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 should 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 2012.

2. The priorities of the Mission, to promote security, stability and respect for human rights in Kosovo and in the region, remain unchanged. In furtherance of its goals, UNMIK continues to intensify its constructive engagements with Pristina and Belgrade, the communities in Kosovo, and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (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 continue to work closely with the Mission.

II. Political developments and northern Kosovo

3. During the reporting period, among other developments, there were some encouraging signals of commitment by the parties to engaging with one another through peaceful means and dialogue to resolve their differences.

4. After a new Government was formed in Serbia on 23 July, technical discussions on the implementation of agreements reached to date in the European Union-led dialogue made some progress, although the plenary discussions remained suspended, pending an agreement on the format and content of future discussions. On 25 September, Belgrade endorsed the technical protocol on the implementation of the agreement on the joint management of crossings (see S/2012/72, para. 18). Consultations between Serbia and the European Union on the interpretation of the footnote corresponding to the asterisk in “Kosovo*” (see S/2012/275, para. 13) in the context of participation in regional forums also helped to clarify the ambiguity caused by differing interpretations of the agreement by the parties.
5. On 23 and 24 July, I visited Belgrade and Pristina as part of my visit to the western Balkans. I met the Serbian leadership and representatives of the Kosovo authorities and of international organizations with mandates in Kosovo. I stressed the importance of seeking peaceful solutions to politically sensitive issues and exercising moderation to avoid steps that could inflame the situation. I urged both sides to make stronger efforts to improve mutual relations, including through a serious and sincere commitment to the European Union-led dialogue. In my discussions with local and international stakeholders, I also emphasized the continued important role of UNMIK in accordance with Security Council resolution 1244 (1999).

6. On 10 September, the Kosovo authorities and the International Steering Group, composed of States that recognize Kosovo, declared the end of the “supervised independence” of Kosovo and affirmed the Constitution of Kosovo as the “sole” legal framework. The decision also envisages the closure of the International Civilian Office that was established under the Comprehensive Proposal for the Kosovo Status Settlement (see S/2007/168/Add.1).

7. On the same day, the Assembly of Kosovo adopted a package of legislative and constitutional amendments removing from the Constitution provisions concerning international supervision of Kosovo. The adopted constitutional amendments revised the system of reserved seats for minority communities and, while the number of guaranteed seats remains 10 for the Kosovo-Serb community and 10 for the other communities in the 120-seat Assembly, these communities are unlikely to secure additional seats beyond the guaranteed 20 seats.

8. In relation to EULEX, as indicated in my previous report of 3 August 2012 (S/2012/603, annex I), I have been informed that EULEX began its reconfiguration on 15 June following the extension of its mandate by the Council of the European Union until 14 June 2014. I understand that, while the mandate remains unchanged, the reconfiguration is, among other things, intended to improve the EULEX organizational structure and its efficiency in key areas, including in the justice sector and in northern Kosovo, and downscale operations in other areas.

9. On 4 September, the High Representative of the European Union for Foreign Affairs and Security Policy responded positively to an invitation letter from the Kosovo leadership on the continued presence of EULEX under its current mandate until 14 June 2014. The response and invitation letters were ratified as an international agreement by the Assembly of Kosovo on 7 September.

10. Challenges and tensions in the relations between Pristina and northern Kosovo remain. At a joint session, held on 14 September in Zvečan/Zvečan, assemblies of the Belgrade-supported northern municipal structures declared that the northern municipalities and their residents would not recognize the independence of Kosovo in any form. Late in July, Kosovo Serbs blocked for several days the official crossing at gate 1 at Jariņje/Jarinje in Leposaviq/Leposavić municipality to protest against the continued presence of Kosovo police and Customs officers at the crossing. The northern Kosovo Serb political leaders also disapprove of the endorsement by Belgrade of the technical protocol on the implementation of the agreement on the joint management of crossings.

11. On 9 and 10 September, KFOR conducted operations to control traffic at several unauthorized crossings in the north. While Northern Kosovo Serb
representatives sought to discourage KFOR from conducting the operations, no violent actions against KFOR were reported.

12. The Kosovo authorities have initiated steps to establish communication with the population in northern Kosovo. The Mitrovica North administrative office, with six departments and 55 employees, has begun providing services, including civil registration services, business and non-governmental organization registration services, cadastre records and construction permits that are issued by Mitrovica municipality in the south. It has implemented and is putting out to tender a range of projects intended to build public confidence, including the rehabilitation of playgrounds, the renovation of public buildings and a local road, and the installation of wireless Internet access in public parks. Regrettably, there have been reports of suspected intimidation of staff of the office, including the burning of three private vehicles of staff residing in northern Kosovo.

13. The reallocation of funding from the Kosovo budget with effect from 1 July notwithstanding, UNMIK Administration Mitrovica continued to operate, providing some limited public municipal services in northern Mitrovica. The Belgrade-sponsored municipality increased spending on service provision.

14. At the same time, the local Kosovo Serb population and the Belgrade authorities reacted negatively to the refusal by Pristina to accede to visits to Kosovo by the Director of the Office for Kosovo and Metohija of the Government of Serbia following disputes over his itinerary and the suspension of a local Kosovo police commander in the north for allegedly failing to act upon an arrest warrant issued against him.

15. EULEX has regularly deployed officers to both gates 1 and 31 and to three of the four main police stations in the north. Its ability to deploy to the Zubin Potok police station has been limited, however. In a positive development, in August, following consultations between EULEX, the Kosovo police and the municipal representatives of Zubin Potok, EULEX was able to gradually increase its presence at the station, where initially it had no monitoring officers, to four officers.

16. A disturbing setback occurred on 7 September, however, when a EULEX armoured vehicle and a Kosovo police escort vehicle came under automatic gunfire on their way to the police station in Zubin Potok. A female Kosovo police officer (an ethnic Serb) was injured. The perpetrators have not yet been identified. The international actors and local authorities condemned the attack. Northern Kosovo Serb political figures issued a joint statement in which they condemned the attack and called for its swift investigation. To improve the protection of the Kosovo police in Zubin Potok, an armoured vehicle was provided by the Kosovo police headquarters. Following discussions with local municipal representatives, EULEX partially suspended its mentoring and monitoring activities in Zubin Potok, while pursuing further dialogue with the municipality.

