



# Security Council

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## United Nations Interim Administration Mission in Kosovo

### Report of the Secretary-General

#### I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution [1244 \(1999\)](#), by which the Council established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested me to report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK, and developments related thereto, from 16 October 2018 to 15 January 2019.

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

#### II. Key political and security developments

3. During the reporting period, tensions between Belgrade and Pristina continued to rise, negatively affecting the prospects for a productive dialogue. On 6 November, the government of Kosovo imposed a 10 per cent tax on goods from Serbia and Bosnia and Herzegovina, citing the persistent attempts of Belgrade to weaken international standing of Kosovo as the main reason behind the decision. On 21 November, one day after a vote in the International Criminal Police Organization (INTERPOL) General Assembly failed to admit Kosovo as a member, the government of Kosovo raised the import tax on goods from Serbia and Bosnia and Herzegovina to 100 per cent and banned the entry into Kosovo of all goods labelled “UNMIK Kosovo” and “Kosovo and Metohija”. The Prime Minister of Kosovo, Ramush Haradinaj, explained that these measures were in response to “years of campaign by Belgrade to undermine Kosovo’s efforts to join international organizations”. On 28 December, the government of Kosovo announced that the 100 per cent tariff would apply also to international brands produced in Serbia and Bosnia and Herzegovina, which were previously exempt from the measure.



4. In response to the increase of the import tax by the government of Kosovo, on 27 November, the mayors of the four Kosovo Serb-majority municipalities in northern Kosovo announced their resignations and that their respective municipal assemblies would cease official communication with the authorities in Pristina. The main Kosovo Serb political party, the Serbian List, which had been refraining from participating in formal sessions of the government or the Assembly of Kosovo since March 2018, organized at least 15 protests, centred in North Mitrovica, which at times involved up to 7,500 people. The President of Serbia, Aleksandar Vučić, called the decision of Pristina a violation of the Central European Free Trade Agreement and stressed that Belgrade would resume its involvement in the European Union-facilitated dialogue between Belgrade and Pristina only when the latter revoked the import tax. At the end of November, the Prime Minister of Serbia and the Minister of Foreign Trade and Economic Relations of Bosnia and Herzegovina requested joint consultations within the Central European Free Trade Agreement Joint Committee on the trade measures introduced by the government of Kosovo. The consultations had not been scheduled by the end of the reporting period. Amid heightened rhetoric and tensions, a meeting of the Joint Committee, held on 6 December in Pristina, could not be concluded owing to a walkout by the delegations of Pristina and Tirana following a contested statement by a representative of Belgrade. UNMIK expressed its willingness to participate in future consultations envisaged in the Joint Committee on the question of duties, with a view to facilitating constructive dialogue in that framework.

5. International actors called upon the government of Kosovo to revoke the trade measures. My Special Representative issued two statements in which he expressed concern about the impact of the import duty on the people of Kosovo and stressed that it was imperative to maintain peace, security and stability. On 21 November, the European Union High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, Federica Mogherini, stated that the tax measures were a clear violation of the Central European Free Trade Agreement and the spirit of the Stabilization and Association Agreement between the European Union and Kosovo. Senior European Union officials, including the High Representative and the European Union Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, engaged in intensive diplomacy to encourage dialogue between Belgrade and Pristina, with a focus on resolving the trade issues. Other international actors also urged Kosovo to rescind the tax. The Prime Minister of Kosovo, however, insisted that trade issues should be discussed with Belgrade together with other issues on the agenda of the European Union-facilitated dialogue and that the measures would be lifted only when Serbia recognized Kosovo.

6. Amid the tense atmosphere, on 14 December, the Assembly of Kosovo adopted a law on the Kosovo Security Force, a law on service in the Kosovo Security Force and a law on the Ministry of Defence. The new laws were promulgated by the President of Kosovo on 28 December and provide for substantial changes to the mandate, role and strength of the Kosovo Security Force, to be implemented over a period of time. The government of Kosovo, in a statement issued following the adoption of the laws, underscored the right of Kosovo to have “an army, a multi-ethnic and professional force built under the highest North Atlantic Treaty Organization (NATO) standards”. In a communiqué issued on 15 December, the Serbian List stated that the intended transition of the Kosovo Security Force would be seen as a threat by Kosovo Serbs. The Serbian authorities condemned the adoption of the laws, characterizing them as an act of “political aggression” against Serbia and a violation of Security Council resolution [1244 \(1999\)](#). They also called upon KFOR not to allow the operation of any “Kosovo army” on the territory of Kosovo. President Vučić said that Belgrade would respond to any attempt to send the Kosovo Security Force and any heavily armed units controlled by Pristina to the four Kosovo-Serb majority

municipalities in northern Kosovo. At the request of Serbia, the Security Council convened to discuss the situation in Kosovo on 17 December.

