



# Security Council

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## Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

### I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of the mandate of UNMIK. The present report covers the activities of UNMIK, and developments related thereto, from 1 June to 15 September 2009.

### II. Political situation and priorities of the United Nations Interim Administration Mission in Kosovo

2. The changing circumstances on the ground since Kosovo's declaration of independence and the deployment of the European Union Rule of Law Mission (EULEX) in Kosovo have led to the gradual adjustment of the profile and size of UNMIK. UNMIK has successfully concluded its reconfiguration and had reached the authorized strength of 510 personnel as at 1 July.

3. In line with my reports of 12 June 2008 (S/2008/354) and of 24 November 2008 (S/2008/692) and the Security Council presidential statement of 26 November 2008 (S/PRST/2008/44), UNMIK, as reconfigured, continues to carry out the functions set out in these reports. Other actors, such as the Organization for Security and Cooperation in Europe (OSCE) and EULEX, play increasingly important roles that complement those of UNMIK, within the framework of Security Council resolution 1244 (1999). UNMIK is uniquely positioned to act as a facilitator in situations where the underlying disagreement over the status of Kosovo has inhibited practical progress in several areas. The overarching objective of UNMIK is to promote security and stability in Kosovo and in the Balkans, through its engagement with all communities in Kosovo, as well as with Pristina and Belgrade, in cooperation with international actors.

4. The UNMIK Office for Community Support and Facilitation, created as part of the reconfiguration of UNMIK, is tasked with monitoring, reporting and facilitation functions, as well as with residual external representation and economic coordination functions. It facilitates engagement and cooperation by all sides in



implementing practical solutions in areas of mutual concern, in close coordination with the United Nations Office in Belgrade and the UNMIK Office of Political Affairs. Special emphasis is placed on supporting minority communities throughout Kosovo, including internally displaced persons temporarily residing in camps in northern Kosovo, on returns and integration, and human rights monitoring. At the same time, OSCE has continued to take on greater responsibility for comprehensive monitoring of issues relating to communities, ensuring that the rights and interests of all communities are protected.

5. In line with my report of 24 November 2008 and the Security Council presidential statement of 26 November 2008, EULEX has continued to operate under the overall authority and within the status-neutral framework of the United Nations. UNMIK and EULEX regularly exchange information and coordinate effectively at all levels, including through the UNMIK Rule of Law Liaison Office. EULEX continued to build up its presence to the current total of 1,651 international and 998 local employees. As at 1 July, the UNMIK Rule of Law Liaison Office was comprised of 12 civilians and 8 police officers. UNMIK continues to facilitate the deployment of EULEX by providing access to shared facilities in Pristina and Mitrovica.

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

6. My Special Representative, Lamberto Zannier, has operated against a political background in which decision-making by the authorities in Pristina and Belgrade is influenced by concerns over how the International Court of Justice might interpret their actions in its consideration of the request of the General Assembly to the Court for an advisory opinion on whether Kosovo's declaration of independence is in accordance with international law. Belgrade and Pristina continued to maintain and present opposing views on the status of Kosovo. In Pristina, occasional calls for the closure of UNMIK continued, especially from representatives of the Vetëvendosje (self-determination) movement. Such calls were promptly amplified by the local media. Since my last report to the Security Council of 10 June 2009 (S/2009/300), two additional States have recognized Kosovo, bringing the total to 62. On 29 June, Kosovo became a member of the five World Bank Group institutions.

7. In this context, while the Kosovo authorities opted to maintain very limited contacts with my Special Representative, UNMIK staff continued to cooperate with Kosovo officials, formally and informally. For instance, some of the Kosovo Albanian municipal authorities, including in Mitrovica, have found UNMIK's engagement useful and have publicly acknowledged working with UNMIK representatives.

8. As far as encouraging cooperation on practical issues is concerned, my Special Representative, with the support of UNOB, met several times with Serbian officials in Belgrade or in the margins of international forums. EULEX experts continued to take the lead in technical discussions with the Serbian authorities in the rule of law area. Although the authorities in Belgrade adopted a pragmatic approach to resolving some of the pending matters, the authorities in Pristina remain unprepared to engage unless they can deal with their counterparts in Belgrade directly as equals, which remains unacceptable to Belgrade.

9. UNMIK continued its efforts to achieve durable solutions for the protection of Serbian cultural heritage in Kosovo. In July, my Special Representative discussed this matter with the authorities in Belgrade. He also engaged extensively with the main international stakeholders, including with the European Union (EU), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Council of Europe, in order to find a formula for cooperation that would be acceptable to the authorities in Belgrade and Pristina, as well as to the Serbian Orthodox Church.

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

10. The three Kosovo Serb-majority municipalities in the north continued to function with few links to the authorities in Pristina, with whom they interact rarely and almost exclusively through UNMIK. The political leadership in northern Kosovo continues to consider UNMIK and the Kosovo Force (KFOR) as the only legitimate international presence under Security Council resolution 1244 (1999), and maintains its firm non-acceptance of any institutions or symbols, real or perceived, of the Kosovo authorities. The deployment or operations in the north of any structures affiliated with Pristina, including customs, courts and railways, continued to be met with Kosovo Serb opposition.