17. Nevertheless, encouraging efforts were made by leaders on both sides to soften the rhetoric and mistrust between the communities north and south of the Iber/Ibar River. During the reporting period, my Special Representative continued to closely interact with key actors at the community and political levels, including in Belgrade and Pristina, to promote constructive engagement. He also continued to impress upon the northern Kosovo Serb representatives the importance of dialogue at all
levels, and the unacceptability of confrontation with international presences on the ground.

III. Engagement between Pristina and Belgrade and practical arrangements

18. During the reporting period, the sessions of the European Union-led dialogue between Belgrade and Pristina remained suspended. In Belgrade, a new Government was formed on 27 July. During my visit to the region on 23 and 24 July, officials on both sides confirmed their intention to resume the process. The European Union has continued consultations with both parties on the resumption of the dialogue, stressing the need for Pristina and Belgrade to be ready to engage, including at the political level. The European Union welcomed the progress in the implementation of the agreements reached in the dialogue to date, stressing that there was a need for their full implementation without undue delay. The Government of Serbia has taken positive steps towards the implementation of the agreements on regional cooperation and the joint management of crossing points and has appointed a new head of the negotiating team.

19. During the reporting period, the implementation of the agreements reached in the dialogue progressed at various rates, as indicated below.

Regional cooperation. In September, the Government of Serbia issued an instruction in which it specified the conditions under which its delegations would attend regional meetings in accordance with the agreement reached on 24 February. This move resolved the impasse caused by the differing interpretations of the use of the footnote reference and should allow for the presence of both Belgrade and Pristina at future regional meetings.

Civil registry books. EULEX has continued to implement a pilot project in Niš, Serbia, within the framework of the agreement on civil registry books reached on 2 July 2011. The image taking/recording, printing and verification of religious, birth and marriage registry books for Lipjan/Lipljan municipality has been completed. With a total of 359 copies certified and handed over to the Kosovo authorities, the pilot project, which began in May, has been finalized. A full-scale project is envisaged to begin soon. The construction of the building to house the civil registry and cadastre records is almost complete.

Freedom of movement. In an effort to clarify vehicle registration procedures, the Kosovo institutions have established a commission to review applications to register vehicles with registration documents issued by the former Yugoslavia or Serbia. Both sides have also continued to seek a solution to the high vehicle insurance fees charged at the crossing points, but without results to date. In line with the decision by the Kosovo authorities, the validity of driving licences issued by Serbia for Kosovo residents ceased on 1 September. Consequently, the Kosovo police were instructed to confiscate such driving licences.

Certification of diplomas. During the reporting period, no diploma certification sessions were held by the European University Association; the next session is expected to be held in November.
Cadastre records. The Kosovo authorities have begun work on the legislation required to establish a technical agency for the implementation of the agreement on the cadastre records. The legislation is expected to be adopted by December. The Government of Serbia has provided a cost estimate for a project, to be funded by the European Union, to make copies of cadastre records held by Belgrade.

Integrated management of crossing points. On 25 September, Belgrade signed the technical protocol for the implementation of the agreement on joint management of crossing points. The tripartite implementation group, as foreseen in the protocol, was convened on 10 and 11 October and began discussions on the implementation of the agreement.

Free movement of goods. The agreement continues to be implemented satisfactorily, with the exception of crossings at gates 1 and 31 in northern Kosovo.

IV. Security

20. During the reporting period, the security situation in Kosovo was mainly calm. The Kosovo police conducted several successful operations against organized crime, involving human trafficking, smuggling of migrants, illegal possession of firearms, narcotics trafficking and fraud. On 7 August, the Kosovo police arrested 12 suspected human traffickers and, in the process, successfully rescued 22 female foreign nationals. The Kosovo police also conducted two major operations to combat currency counterfeiting, during which 10 individuals were arrested.

21. The Kosovo police also carried out initiatives to build confidence among all communities south of the Ibër/Ibar River through enhanced community policing, including more active participation by the police in the municipal community safety councils and local public safety committees.

22. In the north of Kosovo, security incidents and occasional tensions remain. In addition to the developments outlined in section II of the present report, a number of other serious incidents that occurred in the north included five hand grenade explosions, two of which damaged vehicles belonging to Kosovo Serb members of the Kosovo police; a physical assault on two Kosovo Albanian males, one of whom suffered serious injuries; shooting by a Kosovo Serb at three Kosovo Albanians (with no casualties reported); and a stabbing of a Kosovo Serb by a group of Kosovo Albanians that resulted in injuries to the former.

23. The situation south of the Ibër/Ibar River was generally stable. A serious incident occurred on 7 October, when unknown perpetrators fired automatic weapons from two locations near Stublilnë/Stublina village in south-east Kosovo towards a Serbian police checkpoint located on the opposite side of a local crossing point. The Serbian police returned fire. No casualties were reported. More than 60 empty shells were recovered. The incident followed two similar incidents in the same area in May and June, as mentioned in my previous report.

24. The number of incidents affecting minority communities remained at about the same level as during the previous reporting period. They consisted mainly of minor physical assaults, arson attacks on uninhabited houses, theft and damage to properties at returnee sites and illegal woodcutting on Kosovo Serb property. An exception was the physical assault and robbery of an 80-year-old Kosovo Serb by two Kosovo Albanian juveniles in which the victim sustained injuries. The Kosovo police
identified a 13-year-old suspect, who was not charged owing to his age. It is hoped that enhanced community policing will contribute to improved security and trust in the Kosovo police.

V. Rule of law

25. UNMIK continued to monitor activities and exercise some responsibilities in the area of rule of law, in addition to cooperating at the technical level with the ministries of justice and internal affairs of Kosovo and the Ministry of Justice of Serbia.