7. On the day of the adoption of the legislation on the Kosovo Security Force by the Assembly of Kosovo, the Secretary-General of NATO, while stating that the transition of the Kosovo Security Force was in principle a matter for Kosovo to decide, expressed regret at the decision, characterizing it as ill-timed and noting that it had been made despite the concerns expressed previously by NATO. He added that the decision would require the engagement of NATO with the Kosovo Security Force to be re-examined. He also stressed the continued commitment of NATO, through KFOR, to a safe and secure environment in Kosovo. The Spokesperson of the European External Action Service stated on the same day that the mandate of the Kosovo Security Force should be changed only through an inclusive and gradual process in accordance with the Constitution of Kosovo, further noting that the European Union expected Kosovo to continue to uphold its obligations under the First Agreement of Principles Governing the Normalization of Relations of April 2013 and its security arrangements. In my statement of the same day, I underscored that Security Council resolution [1244 \(1999\)](#) provides the sole legal framework for the international security presence, KFOR, which is entrusted with the responsibility to ensure a safe and secure environment in Kosovo and that any restriction to the discharge by KFOR of its security responsibilities would be inconsistent with that resolution. My Special Representative issued a similar statement in Pristina.

8. Meanwhile, efforts continued to unify the approach of Pristina to the European Union-facilitated dialogue with Belgrade. The Assembly of Kosovo approved, on 15 December, a resolution on the dialogue, which established a negotiating team co-chaired by the Deputy Prime Minister, Fatmir Limaj, from the ruling coalition party Initiative for Kosovo, and the mayor of Pristina, Shpend Ahmeti, from the opposition party Social Democratic Party of Kosovo. The team includes other members of the ruling coalition and the Social Democratic Party of Kosovo, as well as civil society, but not the Serbian List. Three days after the adoption of the resolution, Prime Minister Haradinaj presented to his cabinet of ministers his proposal on numerous sectoral issues for negotiation with Belgrade. As envisaged in the resolution, on 24 December, the government of Kosovo submitted to the Assembly a draft law on “the duties, responsibilities and competencies of the State delegation of the Republic of Kosovo in the dialogue process with the Republic of Serbia”. The main opposition parties, the Democratic League of Kosovo and the Movement for Self-Determination (Vetëvendosje), criticized all these initiatives, calling them illegitimate. In addition, the Serbian List and the authorities in Belgrade argued that these initiatives left no room for compromise. Belgrade also criticized the appointment of Fatmir Limaj, who had previously been tried for, but acquitted of, war crimes, to the negotiating team of Pristina.

9. Following the third regular meeting of the Stabilization and Association Council of the European Union and Kosovo, on 17 December in Brussels, the European Union acknowledged the progress made by Kosovo in implementing the European reform agenda and called for the swift implementation of the outstanding measures. On 19 December, President Vučić of Serbia and the President of Kosovo, Hashim Thaçi, attended a meeting of western Balkan leaders hosted by the European Union High Representative for Foreign Affairs and Security Policy in Brussels, in which all participants committed themselves to working together in pursuit of their respective European paths.

10. In a separate development, representatives of the Government of Albania and the Kosovo authorities held their annual meeting on 26 November in the municipality of Pejë/Peć, during which they signed a series of agreements to enhance economic cooperation, including an agreement on simplifying bilateral customs procedures.

Subsequently, the Prime Ministers of Albania and Kosovo also expressed their commitment to enhance “joint border management”.

11. During the reporting period, a number of intercommunity incidents occurred. On 21 October, in the village of Studenicë/Studenica, in the municipality of Istog/Istok, the road to Studenica Monastery was blocked and stones were thrown at two buses that were transporting approximately 170 Serbs visiting the monastery. Leaders of institutions in Kosovo and the international community condemned the incident. My Special Representative issued a statement in which he urged respect for freedom of movement and religion in Kosovo. On 28 October, the Kosovo police reported that an unexploded hand grenade had been found in front of the house of a Kosovo Turk member of the Kosovo Security Force in the ethnically mixed neighbourhood of Bosniak Mahalla, in North Mitrovica. On 14 November, in the same neighbourhood, a vehicle belonging to a pharmaceutical company funded by the Government of Serbia was vandalized and covered with graffiti and five vehicles belonging to Kosovo Albanians were damaged in North Mitrovica.

12. The government of Kosovo continued to take action to prevent violent extremism. On 16 October, it established an inter-institutional committee tasked with monitoring and reporting on issues related to violent extremism. On 21 November, the Court of Appeals issued a judgment confirming the verdict of the Basic Court of Pristina, which, on 18 May, had acquitted for lack of evidence five imams accused of terrorism-related offences. On 20 December, the Special Prosecutor filed an indictment against one individual for the criminal offence of participating in terrorist groups.

### **III. Northern Kosovo**

13. Since the imposition of the tax on goods from Serbia and Bosnia and Herzegovina by the Kosovo authorities, UNMIK and the United Nations Kosovo team have not observed any marked impact on access to essential goods and services for residents of northern Kosovo. At the same time, no Serbian-language printed media, including daily newspapers, crossed into Kosovo after the tax increase.

14. During the period under review, no progress has been made in the reopening of the main bridge in Mitrovica, which was closed to vehicular traffic in June 2014. Following a meeting facilitated by the European Union between the mayors of North and South Mitrovica on 2 October, the mayor of South Mitrovica criticized the international community for failing to reopen the bridge and threatened to do so unilaterally. In subsequent statements, the mayor of South Mitrovica encouraged the government of Kosovo to submit to the Assembly of Kosovo a proposal for the unification of North and South Mitrovica. The Serbian List immediately condemned the proposal.