11. Despite operating within the status-neutral framework of the United Nations, EULEX is perceived by some Kosovo Serb leaders as supporting the interests of the Kosovo authorities. Northern Kosovo Serbs, supported by the local clergy, initiated a petition campaign against EULEX and criticized the Government of Serbia for allegedly putting pressure on northern Kosovo leaders and giving up Kosovo in exchange for support of its EU aspirations.

12. In these circumstances, the main function of UNMIK in the north continued to be to engage on a daily basis with all communities in order to facilitate dialogue on a range of issues and ensure links with Pristina through its regional office and the UNMIK Administration in northern Mitrovica, as required. The UNMIK presence in the northern municipalities also served as a bridge between EULEX and local political leaders, who remain reluctant to communicate directly with EULEX. In this context, it is important to underscore the unique role of UNMIK in providing mediation services to both communities and international organizations operating in the north.

#### **V. Elections and decentralization**

13. On 16 June, the Kosovo authorities announced that municipal elections would be held on 15 November, and called on the Central Election Commission to begin the necessary preparations for their organization. The refusal of Kosovo Serbs in the north to recognize or accept the forthcoming elections will make it difficult for the Commission to organize elections there, except in the few non-Serb enclaves in the north. The Commission is prepared to hold elections in all other areas populated by Kosovo Serbs and other communities.

14. For the first time since it was deployed in Kosovo in 1999, UNMIK is not expected to certify the results of these municipal elections, as Pristina has not

acknowledged a role for the Mission in the electoral process. The Central Election Commission will be fully responsible for conducting the electoral operations. OSCE supports the Commission and its secretariat, in particular by providing advice and training in managing elections-related issues and planning electoral operations. OSCE will have no role in the monitoring, observation and counting process. At the request of the Commission, a non-profit organization, the International Foundation for Electoral Systems, will assist with the counting and management of the results centre, voter education, public information, and the training of local observers. There have been ongoing discussions within the international community about a potential international observation mission.

15. So far, of the 76 political entities that have applied to participate in the elections, 35 are Kosovo Albanian entities, 23 Kosovo Serb, 7 Kosovo Bosniak, 4 Kosovo Turkish, 2 Kosovo Montenegrin, 2 Kosovo Ashkali and 1 entity each from the Kosovo Roma, Kosovo Egyptian and Kosovo Gorani communities. Voters living outside of Kosovo will be able to vote by mail and, as of early September, the Central Election Commission had received 240 applications for mail-in absentee ballots. The Election Complaints and Appeals Commission is still not functional as its budget has not yet been approved by the Kosovo Assembly, in breach of the applicable legislation on elections.

16. The Assembly of the Association of Serbian Municipalities unanimously approved on 28 June in Graçanicë/Gračanica the Vidovdan [Saint Vitus day] Charter, which called on all political parties in Serbia to oppose the participation of Kosovo Serbs in these elections and appealed to all Serbian institutions and the Serbian Orthodox church to boycott the elections. In July, the Government of Serbia officially declared that conditions for the participation of Kosovo Serbs in the elections did not exist and that the elections were not in line with resolution 1244 (1999).

17. Kosovo's interministerial working group on decentralization has started establishing municipal preparatory teams for the new Kosovo Serb-majority municipalities due to be established in Graçanicë/Gračanica, Klllokot/Klokot, northern Mitrovica, Partesh/Parteš and Ranillug/Ranilug. These teams are intended to ensure that the newly established municipalities are ready to be run by their elected municipal representatives upon completion of the electoral process.

18. However, the level of participation of Kosovo Serbs in the decentralization process, and in the upcoming elections, is far from certain and there is no decision yet whether elections will be held for the envisaged municipal assemblies in the five municipalities mentioned above plus in an "enlarged" Novobërdë/Novo Brdo municipality. The "Vetëvendosje" movement has launched a campaign against the establishment of the new municipalities, which may also negatively affect the support of the Kosovo Albanian population for the local governance reform process.

19. On 16 August, local by-elections organized by the Serbian authorities took place in two Kosovo Serb-majority areas, Graçanicë/Gračanica (Pristina region) and Gorazhdec/Goraždevac (Pejë/Peć region). These by-elections were held to fill vacancies that had arisen following the removal of two of the municipal governments that had been elected on 11 May 2008, in elections that had been held in accordance with the Constitution of Serbia and had not been coordinated or vetted by UNMIK. While the Kosovo authorities did not try to obstruct the by-elections, maintaining that they have no legal bearing and therefore are invalid,

opposition members and representatives from civil society viewed the elections as an “aggression by Belgrade”. Voter turnout was low, at around 20 per cent, owing in part to the much lower turnout of IDPs voting at polling stations. No incidents were reported although re-voting was ordered for at least two polling stations owing to procedural violations.

## VI. Security

20. The overall security situation in Kosovo remained relatively calm, but fragile in the north. Incidents continued to occur in the northern Mitrovica suburb of Kroi i Vitakut/Brdjani, where Kosovo-Albanian former residents have started rebuilding their houses, which were destroyed in 1999. From the beginning of the reconstruction process, UNMIK has reiterated the right of all individuals to return to their properties while adhering to the applicable law on construction. UNMIK is also encouraging the return of Kosovo Serb IDPs to their homes in the municipalities south of the Ibar river.

