



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Department of Field Support  
Geospatial Information Section (formerly Cartographic Section)