15. In another development, on 23 November, Kosovo special police arrested four Kosovo Serbs in North Mitrovica, including two members of the Kosovo police, in connection with the investigation into the murder of the late Kosovo Serb politician Oliver Ivanović. According to the Kosovo police, the operation failed to arrest another suspect, a prominent Kosovo Serb politician. Of the four arrested, one was released two days later, while the other three remained in detention at the end of the reporting period.

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

16. On 8 November, President Vučić of Serbia and President Thaçi of Kosovo met in Brussels under the auspices of the European Union High Representative for Foreign Affairs and Security Policy, within the framework of the European Union-facilitated dialogue between Belgrade and Pristina. Following the meeting, the Spokesperson of the European External Action Service called upon Belgrade and Pristina to “swiftly deliver on their commitment to the dialogue given the direct link between comprehensive normalization of relations between them and concrete prospects for their European Union aspirations”. President Vučić stated after the meeting that it was not part of the political dialogue with Pristina, which he said would resume only after Pristina withdraws its decision on import tax. President Thaçi accused President Vučić of giving ultimatums and taking an unhelpful approach to the dialogue.

17. On 8 January, the negotiating team of Pristina met with the European Union High Representative in Brussels to discuss the European Union-facilitated dialogue between Belgrade and Pristina. The High Representative noted that the presence of the delegation of Pristina in Brussels was a demonstration of the priority being given by the Kosovo authorities to the normalization process, which was a requirement for its European path. The High Representative stressed the need for both sides to implement past agreements and avoid actions and statements that were not compatible with the overall interest and strategic objectives of the region. She also reiterated the urgency of revoking the customs tariffs announced by the Kosovo authorities. The co-chairs of the negotiating team of Pristina stated that they had been mandated by the Assembly of Kosovo to represent the interests of the people of Kosovo in the dialogue with Belgrade and stressed the need for Belgrade to demonstrate good faith in the negotiation process before Pristina could consider revoking the trade measures.

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

18. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded 93 voluntary returns of people who had previously been displaced within and outside Kosovo, mainly to municipalities where they are not in the majority. They included 43 women and 50 men (32 Kosovo Serbs, 18 Kosovo Egyptians, 18 Kosovo Roma, 16 Kosovo Ashkali, 8 Kosovo Albanians and 1 Kosovo Croat). Since 2000, 28,111 displaced members of non-majority communities, including 13,793 women and 14,318 men (11,945 Kosovo Serbs, 7,577 Kosovo Egyptians and Ashkali, 3,925 Kosovo Roma, 1,875 Kosovo Bosniaks, 1,464 Kosovo Goranis, 1,281 Kosovo Albanians, 21 Kosovo Montenegrins, 19 Kosovo Turks and 4 Kosovo Croats) have found durable solutions in Kosovo. In 2018, 327 displaced members of non-majority communities, including 154 women and 173 men, found durable solutions in Kosovo. In addition to the 16,254 displaced persons in Kosovo, there are still 69,627 persons with displacement-related needs across the western Balkans region, out of the approximately 200,000 displaced persons from Kosovo residing in those countries (the majority being in Serbia).

19. Challenges related to property restitution, the allocation of land for housing construction, security and socioeconomic opportunities for returnees have continued to impede progress on sustainable returns. As part of efforts to facilitate returns, on 2 November, representatives of the municipal offices for communities and return in the municipality of Pejë/Peć attended a workshop on the implementation of the government regulation on the return of displaced persons and durable solutions. On 12 November, the municipality of Kamenicë/Kamenica began to distribute daily

meals to primary school children throughout the municipality, including five schools attended by Kosovo Serb and Kosovo Roma children studying under the Serbian curriculum.

20. The government of Kosovo, with support from the European Centre for Minority Issues, continued to work closely with the University of Mitrovica to issue individual certificates to graduates of the University that can be used to apply for jobs in public institutions in Kosovo. On 30 November, the independent commission of the government of Kosovo for the verification of degrees issued by the University of Mitrovica reported that, since its establishment in 2015, it had received 1,535 applications, of which 1,350 had been approved, 144 were pending review, 38 had been denied and 3 required additional forms.

21. The Implementation and Monitoring Council, which oversees the special protective zones surrounding religious sites, met on 6 November to discuss the proposed construction of an administrative centre of the Islamic community in the municipality of Lipjan/Lipljan, which would fall within the special protective zone of the Serbian Orthodox Church of the Presentation of the Virgin. At the request of the Eparchy of Raška-Prizren, the municipal department of planning, urbanism and environment brought the matter to the attention of the Council. The meeting was followed by a site visit on 15 November, and the Council has been facilitating talks between the religious communities and the municipality to identify a solution.