26. During the reporting period, UNMIK continued to receive requests for mutual legal assistance from non-recognizing countries and Serbia. On 4 September, it forwarded to EULEX 102 such requests that had been received since February from the Ministry of Justice of Serbia and had not been processed owing to the position of the Ministry of Justice of Kosovo not to acknowledge or act on requests communicated through UNMIK. In the future, UNMIK intends to forward such requests to EULEX for onward transmission to the Ministry of Justice of Kosovo. The implementation of the agreement on mutual legal assistance, signed on 12 August 2011 between EULEX and the Ministry of Justice of Kosovo, whereby the Ministry agreed to process requests for mutual legal assistance communicated through EULEX, began with the processing of requests received from Bosnia and Herzegovina, Greece and Slovakia. At the same time, UNMIK has continued to facilitate the interaction of Kosovo with the International Criminal Police Organization and its member States on a daily basis, including with regard to the issuance of red notices. One such notice was issued during the reporting period.

27. According to the Police Inspectorate of Kosovo, 191 criminal cases were registered from January to August 2012, compared to 143 in all of 2011. During the same period, the Inspectorate filed criminal charges against 59 officers and sent an additional 36 cases to the prosecutor, as compared to 46 and 18, respectively, in all of 2011. The increase in the number of cases processed may enhance public confidence in the willingness and ability of the police to address complaints regarding the conduct of officers.

28. UNMIK continued to monitor the Medicus case, in which alleged organ traffickers are being tried by the District Court of Pristina. The testimony of several witnesses was heard during the reporting period. On 9 September, the Office of the Serbian War Crimes Prosecutor made public part of a confidential witness statement in relation to the organ trafficking allegations.

29. UNMIK continued to support and encourage progress on the issue of missing persons. The International Committee of the Red Cross reported that the remains of 8 persons were identified during the reporting period, while 1,766 individuals remain missing. On 2 August, the Kosovo Commission on Missing Persons held a ceremony to mark the completion of the site assessment at Zhilivodë/Žilivode, with the participation of representatives of both the Pristina and Belgrade commissions for missing persons. On 18 and 19 September, Kosovo and Serbian family associations held an information meeting with representatives of the embassies of France, Norway, the Russian Federation and the United States of America, the head of the European Union delegation to Serbia, European Parliament member Jelko
Kacin, the Serbian Deputy War Crimes Prosecutor and the Commission on Missing Persons of the Government of Serbia.

VI. Returns and communities

30. The Office of the United Nations High Commissioner for Refugees (UNHCR) registered 287 individual voluntary minority returnees during the period from July to September 2012. It put the total number of internally displaced persons in Kosovo at 17,853 as at the end of September. UNHCR also continued to monitor the repatriation process for persons readmitted to Kosovo from Western European countries so as to identify their protection and human rights needs, with a particular focus on minority communities. During the reporting period, 559 people were readmitted to Kosovo and 9 sought asylum.

31. UNHCR, through its implementing partner, Civil Rights Program Kosovo, assisted 510 individuals in obtaining personal documentation and solving civil status issues. In August, it launched a six-month campaign on increasing awareness regarding the importance of birth registration among the Kosovo Roma, Ashkali and Egyptian communities. It also organized go-and-see visits to Kosovo for Kosovo Serbs, Roma, Ashkali and Egyptians displaced in Serbia.

32. UNHCR and the Danish Refugee Council continued to support the municipalities in the conduct of outreach activities to displaced persons in other municipalities of Kosovo, as well as in Montenegro, Serbia and the former Yugoslav Republic of Macedonia. Several projects continued, including “Return and reintegration in Kosovo III”, which provides technical support to the Ministry of Communities and Returns and five municipalities in Kosovo (Shtërpce/Štrpce, Novobërde/Novo Brdo, Prizren, Suharekë/Suva Reka and Partesh/Parteš) in addition to direct return and reintegration assistance. A second return assistance project to a part of the town of Prizren (Nënkalajë/Podkaljaja), including housing reconstruction for 15 Kosovo Serb families, is also being implemented with financial support from the United Kingdom of Great Britain and Northern Ireland.

33. In July, the Kosovo office of the International Organization for Migration began to implement the second phase of the European Union Community Stabilization Programme on behalf of the European Union Office in Kosovo. This 30-month programme will build upon previous efforts by the International Organization for Migration, the European Union and the Kosovo authorities to improve the socioeconomic conditions of vulnerable minority groups and target communities in 29 of the 38 municipalities of Kosovo, where minority groups are particularly affected by unemployment and poverty.

34. On 27 September, the Ministry of Local Government Administration, in cooperation with OSCE, presented the terms of reference and guidelines for the municipal communities committees. The documents are intended to build the capacity of the committees as important local community protection mechanisms in Kosovo. On 14 September, the Consultative Council for Communities held its inaugural session with a new composition, comprising 25 members, including representatives of the Kosovo authorities, political parties and civil society.

35. During the reporting period, sales by Kosovo Serbs of their properties and their relocation to Serbia proper stimulated renewed debate over the progress of
sustainable returns. Socioeconomic problems continue to be cited among the underlying factors prompting Kosovo Serbs to sell houses and land. Recurring security incidents in several returnee areas have, however, further contributed to perceptions of insecurity among potential returnees.

36. The frequent looting of uninhabited properties of internally displaced persons and returnees also remains a problem, exacerbated by vandalism and looting at religious sites, notably Serbian Orthodox graveyards and churches, and, in some cases, by direct verbal and physical assaults on returnees. UNMIK continues, together with the other international presences, to encourage the Kosovo authorities to address these problems more vigorously.

37. In this light, many municipal structures, including the municipal offices for communities and returns, the municipal communities committees, the municipal community safety councils and the local community safety councils, have stepped up their outreach and cultural activities, including conflict resolution training, in an effort to improve relations among communities. For example, the strategy and implementation plan for 2009-2015 for the integration of the Kosovo Roma, Ashkali and Egyptian communities is intended to address extreme poverty among those communities. In October, the Kosovo authorities launched a midterm review of the plan, which includes a series of high-level consultations involving the authorities, international stakeholders and civil society. Continued international engagement should complement local efforts to improve relations between the minority communities and the majority Kosovo Albanian community.

38. On 21 September, the Kosovo Agency of Statistics published the official results of the Population and Housing Census 2011. The conduct of the census was monitored by Eurostat and other international organizations. The Kosovo Serb population in the three northern municipalities and northern Mitrovica did not participate. The population of Kosovo was recorded as 1,739,825.