21. On 4 August, a group of Kosovo Albanian workers began clearing a site beyond an area where the Kosovo Albanian and Kosovo Serb communities had previously agreed that reconstruction could take place. Kosovo Serb residents responded by throwing stones at Kosovo Albanian construction workers. One Kosovo Police officer and one journalist suffered minor injuries and two trucks and one car were damaged in the incidents. The situation escalated on 25 August when Kosovo Albanians began clearing work in a part of Kroi i Vitakut/Brdjani in close proximity to the Kosovo Serb village of Brdjani and largely in the cadastral zone of the Zvečan/Zvečan municipality, without having informed or sought approval from the UNMIK Administration in Mitrovica or the Zvečan/Zvečan municipality. This resulted in a series of low-level confrontations between members of the local Albanian and Serb communities in the course of which at least four Kosovo Albanians and two Kosovo Serbs were injured.

22. On 31 August, my Special Representative met with Mayor Bajram Rexhepi in southern Mitrovica in a bid to defuse the growing tension and reach an agreement on the key administrative and technical issues. As a result of the meeting, the reconstruction process resumed in early September. The Kosovo Police, EULEX and the KFOR are closely monitoring the construction work at both the Kosovo Serb and the Kosovo Albanian construction sites and all necessary measures are being taken to keep the situation peaceful.

23. On 2 September, two explosions of unknown origin occurred in northern Mitrovica in the vicinity of the regional hospital and the Kodra e Minatoreve/Mikronaselje neighbourhood, following a stone-throwing incident earlier in the evening in the same neighbourhood between local Albanian and Serb juveniles. No injuries were reported.

24. During the reporting period, six inter-ethnic assaults on Kosovo Roma by Kosovo Albanian males were reported as having occurred in the Roma neighbourhood in Gjilan/Gnjilane town. On 7 August, a Kosovo Serb couple was found murdered in their home in Partesh/Parteš village in Gjilan/Gnjilane region. Investigations are ongoing and indications are that the double murder was not related to ethnicity.

25. On 11 June, defence ministers of the North Atlantic Treaty Organization (NATO) announced a decision to begin gradually transitioning KFOR to a so-called deterrent presence, in recognition of a positive evolution over a sustained period of time. The ministers made clear that the pace of reductions in the KFOR troop levels will be decided by the North Atlantic Council as the situation evolves, taking into account security conditions, and that the reductions would be phased.

## **VII. Rule of law**

26. Of the 325 Kosovo Serb police officers who had stopped reporting to their duty stations after Kosovo declared independence on 17 February 2008, 317 returned to work by the 30 June deadline set by the Kosovo authorities in coordination with EULEX. A Kosovo Serb police officer has been appointed to the senior position of Deputy General Director of Kosovo Police, although the job description is not yet finalized.

27. The announcement in mid-August of a possible agreement on police cooperation between EULEX and the Serbian Ministry of the Interior was met with resistance by the Kosovo authorities, who maintain that signing such agreements is their exclusive responsibility. In a deplorable development, on 26 August some 60 Vetëvendosje self-determination activists vandalized 26 EULEX vehicles in broad daylight in Pristina to protest against the signing of the protocol by EULEX. Other acts of vandalism against EULEX vehicles occurred in the following days, and some United Nations vehicles were also targeted. On 14 September, a demonstration against the agreement was organized in Pristina by 23 local NGOs, including Vetëvendosje. Around 1,000 demonstrators called for the withdrawal of EULEX from Kosovo.

28. UNMIK continues to deal with international legal assistance requests to and from countries that have not recognized Kosovo and to play a role in facilitating contacts with INTERPOL, on the one hand, and EULEX and the local authorities, on the other. UNMIK also carries out the certification of civil status documents for the purposes of countries that have not recognized Kosovo. While the Mission also continues to serve as the focal point for matters related to the International Criminal Tribunal for the former Yugoslavia in Kosovo, EULEX exercises police reporting functions in response to orders of the Tribunal.

29. UNMIK maintains one forensic expert to ensure cooperation at the technical level with the Office on Missing Persons and Forensics. The Mission also participates in the Working Group on Missing Persons and the Sub-Working Group on Forensics with the agreement of all concerned parties. From June to the end of August, the Office conducted 31 field operations that resulted in 18 exhumations of civilians. In addition, 17 bodily remains of civilians were returned to the victims' families.

30. On 2 September, the Kosovo Judicial Council resumed its functions with the appointment of new members, after a hiatus of more than six months. The Independent Judicial and Prosecutorial Commission will complete interviews for the first phase of judicial and prosecutorial candidates and thereafter recommend appointments for Supreme Court level judges and prosecutors.

31. Further to the joint efforts of international and local human rights stakeholders, on 4 June the Assembly of Kosovo elected a new Ombudsperson; previous attempts over almost four years had failed.

## VIII. Returns

32. Through its reconfigured field presence UNMIK has been closely monitoring returns issues, including actions of the local authorities on the implementation of the returns strategies and the creation of conditions conducive to returns and integration. UNMIK staff continued to stay in daily contact with minority community leaders and local authorities, and to report on “go-and-see visits” or trips of Kosovo-Serb IDPs to return sites to other United Nations partner agencies and main international stakeholders.