22. During the reporting period, UNMIK continued to monitor developments related to the rights of Ashkali, Egyptian and Roma communities in Kosovo. Lack of access to education, persistent school dropout rates and incomplete or missing civil status documents, in particular birth certificates, continue to negatively affect the integration of these communities into Kosovo society. UNHCR continued to support members of the Ashkali, Egyptian and Roma communities in Kosovo in obtaining civil documentation and resolving civil status issues to enable their access to public services. UNHCR assisted 99 individuals (54 women and 45 men) in obtaining civil documentation. Meanwhile, an initial expression of interest in contributing to the trust fund to support the Ashkali, Egyptian and Roma communities affected by lead poisoning in Kosovo, established in 2017 to follow up on the recommendations of the UNMIK Human Rights Advisory Panel, has been received.

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

23. On 25 October, the Assembly of Kosovo approved in its first reading a draft law on amending and supplementing the Criminal Procedure Code of Kosovo, which provides for trials in absentia of individuals suspected of having committed war crimes in Kosovo between January 1990 and June 1999. Some civil society organizations expressed concern about the human rights implications of trials in absentia. The Kosovo Serb community expressed concerns that crimes committed after 1999 would not be subject to this law.

24. On 5 November, the Basic Court of Pristina convicted the former mayor of Lipjan/Lipljan of abusing his official position and sentenced him to three years in prison. The Court found another five former officials of the municipality of Lipjan/Lipljan guilty and acquitted three others.

25. In addition, on 25 October, the Basic Court of Pristina convicted a former member of a Serbian paramilitary unit, who is of Kosovo Roma ethnicity, to 10 years in prison for war crimes against the civilian population committed in 1999. The defendant had been extradited from Bosnia and Herzegovina in December 2016, while another member of the same paramilitary unit, who is of Kosovo Serb ethnicity,

had already been convicted in 2014. On 14 November, the Court of Appeals of Kosovo confirmed an earlier ruling of the Basic Court in Gjakovë/Đakovica, acquitting the Deputy Prime Minister and leader of the ruling coalition party Initiative for Kosovo, Fatmir Limaj, of charges of command responsibility for the murder of two Kosovo Albanians in 1998. On 15 November, the Special Prosecutor of Kosovo announced the reopening of a case of rape, in which the alleged perpetrators had been acquitted in 2014. She highlighted that the rape in question had been used as a weapon of war and explained that the reopened investigation would focus on command responsibility.

26. During the period under review, the joint Working Group on persons who are unaccounted for in connection with events in Kosovo approved the procedures between the authorities in Belgrade and Pristina for the handover of human remains exhumed on both sides of the administrative boundary line, a development that contributed to enhancing cooperation between Belgrade and Pristina on the issue of missing persons. On 26 October, UNMIK participated in the 48th meeting of the joint Working Group. At the meeting, the International Committee of the Red Cross reported that 1,647 persons remained missing as at October 2018, while the fate and whereabouts of only seven individuals had been clarified in 2018.

27. The commission of the government of Kosovo responsible for the verification and recognition of the status of survivors of conflict-related sexual violence, which was established in February 2018, received 108 applications during the reporting period, bringing the total number of applications received to 890. Of those, 175 applications (from 169 women and 6 men) have so far resulted in the granting of survivor status. To mark the eighteenth anniversary of the adoption of Security Council resolution [1325 \(2000\)](#), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) organized an art exhibition, “Colours of our souls”, on 5 November. The exhibition featured artwork created by survivors of conflict-related sexual violence and raised awareness of the stigma surrounding survivors by portraying their visions of peace.

## VII. Women and peace and security

28. In the framework of the implementation of Security Council resolution [1325 \(2000\)](#), on 16 November, UN-Women and the Regional Women’s Lobby for Peace, Security and Justice in Southeast Europe, with support from the United Nations Development Coordinator in Kosovo, UNMIK and the Embassy of Sweden in Pristina, organized a regional conference on the participation of women in peacebuilding efforts in the western Balkans. Participants from various sectors from across the region advocated the meaningful participation of women in decision-making processes and their inclusion in mediation and peacebuilding processes.

29. During the reporting period, efforts continued to strengthen the legal framework of Kosovo for addressing and preventing gender-based violence and align it with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The draft law on amending and supplementing the Criminal Procedure Code of Kosovo, which the Assembly of Kosovo approved in its first reading on 25 October, included a definition of domestic violence as a separate criminal offence. Members of the multi-stakeholder Security and Gender Group, which is chaired by UN-Women and includes UNMIK, have been advocating the amendments.

30. Public awareness efforts aimed at preventing violence against women and girls were undertaken during the 16 Days of Activism against Gender-based Violence campaign, which began on 25 November under the theme “Orange the world:

#HearMeToo”. The campaign included more than 100 events and activities organized by international, governmental and civil society actors under the coordination of the Security and Gender Group.

31. During the campaign, the UNMIK-produced documentary “Not your property” was launched in Pristina, followed by screenings in 10 municipalities of Kosovo, organized in collaboration with UN-Women and led by local authorities and civil society partners. The documentary was screened by the public broadcaster Radio Television of Kosovo, followed by a televised panel discussion watched by tens of thousands of viewers, including on social media. The campaign concluded with a high-level regional conference on access to justice for victims of domestic and gender-based violence, organized by the Office of the Kosovo Coordinator for Protection against Domestic Violence and supported by UN-Women and the United Nations Development Programme. At the end of the campaign, the Security and Gender Group issued an advocacy letter in which it called upon central and local institutions to allocate funding to domestic violence shelters in the 2019 budget. On 26 December, the Committee on Budget and Finance of the Assembly of Kosovo recommended a funding increase which, pending approval of the 2019 budget by the Assembly, would allow for more sustainable year-round funding of shelters and prevent their closure owing to a lack of resources, as was the case at the end of 2018.