VII. Cultural and religious heritage

39. During the reporting period, stakeholder consultations continued on the future of the Reconstruction Implementation Commission, which is responsible for overseeing the implementation of the reconstruction work at some 35 Serbian Orthodox Church sites damaged during the unrest in March 2004. Although the Serbian Orthodox Church and the Kosovo Ministry of Culture, Youth and Sports have brought their positions closer, a compromise on the future of the Commission has yet to be reached. In the meantime, the Serbian Orthodox Church has begun seeking alternative sources of funding to finalize reconstruction works at some unfinished sites. The reconstruction of the church of Saint Jovan in Pejë/Peć was mainly completed with additional funds collected by the Raška-Prizren Diocese. In parallel, the reconstruction of two buildings of the Orthodox seminary in Prizren is under way, financed in part by a donation from the Russian Orthodox Church. Funds remain insufficient for the reconstruction of the seminary, however.

40. UNMIK continues to facilitate the activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Kosovo. During the reporting period, the second stage of the fresco restoration began at the Bogorodica Ljeviška church, funded by donations from several countries. In addition, reconstruction works funded by a donation from the Russian Federation continued at
three UNESCO cultural heritage sites: the Visoki Dečani monastery, the Gračanica monastery and the Peć Patriarchate monastery. In August, UNESCO put out to tender the restoration of the Gazi Mehmet Pasha hammam in Prizren, to be funded by a Turkish donation. A contract for the restoration of the Catholic cathedral in Prizren with a donation from Albania was signed in September, with the work due to begin in October.

41. Acts of vandalism and religious intolerance, ranging from thefts of money from Orthodox Church premises to desecration of Orthodox cemeteries, were also reported. In total, 10 cultural heritage sites — including 4 Serbian Orthodox churches and graveyards, 3 Islamic sites, 1 Catholic graveyard and 2 non-religious sites — were subject to thefts and vandalism during the reporting period. The Kosovo police classified the incidents as theft or damage of property. Investigations are continuing. In addition, four incidents of fire near Orthodox Church premises and cemeteries were reported, as was the desecration of a Serbian Second World War monument on the road between Shtërpçë/Štrpce and Prizren.

42. During my visit to Kosovo, I witnessed the rich cultural diversity in Prizren while visiting Muslim, Orthodox and Catholic sites. Further promotion of this valuable cultural and spiritual heritage on the basis of ethnic and religious tolerance remains central to achieving peace and a prosperous future for Kosovo. The full implementation of the recently adopted laws on the historic centre of Prizren and on the village of Hoçë e Madhe/Velika Hoča can contribute to achieving this objective.

43. With international facilitation, constructive interaction took place during the reporting period between the Serbian Orthodox Church and the local authorities in Pejë/Peć municipality. Elsewhere, the annual patron saint’s days in the Orthodox Holy Archangels and Zocëtë monasteries, which attracted hundreds of Orthodox worshippers, passed without incident, with extensive security provided by the Kosovo police.

VIII. Human rights

44. UNMIK continues to contribute to the promotion and protection of human rights in Kosovo. Under the joint coordination of UNMIK and the stand-alone office in Kosovo of the Office of the High Commissioner for Human Rights (OHCHR), the Human Rights International Contact Group and its two subgroups — on property rights and on security incidents affecting non-majority communities — continued to refine and strengthen joint international efforts to achieve accurate human rights reporting and to advocate appropriate remedial action by the Kosovo authorities.

45. In July, a coordinator was appointed to oversee all activities to tackle domestic violence in Kosovo. On 21 September, the Office of the Coordinator and the Kosovo Agency for Gender Equality in the Office of the Prime Minister began drafting standard operating procedures for victims of domestic violence, which are expected to be finalized by the end of 2012.

46. The Ombudsperson Institution of Kosovo submitted its eleventh annual report to the Assembly of Kosovo on 17 September, in which it stated that the most common complaints related to judicial performance, in particular delays in adjudicating cases and the non-implementation of court decisions. The Ombudsperson assessed that the
lack of commitment by official mechanisms, especially in terms of administration of justice, was leading to decreasing public trust in the judiciary.

47. On 20 September, the European Union and the Council of Europe launched a joint 18-month capacity-building project aimed at improving the implementation of European human rights standards in Kosovo. Its beneficiaries will include the Ombudsperson Institution, ministerial and municipal human rights units and civil society organizations. UNMIK and OHCHR will participate as observers in the project steering committee.

48. In July 2012, OSCE issued its third community rights assessment report, in which it examined the progress and effectiveness of Kosovo institutions in protecting and promoting the rights of communities during the period from July 2010 to December 2011. While noting that there was a comprehensive and sophisticated legislative framework in place, it said that much remained to be achieved in order to provide real and meaningful protection of communities’ rights that met domestic and international standards. OSCE mentioned that activities encouraging improvement of inter-community relations tended to be of an ad hoc nature and were often initiated by international and local non-governmental organizations, international organizations and civil society. OSCE considered budgetary constraints, property issues, compliance with legislative frameworks and the lack of political will and commitment to be some of the major challenges in the protection and promotion of the rights of communities. Key recommendations included allocating funds at all levels for the implementation of the strategy for the integration of the Roma, Ashkali and Egyptian communities; strengthening efforts to create conditions for the sustainable return and reintegration of displaced and repatriated persons; and recognizing the fundamental importance of inter-ethnic dialogue as a means to ensure tolerance and mutual understanding between communities in Kosovo.

49. The OHCHR office in Kosovo and the United Nations Entity for Gender Equality and the Empowerment of Women continued to support the Agency for Gender Equality in the development of a Kosovo action plan on the implementation of Security Council resolution 1325 (2000), which is expected to be finalized by the end of 2012.