33. The number of returns in the reporting period remained very low. However, compared to the same period last year, there was a modest increase in the number of IDPs that have returned. According to estimates of the United Nations High Commissioner for Refugees (UNHCR), 236 displaced minority community members, including 7 Kosovo Albanians, 31 Kosovo Serbs and 177 Kosovo Roma, Ashkali and Egyptians, voluntarily returned to Kosovo between June and July this year. During the same reporting period, 726 individuals were involuntarily returned to Kosovo from western Europe. Meanwhile, 39 “go-and-see visits” were organized, giving 358 IDPs and refugees from Serbia, Montenegro and the Former Yugoslav Republic of Macedonia the opportunity to visit their homes in Kosovo. In addition, there were 20 “go-and-inform visits” (outreach efforts by individuals and groups from Kosovo’s returns sector), which involved meetings with 537 IDPs in Serbia, Montenegro and the Former Yugoslav Republic of Macedonia.

34. The Ministry of Communities and Returns is implementing seven organized return projects, targeting the return of 181 Kosovo Serb families in Vushtrri/Vučitrn, Prizren, Klinë/Klina, Istog/Istok, Novobërdë/Novo Brdo and Pristina municipalities. Moreover, 44 returnee families (159 individuals) have already been assisted with housing reconstruction in 2009 and another 44 houses are being reconstructed under the project Sustainable Partnership for Assistance to Returns in Kosovo (SPARK), which is managed by the United Nations Development Programme (UNDP) and funded by the British Government and the Ministry of Communities and Return. The Ministry has provided extra funding for the reconstruction of 10 more houses under SPARK. Additionally, 180 displaced families will be assisted to return this year under the project Return and Reintegration to Kosovo, jointly funded by the European Commission, the Ministry of Communities and Return and UNDP. So far, 73 houses are under construction and the construction of 83 additional houses has been tendered for bids.

35. At the same time, 1,295 families comprising some 5,000 individuals have expressed an interest in returning to Kosovo during 2009. The Ministry of Communities and Returns is now proactively dealing with applications for return and is better able to manage return requests thanks to a new returnee database. According to the Ministry of Communities and Return, preparations for assistance to the above families are under way, and task forces at municipal levels are reviewing applications in line with the current criteria for assistance. However, reintegration of minority communities, especially the Kosovo Serb community,

continues to be a challenge, primarily owing to lack of employment opportunities, a fragile economic situation, access to services, and, to a certain extent, security. By allocating €3,000,000 for community development projects this year, the Ministry of Communities and Return intends to place greater focus on economic development and sustainability of minority communities to encourage more returns.

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

36. UNMIK continued supporting the work of the Council of Europe-led Reconstruction Implementation Commission on the reconstruction of 34 cultural and religious heritage sites that have been damaged or destroyed during the March 2004 violence. The Serbian Orthodox Church and the Institute for the Protection of Monuments in Belgrade conditioned their participation in the activities of the Reconstruction Implementation Commission on the continued involvement of UNMIK in the process.

37. The Reconstruction Implementation Commission met on 11 August with the participation of the representatives of the Kosovo Ministry of Culture, Youth and Sport, the Serbian Orthodox Church, the Institutes for the Protection of Monuments from Belgrade and Pristina, and UNMIK. The Reconstruction Implementation Commission subcontractors are close to finalizing four projects resulting from tenders launched in 2008. The implementation of five projects, tendered by the Reconstruction Implementation Commission in May 2009, totalling more than €900,000 is ongoing. Three more tenders totalling over €700,000 are expected to follow pending transfer by the Kosovo authorities of €500,000 from the 2008 budget to the 2009 budget. These funds were not spent in 2008 owing to a disagreement about the tendering procedures. I appeal to the Kosovo authorities to expedite the allocation of these funds, which are critical for the successful conclusion of the reconstruction, led by the Reconstruction Implementation Commission, of the Serbian Orthodox Church sites.

38. UNESCO continues restoration works in Kosovo. UNESCO representatives visited Kosovo in June and August to assess the reconstruction of cultural heritage sites funded by the United States of America and Italy. Two projects funded by the United States have been completed, three are at the final stage, and three are in the active phase of implementation. Of five projects funded by Italy, two have been completed, and three are in their final stage of completion. A joint Greek/Czech project that aims to conduct a full survey of the state of frescos in the Church of the Holy Virgin of Ljeviša in Prizren, which is on the UNESCO World Cultural Heritage List, is also nearing completion.

39. UNMIK has facilitated the increased engagement of the EU on cultural and religious heritage issues and has supported the efforts and contribution of the EU to fostering a normal monastic life for the Serbian Orthodox clergy in Kosovo.

## **X. Community issues**

40. UNMIK remains committed to supporting the efforts of the Kosovo authorities and relevant partners to find a sustainable solution to the situation in the Roma, Ashkali and Egyptian IDP camps in northern Mitrovicë/Mitrovica, namely, Camps

Osterode and Çesmin Llugë/Česmin Lug, the administration of which was taken over by the Kosovo Ministry of Communities and Returns last year. The Kosovo authorities have established a Steering Committee for the Roma, Ashkali and Egyptian camps in northern Mitrovica to address this issue. UNMIK continues to play an active role in facilitating and coordinating efforts among international actors, providing good offices to local authorities and the Kosovo-Roma, Ashkali and Egyptian leadership, and placing particular emphasis on achieving policy coherence amongst donors and their implementing partners, in order to ensure that all efforts are strategically directed to addressing the immediate humanitarian challenge, facilitating the closure of the camps and ensuring the sustainable relocation of their residents.