## VIII. Partnerships and cooperation

32. On 18 October, in follow-up to the United Nations Kosovo Trust-Building Forum, held in Ljubljana in May 2018, UNMIK gathered more than 200 stakeholders, including central and local government officials, religious leaders and representatives of civil society and the international community, to take stock of progress and identify the next priority steps in the implementation of the recommendations of the Forum. My Special Representative issued a call to action and invited all Kosovo leaders and partners to join the United Nations in taking forward the Forum’s recommendations as a road map for collective efforts towards lasting reconciliation.

33. During the reporting period, UNMIK, in close collaboration with the United Nations Kosovo team, began to implement several trust-building programmatic activities in the areas of language and human rights, youth empowerment, gender equality and intercommunity dialogue. To promote language rights and access to justice, UNMIK supported efforts to reduce the backlog of cases at the Basic Court of Mitrovica through the recruitment of 10 translators and two legal associates. UNMIK also partnered with two youth-led non-governmental organizations to implement projects aimed at fostering sustainable reconciliation through human rights education and empowering some 1,000 young people through improving their knowledge and understanding of human rights and fundamental freedoms.

34. From 17 October to 20 December, UNMIK supported a multi-ethnic team of young leaders in organizing a series of activities aiming to empower school girls to confront gender-based violence through professional counselling and self-defence classes. In addition, in order to foster the participation of young people in local decision-making processes, UNMIK focused on providing support to municipal youth advisory boards, known as local youth action councils, and enhancing their capacity to engage in intercommunity dialogue. During the reporting period, the mayor of Kamenicë/Kamenica continued to advance gender equality in the municipality, which has the highest number of women in leadership positions in Kosovo. UNMIK assisted in equipping the women’s caucus meeting hall in the municipality of Kamenicë/Kamenica, which was inaugurated on 12 November and enables local

authorities to meet regularly with their constituents to discuss and advance gender priorities in the municipal agenda.

35. UNMIK continued to provide document certification services. During the period under review, a total of 868 documents were processed, 502 relating to pensions and 366 to civil status, such as high school and university diplomas and marriage, birth and death certificates. UNMIK also continued to facilitate bilateral police cooperation between the Kosovo authorities and the Ministry of Interior of Serbia (68 requests received and processed). UNMIK facilitated the issuance of 19 INTERPOL Red Notices and four extradition requests from INTERPOL member States to Kosovo. It also opened 447 cases for investigation within the INTERPOL database, bringing the total of open cases related to the territory or people of Kosovo to 1,494. In total, UNMIK processed 3,759 items of official correspondence related to its INTERPOL liaison function during the reporting period.

## IX. Observations

36. I am concerned at the tension between Belgrade and Pristina and the related risks to stability on the ground, in particular in northern Kosovo. It is crucial that leaders from both sides avoid any action that could further raise tensions, and that they make conciliatory gestures and seek ways to reengage and work towards progress in the European Union-facilitated dialogue aimed at normalizing their relations.

37. While acknowledging the challenges that Belgrade and Pristina face in the pursuit of a solution, I encourage the leaders on both sides to transform an adversarial dynamic into one of problem-solving. In doing so, it is important to move away from entrenched positions and demonstrate commitment to reaching a comprehensive agreement, working towards removing obstacles and creating conditions conducive to the resumption of the dialogue.

38. I note the establishment in Pristina of the negotiating team for the European Union-facilitated dialogue and its first engagement with the European Union High Representative for Foreign Affairs and Security Policy. I encourage greater participation of women in the dialogue process between Belgrade and Pristina, in line with their respective commitments to promote the women and peace and security agenda and to include gender perspectives in the implementation of agreements that affect the lives of the population.

39. I also take note with concern of the adoption by the Assembly of Kosovo of the laws strengthening the mandate and capacity of the Kosovo Security Force. Security Council resolution [1244 \(1999\)](#) continues to provide the sole legal framework for the international security presence, KFOR. UNMIK will continue to cooperate closely with KFOR in this regard.

40. Under the leadership of my Special Representative, Zahir Tanin, the Mission will continue to focus its activities in support of intercommunity trust-building, which is essential for stability and social cohesion in Kosovo and for the creation of conditions conducive to compromise.

41. I welcome the continuous work of UNMIK, in collaboration with the United Nations Kosovo team, to implement the joint recommendations of the United Nations Kosovo Trust-Building Forum, held in May 2018. The recommendations guide United Nations engagement in support of intercommunity trust-building in partnership with local and international actors. The continued access of UNMIK to programmatic funding enables the Mission to sustain needed trust-building activities in the areas of, inter alia, language rights, human rights, youth empowerment, gender equality and intercommunity dialogue.