50. On 12 September, the United Nations Kosovo team and UNMIK, together with the European Union and Kosovo women’s leaders and women’s organizations gathered for a global open day. The event afforded an opportunity for women from Kosovo to present their priorities and concerns and to reflect on the areas in which progress had been made over the past two years. Strong cooperation was noted between women in civil society, in addition to women’s involvement and representation in decision-making. The theme of the 2012 event was “Status of survivors of conflict-related sexual violence”. The number of survivors in Kosovo is unknown, largely owing to the stigma attached to speaking out. Survivors seek increased access to public services through relevant legislative acts and to economic opportunities and justice.
IX. Observations

51. The reporting period witnessed some positive developments in the efforts to implement the agreements reached in the European Union-facilitated dialogue. I welcome the assurances received both in Belgrade and Pristina regarding their readiness and commitment to resume substantive engagement within the dialogue, to resolve the contentious issues through peaceful means and to maintain their common European perspective. The past few months have shown that the parties are able to overcome obstacles created by differing interpretations of agreements and are willing to move forward. In this regard, the constructive steps taken during the reporting period with regard to the joint management of crossing points and regional cooperation offer grounds for optimism. Those steps should be followed by full implementation of these and other agreements reached during the past sessions of the dialogue. I look forward to the resumption of the sessions of the dialogue and hope that momentum can be created to allow Belgrade and Pristina to gradually but steadily move towards normalization of relations and establish lasting peace in the region.

52. The relative calm that prevailed during the reporting period, especially in the north of Kosovo, needs to be sustained. The security incidents and the resulting tensions described herein remain of concern and must be resolved peacefully and in a manner that addresses the legitimate concerns of the parties involved. I call upon the leadership in Belgrade and in Pristina, in addition to the local actors, to exercise the restraint, patience and goodwill necessary to bring about a sustainable solution. It is also important that the security and freedom of movement of mandated international presences, in particular EULEX, be ensured and respected.

53. I take note of the decision announced by the International Steering Group concerning the end of the “supervised independence” of Kosovo. At the same time, it is essential that the Kosovo institutions, with support from the international community, continue efforts to build a multi-ethnic and democratic society in Kosovo. Peaceful integration of minority communities, creation of conditions for sustainable returns and laying of the foundation for a long-term reconciliation among communities must remain priorities. This includes the continuing need to ensure the protection of cultural and religious heritage in Kosovo. In this respect, the enhanced role of the Kosovo police in community protection and combating organized crime, as noticed during the reporting period, is an important positive step.

54. I wish to express my gratitude to my Special Representative, Farid Zarif, for his leadership of the Mission and for his efforts to renew and strengthen cooperation among all sides, to pursue consensus solutions to the problems arising on the ground and to promote overall security and stability. I also wish to commend the staff of UNMIK for their commitment and efforts, especially in facilitating a more effective engagement among and between key stakeholders and upholding the responsibilities and objectives of the United Nations.

55. I conclude by extending my gratitude to the long-standing partners of the United Nations in Kosovo — KFOR and the North Atlantic Treaty Organization, the European Union and OSCE — and to the United Nations agencies, funds and programmes for their support for and cooperation with UNMIK.
Annex I

Report of the High Representative of the European Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

Summary

During the reporting period, the European Union Rule of Law Mission in Kosovo (EULEX) continued to carry out monitoring, mentoring and advising activities in the area of rule of law and to implement its executive functions according to its mandate. Four war crimes cases moved through the process of adjudication and a number of indictments were confirmed in high-profile cases. Several long-term prison sentences were pronounced by mixed panels of local and EULEX judges, mainly in corruption and organized crime cases. EULEX remained actively committed to supporting the European Union-facilitated Belgrade-Pristina dialogue. The Special Investigative Task Force, established in 2011 to conduct a full criminal investigation into the allegations contained in the report of the Council of Europe Special Rapporteur, Dick Marty, continued to actively investigate the allegations and to collect evidence relevant to its inquiry.

During the reporting period, EULEX access and operations in the north of Kosovo continued to be hampered by the volatile security situation on the ground. On 7 September, an attack in Zubin Potok disrupted the recently re-established activities of EULEX police in the area and affected the shift rotations performed at gate 31 in the field of EULEX police and Customs. Task Force Mitrovica nevertheless continued to conduct executive police operations and EULEX carried out monitoring, mentoring and advising tasks at Kosovo police stations in north Mitrovica, Zveçan/Zvečan and Leposaviq/Leposaviç. At the Mitrovica District Court, EULEX continued to conduct hearings and main trials.

On 4 September, the President of Kosovo sent an invitation letter to the High Representative of the European Union for Foreign Affairs and Security Policy, in which she welcomed the presence of EULEX and renewed the commitment of Kosovo to fully supporting the EULEX mandate. On 7 September, the Kosovo Assembly adopted the invitation letter and its acceptance by the High Representative with a two-thirds majority, providing an additional legal basis for EULEX to carry out its executive and monitoring, mentoring and advising functions under its current mandate until June 2014, pursuant to Council decision 2012/291/CFSP of 5 June 2012 amending and extending Joint Action 2008/124/CFSP.

Mission activities from July to October 2012

General

The Mission continued to pursue its main operational objectives through strengthening actions (monitoring, mentoring and advising), executive actions, rule of law activities in the north of Kosovo and support for the Pristina-Belgrade dialogue.
In the north of Kosovo, the implementation of the EULEX mandate continued to be hampered by security threats and by the lack of free and unconditional movement of the Mission. A series of incidents took place, including a serious attack on EULEX staff on 7 September, in which an armoured EULEX vehicle and a soft-skinned Kosovo police patrol car en route to Zubin Potok police station came under fire, injuring one police officer. After this incident, the Kosovo police deployed an armoured vehicle to its staff in the north as a safety reinforcement measure. Between mid-August and mid-September, three incidents also took place against Kosovo Serb personnel of the Mitrovica North administration office (established by the Kosovo authorities in May 2012). In each instance, a staff member’s vehicle was set alight by unknown perpetrators. Over a number of days early in September, explosive devices also detonated close to the residential premises of the Director of the Mitrovica North hospital in Zvečan/Zveçan, a Kosovo police officer in Leposavić/Leposaviq and the leader of the Serbian Progressive Party in Kosovo, Bojan Jakovljević. On 6 October, a hand grenade exploded under the car of a Kosovo police officer, causing severe damage. The continuing tensions notwithstanding, work continued at the Mitrovica District Court.