41. There are some encouraging developments in this direction. In addition to the 102 Kosovo-Roma, Ashkali and Egyptian displaced families (462 individuals), mainly from the camps, who were relocated to the Roma Mahalla neighbourhood in southern Mitrovica in 2007, some 25 Kosovo-Roma, Ashkali and Egyptian families, including 15 families from the camps in northern Mitrovica, returned to the Roma Mahalla neighbourhood in July this year.

42. OSCE and UNMIK continued to promote the establishment of a dialogue between the Kosovo Energy Corporation, municipal authorities and the communities affected by the electricity disconnection policies of the Corporation, most frequently Kosovo Serbs. Contrary to previous years, the authorities in Belgrade advised Kosovo Serbs to sign contracts with the Corporation. The Corporation, with the support of international actors, reached out to the disconnected villages by offering payment arrangements. Some inhabitants of a few Kosovo Serb enclaves, some of the Serbian Orthodox monasteries, and communities in Graçanicë/Gračanica and Shtërpçë/Štrpce, were initially reluctant to sign agreements with the Corporation. Both towns and some monasteries, however, eventually signed the agreements so that power could be restored. A new wave of disconnections for unpaid bills took place in August, which affected Kosovo Albanian, Kosovo Serb and ethnically mixed villages. Most settlements were reconnected by the second half of August further to the signing of contracts and the payment of lump sums by residents. The process of payment collection and reconnection is ongoing.

43. Kosovo Serbs continued to face problems related to the issuance of Kosovo identification cards by the Kosovo authorities, who do not recognize birth certificates issued by the Serbian authorities prior to June 1999. Nevertheless, Kosovo Serbs have applied for Kosovo identity documents and driver's licences in considerable numbers. Kosovo Serbs continued to experience problems in trying to obtain the return of confiscated driving permits, issued by the Serbian authorities before 1999. UNMIK and EULEX facilitated the resolution of several such cases.

44. During the reporting period, there was a concern over the growing number of security-related incidents affecting minority communities that require appropriate follow-up and action by the Kosovo authorities. Among these are the double murder in Partesh/Parteš, cases involving heavy physical injuries resulting from stabbings and armed assaults, stone throwing, desecration of Orthodox cemeteries, and thefts of cattle and agricultural equipment, to name a few. Of particular importance is the return of the 317 Kosovo Serb police officers to the Kosovo police on 30 June 2009, as this is expected to improve the functioning of local public safety committees, grass-root level security bodies established mainly in non-majority areas. Police

officers who are members of the local public safety committees represent a crucial link between communities and the Kosovo police.

## **XI. External representation**

45. During the reporting period, UNMIK continued to facilitate Kosovo's participation in international and regional forums. Kosovo's authorities insisted that it was their prerogative to represent Kosovo independently without the presence of UNMIK or "Kosovo/1244" name plates. However, in cases where their participation might otherwise have been impossible, the Kosovo authorities adopted a pragmatic approach, and did not oppose the presence of UNMIK representatives. Kosovo's participation in the annual Regional Cooperation Council ministerial meeting, and at the summit of the South-East European Cooperation Process, both held in June in Chisinau, could not be facilitated, since the Moldovan authorities did not recognize the Kosovo passports used by the Kosovo officials designated by my Special Representative. The forums of the Energy Community, the South-East Europe Transport Observatory and the European Charter for Small Enterprises have seen nearly full participation, whereas in the Central European Free Trade Agreement the refusal by the Kosovo authorities to participate with UNMIK remains a stumbling block.

## **XII. Observations**

46. With the completion of its reconfiguration on 1 July, UNMIK has moved into a new phase, characterized by a focus on facilitating practical cooperation between communities, as well as between the authorities in Pristina and Belgrade. I commend UNMIK efforts to create opportunities for dialogue and to facilitate practical cooperation both between Kosovo's communities and between Pristina and Belgrade. Such cooperation is necessary for the normalization of the situation in Kosovo and for the stabilization and development of the western Balkans as a whole. I encourage UNMIK to continue such efforts, and I call on all stakeholders to acknowledge and continue supporting the contribution of UNMIK in this regard.

47. UNMIK has continued its successful mediation between the Kosovo Albanian and Kosovo Serb communities in northern Kosovo, including by defusing tensions surrounding the Kroi i Vitakut/Brdjani reconstruction activities, in close cooperation with EULEX and KFOR. In this regard, UNMIK supports the right to return for all, which should not be politicized. I urge Belgrade and Pristina to use their influence to keep the reconstruction process apolitical and to appeal for calm. As my Special Representative made clear on several occasions, it is important that the rules and conditions for reconstruction activities in the area be respected by all sides, and that political and security considerations be taken into account.

48. As the security situation in northern Kosovo remains tense, I urge all sides to show pragmatism and restraint, and to adopt constructive policies in dealing with sensitive inter-ethnic issues. I remain confident that all communities will continue to consider UNMIK and its office in northern Kosovo as a valuable resource for the maintenance of peace and stability in the area.

49. The contribution by EULEX and KFOR to security and stability remains critical in the light of the ongoing tensions in northern Kosovo. I appeal to political parties that will run in the November elections organized by the Kosovo authorities to avoid inflammatory language that could increase the possibility of violence, particularly in the north.