42. I welcome the progress made in the work of the Working Group on persons who are unaccounted for in connection with events in Kosovo and encourage the members to build on this momentum to ensure progress on the issue of missing persons, which is essential for achieving long-term reconciliation. I welcome the initial expression of interest in contributing to the United Nations trust fund in support of the Ashkali, Egyptian and Roma communities affected by lead poisoning in Kosovo. I encourage Member States and other actors and organizations to contribute to the trust fund in demonstration of international support for these vulnerable communities.

43. Domestic violence remains a serious concern in Kosovo. I encourage the Kosovo institutions to take further initiatives to address domestic violence, including by enhancing support for rights-based rehabilitation and reintegration of victims of domestic violence. Sustainable institutional funding of shelters is essential in that regard.

44. I thank my Special Representative and all UNMIK staff for the energy, creativity and dedication they put into the Mission's work. I reiterate my gratitude to the long-standing partners of the United Nations in Kosovo, KFOR, the Organization for Security and Cooperation in Europe, the European Union Special Representative and offices on the ground, and to the United Nations Development Coordinator, as well as to United Nations agencies, funds and programmes, for their continued teamwork and collaboration with UNMIK.

## Annex I

### **Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 October 2018 to 15 January 2019**

#### **1. Summary**

The European Union Rule of Law Mission in Kosovo (EULEX) finalized its reconfiguration on 14 December 2018, reaching full operational capability as envisaged by its current mandate. In the last months of reconfiguration, a number of external and internal processes were brought to their completion, allowing the Mission to begin fully operating in line with its revised mandate.

Namely, by mid-December, EULEX finalized the transition of a number of its former “strengthening” tasks to the European Union Office in Kosovo in the areas of the Kosovo police, the Kosovo Judicial and Prosecutorial Councils and the Civil Registry. EULEX handed over existing embedded offices and shared its handover reports with recently recruited European Union Office staff in their respective areas of expertise. Similarly, in view of finalizing the phasing out of the executive judicial competencies of the Mission, EULEX completed the handover of the remaining police and prosecution case files to the Kosovo authorities.

Furthermore, as part of the process of gradually transferring responsibilities in the area of rule of law to Kosovo counterparts, in November, the Mission hosted the last Joint Rule of Law Coordination Board meeting, attended by the European Union Special Representative/Head of the European Union Office in Kosovo, the Minister of Justice and the Chairs of the Kosovo Judicial and Prosecutorial Councils. In closing this mode of engagement, EULEX committed itself to continuing its contribution to supporting reform efforts in relevant rule of law areas under the locally owned “Justice 2020” initiative in the future in line with its current mandate.

The Mission reached its envisaged structure by 15 December 2018, after finalizing the recruitment of international and local staff members, as well as bidding farewell to a number of staff whose posts were no longer included under the reconfigured structure. Since then, EULEX has been fully dedicated to the implementation of its 2018–2020 mandate through its monitoring and operations pillars, with an authorized strength of a total of 503 international and local staff members.

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

##### **2.1. Monitoring**

Since the beginning of its new mandate in June 2018, EULEX has continued to monitor selected cases and trials in the Kosovo justice system, with a particular focus on transferred EULEX cases, as well as other ad hoc cases. The monitored cases have been assessed on their adherence to Kosovo law and human rights standards, among other legal criteria. In this process, EULEX has identified the following challenges, among others, in the justice system: (a) curbing delays and irregularities in case allocation and trial procedures; (b) reducing the number of unproductive hearings; (c) limiting the number of retrials on decisions rendered by upper courts; (d) enhancing the currently insufficient capacity of specialized experts; (e) ensuring the independence of court procedures; and (f) improving the so-far lacking prosecution capacity in conducting sensitive investigations related to corruption. In the course of the reconfiguration period, EULEX has established a reporting system

through which it will regularly share its findings with local counterparts and international partners in a transparent and efficient manner.

EULEX is mandated to monitor cases at the Special Chamber of the Supreme Court as well as the Kosovo Property Agency Appeals Panel after withdrawing its international judges from the Chamber and the Panel at the end of its previous mandate on 14 June 2018. To date, the Kosovo authorities have stalled in amending relevant laws, specifically to remove any references to international (EULEX) judges so that panels can be formed with local judges only. Owing to these delays, the Chamber has remained non-functional since 15 June 2018. Meanwhile, the Appeals Panel resumed its work in September 2018, when the President of the Supreme Court assigned two local judges of the Supreme Court to sit on the Appeals Panel on a rotational basis as an interim measure until the relevant law is amended. However, the Panel has continued to face additional difficulties in carrying out its mandate given that no Albanian-Serbian translators were assigned to it after the executive judicial mandate of EULEX ended on 14 June 2018. Therefore, finalized judgments have since not been served to the parties as the Panel was unable to provide these in both official languages.