Continuing difficulties with regard to the Mission’s free, permanent and unconditional movement in the north of Kosovo were encountered during a one-month process to attempt the deployment of EULEX international police officers to the police station in Zubin Potok. Following a meeting between EULEX, the community leader of Zubin Potok municipality and the commander of the Zubin Potok police station, an international police officer was deployed to Zubin Potok on 6 August, the first such deployment since July 2011. By 22 August, the full complement of international police officers had been deployed. The following day, however, a EULEX vehicle carrying four international police officers was blocked at a barricade near Zupče/Zupče, prompting a coordinated EULEX/Kosovo Force (KFOR) effort to resolve the issue. While EULEX advisers were able to gain access to the police station early in September, the attacks of 7 September noted above brought a temporary end to their deployment. Access to Zubin Potok remains restricted, although some monitoring, mentoring and advising support is provided to the local command structure remotely.

On 7 October, unknown persons shot several bursts of automatic gunfire from the area of Stublinë/Stubлина (near Gjilan/Gnjilane) towards a Serbian police checkpoint in Dobrosin, near gate 5, prompting the police officers to return fire. No injuries were reported, although several vehicles near the checkpoint were allegedly hit, including that of a Kosovo Albanian witness who confirmed that his vehicle was hit while parked close by. Kosovo police and KFOR investigating the incident recovered more than 60 empty bullet shells in two locations in Kosovo. This was the third attack of a similar nature on this checkpoint within six months. A EULEX prosecutor in the Special Prosecution Office of Kosovo is leading investigations into the previous two attacks and will take on responsibility for this latest case.

On 12 October, the Pristina District Prosecutor determined that the Director of the Kosovo Privatization Agency, Dino Asanaj, had committed suicide on 16 June and therefore closed the investigation into the death.
War crimes

On 17 July, a panel of one local and two EULEX judges began the second retrial of former Kosovo Liberation Army commander and current member of parliament, Latif Gashi, along with two co-defendants (known as the “Llapi group”), on war crimes charges. The main trial in the first instance began in February 2003, with a verdict announced in July 2003 (resulting in a sentence of 10 years’ imprisonment being imposed). Upon appeal, in 2005, the Supreme Court ordered a retrial on several of the counts. Some of those counts were rejected in 2011, reducing the sentence to six years’ imprisonment. The second retrial concerns the last of the counts against the accused.

On 27 September, EULEX and the Kosovo police arrested two Kosovo Serbs on suspicion of wartime rape, placing them under house arrest. No one has been convicted to date of wartime rape and the handling of the case will require particular sensitivity owing to the nature of the offence.

On 2 October, a panel of one local and two EULEX judges at Prizren District Court opened the main trial of Sokol Bytyqi on war crimes charges. He was investigated, together with Ejup Kabashi (who was sentenced to five years’ imprisonment in 2011) and others, for war crimes committed in Opterushë/Opturuša in 1998. In 2011, the investigations against him had been suspended because his whereabouts were unknown.

On 8 October, a EULEX judge confirmed the war crimes indictment against Aleksandar Bulatović, who had been arrested on 13 August on a warrant issued by a EULEX judge on 14 January 2009. He is accused of having participated in the alleged mistreatment of a Kosovo Albanian civilian found murdered in Fushë Kosovë/Kosovo Polje in 1999.

Organized crime and corruption

On 31 July, a EULEX prosecutor from the Kosovo Special Prosecution Office filed an indictment against 10 defendants, including the former president and four former judges of the Municipal Court of Pristina, three former District Court judges, a lawyer and a representative of a socially owned enterprise. The defendants are suspected of having been involved in 15 civil cases relating to property ownership claims against socially owned enterprises, which were under the competence of the Special Chamber of the Supreme Court of Kosovo.

On 7 August, the Kosovo police simultaneously raided five bars and four private premises in the Gjakovë/Đakovica area in the west of Kosovo. More than 100 officers took part in the operation, which stemmed from an investigation into human trafficking originally launched in 2011. The International Organization for Migration was engaged, together with the police, in the voluntary repatriation of the victims. EULEX conducted monitoring, mentoring and advising activities for the duration of the investigation and advised the police during the operational planning phase. As a result of the operation, 12 suspects were arrested and later placed in pretrial detention or under house arrest, while 22 potential victims were taken to Pristina for interviewing and shelter. The operation was professionally conducted and potential victims provided with proper treatment on the basis of EULEX advice. EULEX will continue to follow the case closely.
On 16 August, a local judge from Pristina District Court confirmed the indictment filed by a EULEX prosecutor against five suspects in a case relating to smuggling of migrants, mainly to North and South America. On the same day, a mixed panel of local and EULEX judges extended the detention on remand of two defendants charged with smuggling migrants and organized crime.

On 21 August, a mixed panel extended until 21 September the detention on remand and house arrest of two suspects and house arrest of eight others accused of organized crime and trafficking in persons. Among the arrested is the Director of the Employment Directorate in the Ministry of Labour and Social Welfare, who is accused of misuse of official duty and of authority in connection with the investigation. The case is the result of a large-scale Kosovo police operation, monitored by EULEX.

On 12 September, the Kosovo police arrested five suspects and seized counterfeit currency of approximately $1 million that was thought to have been produced outside Kosovo. As investigations continue, EULEX will monitor progress and liaise with the International Criminal Police Organization and the European Police Office, where relevant. The case may also be connected to counterfeit documents seized earlier in the summer.

On 20 September, a mixed panel at Mitrovica District Court sentenced Jevro Pantelić to nine years' imprisonment for money laundering and organized crime. He is believed to be connected to Zvonko Veselinović, who is suspected of involvement in organized crime in the north of Kosovo and currently under arrest in Serbia.

The same day, a EULEX judge confirmed the indictment against Nazmi Mustafija, Reshad Zherka and Xhelal Zherka in its entirety. The defendants are, among other things, accused of abuse of official position or authority. The first-mentioned is a former prosecutor of the Special Prosecution Office of Kosovo.

On 21 September, a mixed panel at Prizren District Court jailed six defendants for periods of between one and three and a half years for smuggling migrants. The investigation was based on information received through legal cooperation with Albania.

On 25 September, a EULEX judge confirmed the indictment against Kolë Puka, a former judge, and Avdullah Robaj, an attorney, on charges of abuse of official position or authority.