50. The efforts of my Special Representative to engage with Belgrade and Pristina in pursuing practical cooperation between the sides, in close cooperation with the EU, have produced only limited results. Although the authorities in Belgrade have demonstrated an interest in finding a pragmatic approach to resolving some of the pending matters, the authorities in Pristina have presented preconditions that make this difficult in practice. In order to achieve concrete progress and effective implementation of any practical arrangements, more flexibility and pragmatism are required, in both procedural and substantive matters related to this process.

51. I am pleased that the cooperation between UNMIK and EULEX continued to be strengthened during the reporting period, following EULEX's assumption of full operational capability in April within the status-neutral framework of the United Nations. The United Nations continues to support the growing role of the EU in Kosovo and welcomes all efforts to increase our strategic and political coordination at all levels. It is crucial that the United Nations and the EU continue working on the basis of a common strategy in order to address ongoing challenges in the region, and in particular to manage the situation in northern Kosovo.

52. I would like to express deep appreciation and gratitude to my Special Representative, Lamberto Zannier, for his skilful leadership in managing the evolving role of UNMIK and in overseeing the Mission's reconfiguration, despite the significant political challenges that UNMIK faces. I would also like to commend the staff of UNMIK for their continued dedicated efforts and commitment to Kosovo and the goals of the United Nations.

53. I also extend my gratitude to the long-standing partners of the United Nations in Kosovo — the EU, NATO and the Organization for Security and Cooperation in Europe — as well as to the United Nations agencies, funds and programmes for their ongoing support and cooperation with UNMIK.

## Annex I

### **Report of the Secretary-General of the Council of the European Union/High Representative for the Common Foreign and Security Policy to the Secretary-General of the United Nations on the activities of the European Union Rule of Law Mission in Kosovo**

#### **1. Summary**

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring and advising activities in the area of rule of law, and to implement its executive mandate as per its mandate. The Mission completed the first six-monthly report on the results of its monitoring, mentoring and advising activities on rule of law issues, and presented it to the Kosovo authorities, the media and civil society. EULEX began consultations with the Kosovo counterparts on the implementation of the recommendations of the report, which have been well received by them.

EULEX closely monitored the reintegration into the Kosovo Police of 318 suspended Kosovo Serb police officers, who returned to work in June, and discussed with the Kosovo authorities the re-employment of approximately 60 Kosovo Serb correctional officers. The Counter-Terrorism Unit was transitioned from EULEX Police to the Kosovo Police in July. EULEX prosecutors and investigators focused their action on a number of organized crime and war crime cases as a priority. EULEX judges presided in numerous trials, including several ethnically motivated and war crime trials. From June to August 2009, the Office for Missing Persons and Forensics, which is jointly led by a EULEX and a Kosovo head, conducted 67 new autopsies, 3 death scene investigations, 16 forensic clinical examinations, 24 field assessments, 21 exhumations, 43 autopsies of war victims, and handed over 17 remains to families. In total, since December 2008 EULEX has handed over remains of 61 deceased persons to families.

EULEX Customs have been collecting and copying data on commercial traffic at Gates 1 and 31 in northern Kosovo without interruption, despite attempts by Kosovo Serb demonstrators to block access to the Gates, and have started to upgrade infrastructure at both crossing points.

#### **2. EULEX activities June 2009 to August 2009**

##### **General**

On 31 August 2009 the EULEX Mission had 2,649 staff (1,651 international staff and 998 local staff). Having become fully operational on 6 April 2009, the Mission continued to implement its monitoring, mentoring and advising activities in rule of law throughout Kosovo. It also implemented its executive mandate. EULEX has cooperated closely with UNMIK, including on exchange of information and property issues in the north of Kosovo; and has also coordinated its activities with other international actors in Kosovo and in the region.

At the Joint Rule of Law Coordination Board meeting on 23 July, EULEX shared with the Kosovo authorities the first six-monthly report on the results of its monitoring, mentoring and advising activities. The same day the report was published on the EULEX website. The report is based on over 2,500 inputs provided by 400 monitoring, mentoring and advising personnel. It identifies strengths and weaknesses, and makes over 70 key recommendations to improve the performance of Kosovo rule of law institutions. EULEX's Kosovo counterparts have shown a high level of interest and support, and the Kosovo counterparts are involved in the planning of further action, with joint working groups defining their scope and specification. Training has been provided for monitoring, mentoring and advising action teams. The EULEX Police Component expects to start implementation of over 90 per cent of the recommendations for monitoring, mentoring and advising by the end of 2009. Preparatory work began for the implementation of a number of customs recommendations. The Justice Component began examining the 27 justice-related recommendations to determine priorities and resource allocation. EULEX has identified opportunities for civil society/NGOs to link up with and support targeted monitoring, mentoring and advising action teams. EULEX also met with international donors to familiarize them with the monitoring, mentoring and advising report and its recommendations, drawing attention to areas where donors could provide support.

EULEX legal advisers reviewed a number of draft laws and made recommendations as to how they might be improved. EULEX experts presented proposals for Kosovo's anti-money-laundering regime to the Kosovo authorities, and discussed issues of judicial corruption with other stakeholders.