Following the decision made by the Supreme Court in June 2018 to send for retrial to the Mitrovica Basic Court the former EULEX *Drenica I* war crimes case, involving prominent former Kosovo Liberation Army members, EULEX has been monitoring both this case and the related *Drenica II* case. During the discussions on the reassignment of the *Drenica I* case to the Mitrovica Basic Court, EULEX observed that the President and the judges of the Court were both unprepared to take over such a high-profile case and concerned about doing so, raising questions regarding conditions for the judges to act independently and impartially. EULEX monitored two sessions of a conditional release panel established by the Kosovo Judicial Council, on 17 and 24 October, to consider the requests for conditional release of two former commanders of the Kosovo Liberation Army. On 24 October, the Panel decided to conditionally release one of them for good behaviour, while the other's request was rejected. On 25 October, the Supreme Court rejected the request for protection of legality filed by some defendants in the *Drenica II* case, thus confirming the judgment of EULEX. As a result, there are no legal obstacles to the execution of the sentence for six of the defendants in *Drenica II*. To date, the relevant court has approved the request to postpone the execution of the sentence for two of them, while all the others appealed against the decision of the court's president to reject their request for a postponement.

The Mission has continued to monitor, mentor and advise the senior management of the Kosovo Correctional Service with the aims of supporting the further development of a consolidated and professional senior management team, and of developing a capability, inter alia, to counter undue interference and the preferential treatment of inmates. In this regard, the process of consolidating a senior management team has not been without difficulties. After the decision of the Independent Oversight Board for Civil Service of Kosovo to annul the recruitment process of the Director General of the Kosovo Correctional Service on 15 November 2018, media reported that the Ministry of Public Administration had filed a lawsuit against the Independent Oversight Board and that the court had subsequently suspended the annulment of the recruitment process until it renders a decision on the case. Therefore, the Director General of the Kosovo Correctional Service, appointed to the position in April 2018, has remained in his post pending a decision by the competent court on the relevant recruitment process.

EULEX has monitored the recruitment process of 120 correctional officer positions for the High Security Prison and the Gjilan/Gnjilane Detention Centre. On 11 November 2018, the Kosovo Correctional Service organized a written test for

1,500 candidates, while approximately 250 were interviewed in the second half of December. EULEX noted that the planning and organization for the execution of the written test has significantly improved in comparison with similar recruitment processes in previous years.

In the course of its monitoring, the Mission has found that high-profile inmates still continue to receive favourable treatment during hospital visits. During such visits, for example, officers of the Kosovo Correctional Service fail to maintain constant visual contact with inmates and often fail to properly check and search visitors. In response, EULEX has shared its recommendations with the management of the Kosovo Correctional Service, recommending, among other points, that the Service update the regulation on the guarding of inmates during hospitalizations and re-establish an internal oversight mechanism for correctional officers during such visits. Upon receiving the recommendations, the Director General of the Kosovo Correctional Service established a joint working group in October 2018. The working group submitted its proposed amendments to the regulation in December, to be taken into consideration by the Director General.

There has been no notable progress in the implementation of the European Union-facilitated integrated border management technical protocol between Pristina and Belgrade. The local-, regional- and central-level technical protocol meetings have not taken place since their cancellation following the arrest by the Kosovo police of the Director of the Office for Kosovo and Metohija of the Government of Serbia in March 2018. EULEX has continued to regularly visit all the common crossing points in line with the set schedule of the integrated border management local-level meetings, engaging with both sets of authorities in separate meetings. The atmosphere has remained convivial with a degree of operational cooperation at most common crossing points.

The construction of the permanent common crossing point of Merdarë/Merdare has advanced, which has allowed the parties to move into the new administration building since the first half of October. However, while the Pristina party has moved into the building, the Belgrade officials have remained in their old premises. As a result, only part of the new common crossing point has been used for the clearance of traffic, obliging travellers to manoeuvre through two sets of controls in different locations. In addition, the overall lack of cooperation between the two authorities at the common crossing point and the slow clearance of traffic by the Belgrade side have resulted in unnecessarily lengthy waiting times and, at times, long tailbacks of cars and trucks.

The Mission has continued to support the technical implementation of the European Union-facilitated agreements related to freedom of movement. EULEX has noted a considerable increase in the registration of births, marriages and deaths in the Kosovo civil registry system in northern Kosovo since a decision issued in July 2018 by the Ministry of Internal Affairs on accepting documents of birth, marriage and death issued by Serbian institutions operating in Kosovo between 10 June 1999 and 14 September 2016. Although the Civil Registration Agency issued a standard operating procedure on the implementation of this decision in August, the lack of a unified understanding and approach when dealing with individual applicants has remained a challenge in the implementation of this decision.

The Mission has continued to monitor, mentor and advise the President of the Mitrovica Basic Court and the Head of the Mitrovica division of the Court of Appeals. The insufficient translation capabilities between the Albanian and Serbian languages have been a key challenge for the full functionality of the Mitrovica Basic Court, affecting its work in many aspects. Meanwhile, the insufficient number of interpreters has required a high degree of coordination between the Court and the Basic

Prosecution Office in the scheduling of trial sessions, taking into consideration the languages spoken by the judges and prosecutors and the number of interpreters available at any given time. Owing to the insufficient number of translators, the Court has been slow in decreasing its case backlog, given that many case files require translation between Serbian and Albanian prior to being further processed. The Kosovo Judicial Council has succeeded in recruiting two translators to the Court, foreseen to take up their duties in January 2019. The Council has re-advertised vacancies for an additional three translators for the Court, as well as one translator for the Mitrovica division of the Court of Appeals owing to a lack of qualified candidates. To temporarily meet the gap in the provision of language services, the United Nations Interim Administration Mission in Kosovo (UNMIK) financed 10 interpreters/translators for the Mitrovica Basic Court for a period of six months. They were recruited by the selection panel, which included the President of the Court, and began to work in November 2018.