On 2 October, a panel of three local and two EULEX judges at the Supreme Court rejected appeals against the verdict in the so-called Tisza/Tisa River case, rendered in July 2011, which saw seven defendants sentenced to a total of 66 years’ imprisonment for the deaths of 15 smuggled migrants, all of them Kosovo citizens, in October 2009, who drowned in the River Tisza/Tisa. The river marks the outer border of the European Union between Hungary and Serbia. Investigations in this landmark case exposed an organized crime group that offered migrants illegal passage to European Union countries, making significant illicit profits.

The same day, in a joint operation in Pristina, EULEX and the Kosovo police arrested an individual wanted in Germany on suspicion of organized crime and drug trafficking. The case file was transferred from Germany through an international legal cooperation procedure.
On 8 October, a EULEX judge confirmed the indictment against the former Minister of Health and Deputy Prime Minister, Bujar Bukoshi, in its entirety. It was partially confirmed against the former Permanent Secretary of the Ministry of Health, Ilir Tolaj, and other defendants. They stand accused of misuse of official duty or authority, mistreatment in exercising duties, misuse of economic authorization, entering into harmful contracts, issuing unlawful judicial decisions and solicitation of bribes/attempting to obtain bribes, tax evasion and obstruction of evidence.

The Kosovo Customs service seized 250 litres of ethanol that was being used to produce counterfeit alcohol. The death of at least 26 consumers of adulterated alcohol in the Czech Republic at the end of the summer drew attention to this problem throughout Europe and did not go unnoticed in Kosovo. EULEX has in the past mentored the Kosovo Customs service on the issue and the operation indicates that the problem is taken seriously.

Hearings in the so-called Medicus illicit organ trafficking trial continued throughout the reporting period.

**Other key cases and issues**

On 17 July, the former Prime Minister of Kosovo and leader of the Alliance for the Future of Kosovo, Ramush Haradinaj, returned to Kosovo after being held since 2010 for a partial retrial at the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. He will remain in Pristina until the Tribunal announces its verdict, expected in October. EULEX is assisting the Tribunal to ensure that Mr. Haradinaj remains within the terms of his provisional release orders, which are confidential.

On 30 July, after two years of extensive work, a site assessment at a potential mass grave in Zhilivodë/Žilivoda was concluded. No human remains could be found there and investigations confirmed that a recent fire there could not have destroyed any potential evidence, given that the burning was only superficial.

On 13 August, a mixed panel of one local and two EULEX judges at Prizren District Court sentenced Emin Krasniqi to 23 years’ imprisonment for aggravated murder. Three co-defendants received sentences of between one and seven years. The defendants were accused in relation to the killing of Skender Limaj in the village of Banja/Banja in Malishevë/Mališevo in January 2011. Other members of the Limaj family were also injured during the incident, which is seen as part of a continuing dispute between two prominent families and occurred during the elections of 12 December. A political motive for the attack was not proven.

On 15 August, the confirmation hearing in the case of seven Kosovo Serb suspects allegedly involved in the attack against the Mitrovica District Court building in March 2008 took place at the Mitrovica District Court. The indictment filed by the EULEX prosecutor includes charges of unlawful occupation of property, obstructing official persons in performing official duties and endangering United Nations and associated personnel. A joint confirmation ruling will be issued after the conclusion of all necessary hearings for the seven defendants on 13 September.

On 16 August, following an application filed by the Special Prosecution Office of Kosovo, a EULEX pretrial judge in Prizren District Court issued a ruling to convert the detention on remand of three defendants (Bejtullah Mehmeti, Bekim
Suma and Luan Qerkini) to house arrest for a period of one month. The defendants are suspected of aggravated murder, attempted aggravated murder and causing general danger in what is known as the *Bill Clinton Boulevard bombing* case. Further hearings were also held in the aggravated murder case against Sadik Abazi and others (known as *Bilaca 2*). Mixed panels at the Supreme Court also rejected appeals in three murder cases, either confirming or increasing the sentences handed down.

On 29 August, a panel of three EULEX judges at Mitrovica District Court sentenced Sylajman Hasani to 13 years’ imprisonment for the murder of Besir Sheremeti in August 1997 in Mitrovica. He had been tried in absentia by the local court in 1998. After a request for protection of legality by the defence counsel, the Supreme Court ordered a retrial in the case.

On 28 September, Enver Sekiraqa, believed to be a major player in international organized crime, surrendered voluntarily to EULEX after four years at large as a criminal wanted by the Kosovo police and the International Criminal Police Organization. He was transferred to the custody of Kosovo officials and will serve an existing sentence of two years’ imprisonment for threatening and obstructing official persons in the exercise of their official duties. He is also currently under investigation for his alleged involvement in the murder of a police officer, Triumf Riza, in August 2007.

On 12 October, a panel of EULEX judges at Mitrovica District Court sentenced Fehmi Tahiri to 22 years’ imprisonment for aggravated murder.

EULEX and the Kosovo police regularly discuss shooting incidents, which usually increase during the summer. The phenomenon that has come to be known as “happy shooting”, and its associated risk of potentially fatal injury, is linked to celebrations such as weddings, Eid al-Fitr (the end of Ramadan) and other cultural events throughout Kosovo. Following the Mission’s advice, the Kosovo police made conscious and proactive efforts during the summer to intervene on such occasions. Improved community policing has facilitated a good response rate, leading to the confiscation of weapons and the identification of perpetrators, clearly signalling to the public that the Kosovo police take public safety seriously. Law enforcement has been accompanied by public information messages, including the airing of a 38-second broadcast on public television suggesting that people should celebrate with their hearts and not with their weapons.

On 31 August, the Ministry of Justice of Kosovo decided to suspend the Director of Dubravë/Dubrava prison with immediate effect and to relocate three of his deputies to other detention facilities. The Mission has been advising the Ministry throughout the process. The decision resulted from the recent violations of security procedures and the attempted escape of top-risk prisoners, which was thwarted. An interim management team was appointed to take over with immediate effect and took positive steps to run the prison following anti-corruption activities initiated by EULEX and the subsequent suspension of the Director. Two investigations, one by the Kosovo Correctional Service and the other by the Internal Inspectorate of the Ministry of Justice, have begun. EULEX offers the interim management team full support through its monitoring, mentoring and advising mandate, with temporarily increased staff until the new prison management is recruited.
EULEX monitored 36 of 165 interviews for the recruitment of officers for the Kosovo police operational support unit. The call for applications was announced in Albanian, Serbian and Turkish. While there were applicants from across the community spectrum, there were no female or minority representatives on the panels because there are none among the higher-ranking officers in the unit. The results of the vetting and physical fitness tests were announced on the Kosovo police intranet the same day, so as to minimize the possibility of undue interference, but overall selection results have yet to be published. EULEX initially assessed the process as generally satisfactory.