The EULEX Human Rights and Gender Office looked into access to justice for vulnerable categories of people in Kosovo, including women and ethnic minorities. Research by NGOs has revealed that 75 per cent of Roma, Ashkali and Egyptian women in Kosovo are illiterate, and thus are ill-informed of their rights; 61 per cent acknowledged that domestic violence occurs in their community; only 1 per cent are aware that free legal aid is available for victims of domestic violence, 4 per cent are aware that shelters exist, and only 26 per cent are aware that police can be called on in such cases. The Human Rights and Gender Office also looked into legal aid provision in Kosovo.

EULEX continued technical discussions with rule of law authorities in Belgrade. EULEX Police held technical talks with the Serbian Ministry of Internal Affairs and prepared a technical arrangement on exchange of information. Kosovo government leaders and the local media have criticized the arrangement. Activists from the organization Vetëvendosje vandalized 26 EULEX vehicles in protest of the conclusion of the arrangement. Several more EULEX vehicles were damaged in subsequent acts of vandalism in Pristina.

## **Police**

On 22 July the Counter-Terrorism Unit was transitioned from EULEX to the Kosovo Police. EULEX is monitoring the unit.

EULEX, the Kosovo Police and KFOR further coordinated operational responses to civil disturbance situations. On a few occasions EULEX acted as second responder to maintain public order and security in Brdjeni/Kroi i Vitakut.

EULEX assisted the Kosovo Police in preparing a threat assessment and operational order in relation to the envisaged handover of responsibility for the security of the Gazimestan Monument from KFOR to the Kosovo Police.

EULEX monitored, mentored and advised the Kosovo Police in relation to the reintegration of Kosovo Serb police officers into the service. Out of the 325 Kosovo Serb Kosovo Police officers suspended after they left their posts in early 2008, 317 had returned to work by 30 June (and one more shortly after). EULEX has since been monitoring their reintegration closely. So far the process has gone smoothly, and most officers have now been recertified and assumed their previous positions.

With the active encouragement of EULEX, several Kosovo Serb police officers were recently appointed to senior positions, including that of Deputy Regional Director, in Mitrovicë/Mitrovica region.

Operational cooperation between the Kosovo Police north and south of the river Ibër/Ibar is improving. Kosovo Police station commanders will, however, continue to report through EULEX for the time being. Efforts will be made to encourage more Kosovo Serb Kosovo Police officers and civilian staff to take up their former positions in Kosovo Police Mitrovicë/Mitrovica regional police structures. Only 2 out of 47 staff who were redeployed to the four northern police stations after 17 February 2008 have so far returned to their former positions.

By August EULEX prosecutors and investigators had reviewed and assessed the war crime files received from UNMIK. EULEX is investigating 50 active cases. A further 1,009 cases were inactive. Of these, 158 were dismissed for various reasons, such as lack of evidence. The injured parties will be informed about the dismissals in due course. In total, 851 of the inactive cases are to be investigated.

EULEX prosecutors and investigators identified a number of organized crime and war crime cases for priority action. In August EULEX launched investigations in a war crimes case, in which over 150 people were killed in and around Çyshk/Ćuška village near Pejë/Peć in May 1999. Kosovo Police investigators will be assisting the investigation.

UNMIK and EULEX staff worked together in the UNMIK Interpol Office. EULEX established closer relations with Southeast European Cooperative Initiative Centre (SECI) and the European border management agency, FRONTEX, and liaised with and assisted the International Criminal Tribunal for the Former Yugoslavia.

EULEX considered proposals for an Executive Agency for data storage and document issuing in the Ministry of Internal Affairs, and contributed to the completion of strategies and action plans on integrated border management, organized crime, drugs, terrorism and most recently migration.

## **Justice**

EULEX judges, prosecutors, legal officers, and law drafters monitored, mentored and advised colleagues in the Kosovo justice authorities. EULEX judges and prosecutors worked on a number of cases received from UNMIK and also new cases, including in mixed panels with Kosovo judges and prosecutors. By August 2009 verdicts had been passed in approximately 30 cases. EULEX judges plan to complete all the UNMIK cases that were passed to EULEX ready for trial by early 2010. The 20 cases inherited by the Supreme Court will be completed in late 2009.

Since December EULEX prosecutors, working alone or with their local counterparts, have been involved in 467 prosecutions. The cases have included corruption, organized crime, war crimes, terrorism, inter-ethnic crime, weapons and drugs-smuggling and murder.

EULEX justice staff were active in all Kosovo courts and at all instances. Mixed panels of EULEX and Kosovo judges held pre-trial and trial hearings at district courts throughout Kosovo as well as at the Supreme Court. War crimes cases were among those dealt with. EULEX judges have so far issued more than 100 judicial decisions at all phases of the judicial proceedings, including pre-trial decisions/rulings and verdicts.

EULEX judges dealt with several inter-ethnic crime cases. On 30 July EULEX judges at the Pristina District Court found a Kosovo Serb guilty of inciting national or ethnic hatred. He received a four-month suspended sentence. On 11 August a Supreme Court panel, at which a EULEX judge presided, dismissed an appeal by a Kosovo Albanian convicted in 2007 by the Pristina District Court in a trial related to the March 2004 riots. The convicted person withdrew his appeal after the presiding judge presented the report on the case. The person was found guilty of participating in a group which committed a criminal act, serious criminal acts against public security, and incitement to national, racial, religious or ethnic hatred, and received an aggregated suspended sentence of one year and nine months imprisonment.