As expected, technical hitches accompanied the launch of the new Customs processing system, an automated system for Customs data known as “ASYCUDA”, but those initial teething problems should soon be overcome. EULEX had strongly advocated the adoption of the system, which is provided by the United Nations Conference on Trade and Development. The system offers great benefits for trade facilitation, risk analysis, accountability and transparency and EULEX will help to ensure that the Kosovo Customs service makes full use of these new opportunities.

Special Investigative Task Force

The Special Investigative Task Force was set up in 2011 to conduct a full criminal investigation into the allegations contained in the report of the Council of Europe Special Rapporteur, Dick Marty. In that report, he addressed a wide range of alleged crimes, including abduction, detention, mistreatment and murder, in addition to the much-publicized allegations of organ harvesting and trafficking. The Task Force continues to actively investigate the allegations and to collect evidence relevant to its inquiry. Consistent with sound prosecutorial and law enforcement procedures, however, the Task Force does not discuss publicly its findings or details of its investigative operations. This is a very complex investigation that will take time to complete, not least because of the range of allegations being investigated, but also because it has to deal with multiple jurisdictions and includes acts alleged to have occurred 12 to 13 years ago.

In line with its commitment to sound investigative and prosecutorial practices, the Task Force will not discuss the report aired on 10 September on Radio Television of Serbia, in which an individual stated that he had participated in the removal of a Serbian prisoner’s heart at an improvised clinic in the north of Albania in the spring of 1998. The televised interview with this individual has been extensively commented on and questions have been raised as to whether his testimony constitutes a decisive piece of evidence for the Task Force. While the Task Force will not address such specific questions for the reasons cited above, it has confirmed, as a general approach, that it will pursue all investigative leads, thoroughly analyse any testimony or item of potential evidentiary value and take all steps necessary to verify its truthfulness.

The Task Force’s prosecutors and investigators have continued to work closely with their counterparts at the International Criminal Tribunal for the Former Yugoslavia, EULEX and in the region. Contacts with key individuals who have information relevant to the investigation have continued. During the reporting period, the lead prosecutor, John Clint Williamson, sought the assistance of several other Governments on witness relocation matters and discussions were initiated at the operational level with Governments that had already agreed to relocate
witnesses. Work with non-governmental organizations that may possess information relevant to the investigation is also progressing.

During the reporting period, the lead prosecutor also travelled to Podgorica to discuss how Montenegro could support the investigation. During his visit, which took place from 19 to 21 September, he met senior officials of the Government of Montenegro and representatives of the diplomatic community and non-governmental organizations. The Montenegrin authorities expressed their willingness to fully support and assist the work of the Task Force. This further indicates that the Task Force is able to benefit from cooperation by States relevant to its investigation.

**Legislation**

Between 1 and 3 August, EULEX attended the second session of a working group to review the “judicial package” (five bills, including on the Kosovo Prosecutorial Council, the State Prosecutor, the Kosovo Judicial Council, the courts and the Special Prosecution Office of Kosovo). EULEX provided numerous comments and recommendations. The final versions are expected to be prepared by the Ministry of Justice. EULEX called for a focus on the implementation of the current legislation rather than introducing further changes.

The bill on the confiscation of illegally obtained assets, which incorporates proposals and comments provided by EULEX and European Commission experts, was approved by the Government at the beginning of August and sent to the Assembly on 21 August. The bill follows the analysis and includes the recommendations of European Union experts (under a twinning project) with regard to the extended power of confiscation, in line with the current Community acquis.

**Property rights**

In September, the Kosovo Property Claims Commission held a session. During the reporting period, it prepared and analysed 2,312 claims and adjudicated 1,822 claims, mainly inter-ethnic property claims. The total number of adjudicated claims stands at 33,070, with 9,123 to be resolved. The Kosovo Property Agency Appeals Panel decided on 80 cases. In 2012, the Agency adjudicated 32 of 115 cases, with 83 pending. The Special Chamber of the Supreme Court completed 93 cases between July and October.

The EULEX Property Rights Coordinator called for meetings with the Kosovo police and the Centre for Peace and Tolerance after the Kosovo police assumed the rights to the premises of the Centre and announced plans to evict its occupants. The Centre is a Kosovo Serb non-governmental organization that promotes the participation of Kosovo Serbs in political and social life in Kosovo, operating from a Kosovo police station. By involving representatives of the Ministry of Internal Affairs of Kosovo, the European Union Special Representative in Kosovo, the United Nations Interim Administration Mission in Kosovo and the Organization for Security and Cooperation in Europe, EULEX was able to postpone the eviction and reinforce a discussion on the matter. Later, the Deputy Minister of Internal Affairs confirmed that the Kosovo police would be taking the case to court. In doing so, the Deputy Minister has adopted a proposal by EULEX to clarify the issue following due legal process.
Dialogue implementation

EULEX continued its work to implement a pilot project in the Serbian city of Niš within the framework of the dialogue agreement on civil registry books of 2 July 2011. The image taking/recording, printing and verifying of religious, birth and marriage registry books for several villages of Lipjan/Lipljan municipality was completed. With 359 copies certified and handed over to the Kosovo authorities, the small-scale project, which began on 8 May, has been finalized. A full-scale project is under way and construction work on the building intended to house the records is almost complete. It is envisaged that the building will also accommodate future projects to come out of the cadastre agreement.

On 25 September, Belgrade signed the technical protocol to the agreement of 2 December 2011 on the European concept of integrated management for crossing points, thus enabling progress towards the implementation of the agreement. The tripartite implementation group has discussed the work ahead. EULEX is supporting it with technical expertise.

Approved by Xavier Bout de Marnhac
Head of Mission
Annex II

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

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

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

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