EULEX judges working in civil justice in the district and municipal courts in Kosovo have taken over 20 civil property cases, including 16 cases involving allegations that property has been transferred on the basis of forged documents. The majority of these cases have an inter-ethnic dimension. EULEX property claims commissioners and EULEX Supreme Court judges who sit on the panel dealing with the Kosovo Property Agency-related appeals continued to work in accordance with their mandate. The claims commissioners are now moving forward with more complex cases. The local member of the Kosovo Property Agency Supreme Court panel has not yet been appointed. EULEX judges continued to work within the Special Chamber of the Supreme Court of Kosovo on privatization-related matters; however, there is only one local member of the Special Chamber of the Supreme Court, and a further six local members need to be appointed to the court.

The Kosovo Judicial Council, of which two out of the five members are a EULEX judge and prosecutor, was constituted on 25 August. The Kosovo Judicial Council proposes judges and prosecutors for appointment, at present following the recommendations of the Independent Judicial and Prosecutorial Commission. The challenge ahead for the Kosovo Judicial Council is to assert itself and safeguard its independence in relation to all stakeholders. There is a backlog of disciplinary cases involving members of the Kosovo judiciary which need to be dealt with, and for this reason the Kosovo Judicial Council has established a Judicial Disciplinary Committee.

EULEX Justice continued to assist in re-establishing a functioning District Court in Mitrovicë/Mitrovica. EULEX judges and prosecutors completed three trials; a fourth trial is in progress. Two Kosovo Albanian and two Kosovo Serb administrative staff have been producing an inventory of the files in the Mitrovicë/Mitrovica Courthouse, under the supervision of EULEX staff. Four priority cases were selected to be processed by the Mitrovicë/Mitrovica District Court and the Supreme Court.

EULEX judges put forward a recommendation that decisions in Supreme Court appeal cases be pronounced in open court at the end of the hearings. At present decisions are delivered in writing, sometimes after significant delays. The new practice will increase transparency and improve timely access to information for all involved parties, as well as the public. EULEX judges also gave formal advice on the timely distribution to all Kosovo courts of the Official Gazette and new laws.

From June-August 2009, the Office for Missing Persons and Forensics, which is jointly led by a EULEX and a Kosovo head, conducted 43 autopsies of war victims and 67 new autopsies; death scene investigations, forensic clinical examinations, field assessments and exhumations; and handed over 17 remains to families. It had a number of meetings with Family Associations and families. Together with the Kosovo Police and EULEX Police, the Office for Missing Persons and Forensics assessed and exhumed a site near Gjilan/Gnjilane, recovering the remains of at least 11 individuals, presumed to be missing persons, and sent bone samples for DNA analysis. The exhumation received significant attention in the local media. In total, since December 2008, EULEX has completed 88 field operations and 45 exhumations, taken 405 bone samples for DNA analysis, exhumed 66 bodies, and handed over remains of 61 deceased persons to families. An UNMIK forensic expert responsible for liaison with Belgrade works in the Office for Missing Persons and Forensics.

Since June EULEX judges have monitored the work of the Conditional Release Panel, regularly attending its hearings. Each month they monitor around 50 cases. The EULEX Correctional Unit provided monitoring, mentoring and advice to the Kosovo Correctional Service in various areas of their work, and provided prison escorts. EULEX discussed with the Minister of Justice and the Kosovo Correctional Service Commissioner the re-employment of approximately 60 Kosovo Serb correctional officers to their original posts.

### **Customs**

EULEX Customs monitored, mentored and advised the Kosovo Customs Service at border and boundary crossing points with the exception of north Mitrovicë/Mitrovica, and at Pristina Airport. For the first time, monitoring, mentoring and advising took place with the Kosovo Customs Post Audit team at companies in Ferizaj/Uroševac and Pristina. A number of significant seizures of jewellery and other items, including unlicensed pharmaceuticals, were made by Kosovo Customs. The Director General ascribes these successes to monitoring, mentoring and advising by EULEX mobile teams, who have transferred skills and given local anti-smuggling personnel the confidence to conduct detailed and in-depth searches.

EULEX continued the practice of copying commercial invoices and stamping documents at Customs Gates 1 and 31 in the north of Kosovo, which began in May 2009. The copied documents are shared with the Kosovo Customs Service and the Serbian Customs Administration. The latter has already been able to use the information to investigate a significant number of cases of serious criminality. In addition there has been a sharp drop in the amount of fuel smuggled across the border/boundary. EULEX Customs personnel were able to continue their activities in all locations despite several attempts to block the roads to Gates 1 and 31 by Kosovo Serb protestors, which started on 22 June.

Approved by **Yves de Kermabon**  
Head of Mission

**Annex II****Composition and strength of the police component of the  
United Nations Interim Administration Mission in Kosovo****(as at 1 September 2009)**

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

**Annex III****Composition and strength of the military liaison component  
of the United Nations Interim Administration Mission  
in Kosovo****(as at 1 September 2009)**

<i>Country</i>	<i>Number</i>
Turkey	1
Russian Federation	1
Denmark	1
Poland	1
Norway	1
Spain	1
Ukraine	1
Romania	2
<b>Total</b>	<b>9</b>