In November, the Kosovo Judicial Council appointed five new Kosovo Albanian judges to the Mitrovica Basic Court. Once the judges are decreed by the President, the Court will have finally reached the quota of Kosovo Albanian judges as envisaged by the European Union-facilitated Justice Agreement. However, the judges are scheduled to undergo a one-year practical training prior to assuming their duties in full.

## **2.2. Operations**

EULEX has continued to provide support to the Kosovo police in the area of international police cooperation. In this regard, the Mission has facilitated information exchange between the national central bureaux of the International Criminal Police Organization (INTERPOL) and the International Law Enforcement Coordination Unit of the Kosovo police under the umbrella of the UNMIK INTERPOL Liaison Office. The Mission has also maintained an information exchange channel with the Ministry of Interior of Serbia.

In line with its mandate, EULEX has maintained its availability to provide forensic expertise, including in the area of missing persons, to the Institute of Forensic Medicine upon the request of local authorities. In this regard, meetings were held between EULEX, the Ministry of Justice and the Institute in November to draft a joint action plan for future activities of the Institute. Meanwhile, from 22 to 30 October, upon a written ad hoc request by the Ministry of Justice, EULEX assisted the Institute in carrying out a site assessment for a possible missing persons' grave in the municipality of Skenderaj/Srbica, based on an order of the Special Prosecution of Kosovo. The site assessment did not result in any findings.

The EULEX formed police unit has continued to maintain its capabilities as a second security responder. In order to ensure the operational readiness of the formed police unit, it has carried out regular internal training sessions, as well as joint training sessions with the Kosovo Force (KFOR) and the Kosovo police. In response to the increased tensions in northern Kosovo in the second half of November, the formed police unit increased its visibility patrols in that area.

EULEX continued to provide the Specialist Chambers and the Specialist Prosecutor's Office with logistical and operational support in line with relevant legislation.

## **3. Other key issues**

Nothing significant to report.

## Annex II

### Specialist Chambers and Specialist Prosecutor's Office

During the reporting period, the Specialist Chambers continued to make progress in its preparedness for judicial activity by refining its internal and administrative procedures and by launching the public court records database on its updated website. The trilingual website now also allows audiovisual content, such as court sessions, to be streamed.

On 1 November 2018, the Specialist Chambers issued an updated list of counsel, containing 118 counsel admitted to practise as either defence or victims' lawyers. In the following month, the interim legal aid regulations were approved. Counsel on the list have received the draft code of professional conduct for counsel for comments, and their input is being reviewed. The establishment of an independent representative body for all counsel is being encouraged.

Outreach activities, which are crucial for the communication strategy of the Specialist Chambers, continued. From 19 to 22 November, the Specialist Chambers, in cooperation with the International Nuremberg Principles Academy, carried out a four-day seminar on journalism and trial reporting in Nuremberg, Germany. The event was attended by 18 journalists from different Kosovo communities and media outlets, who had an opportunity to discuss challenges and good practices in trial reporting with experts from the field and experienced fellow journalists, as well as to learn more about the Specialist Chambers and its mandate and regulations. From 3 to 7 December, the outreach team, together with the Victims Participation Office and a representative from the Chambers, held outreach meetings and round-table discussions with civil society in different areas of Kosovo, in cooperation with local non-governmental organizations. Also in December, the President and the Registrar participated in events organized by the International Bar Association, the International Center for Transitional Justice and the Open Society Justice Initiative during the seventeenth session of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

Engagement with the host State, the European Union and diplomatic representatives continued. On 28 November, the European Union Civilian Operations Commander, Vincenzo Coppola, and the Head of the Service for Foreign Policy Instruments of the European Commission, Hilde Hardeman, visited the Specialist Chambers and the Specialist Prosecutor's Office, as well as their future premises, and met with all three principals, as well as relevant host State authorities. The annual diplomatic briefing was held on 4 December and attended by representatives of 27 European Union member States and third contributing States. The President, the Registrar and the Specialist Prosecutor provided updates on recent developments and answered questions. In addition, during the reporting period, the President met with the Secretary-General of the Ministry of Foreign Affairs of the Netherlands, and the Registrar met with representatives of the Ministry of Justice and Security and the Ministry of Foreign Affairs of the Netherlands.

During the reporting period, 11 new staff members were deployed, bringing the total number of staff employed by the Specialist Chambers and the Specialist Prosecutor's Office as at 15 January 2019 to 180.

During the reporting period, the Specialist Prosecutor's Office took forward its investigation into the allegations contained in the report of the Council of Europe entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo", increasing the scale and intensity of its activities. In the process, the profile of the Specialist Prosecutor's Office in both Kosovo and the wider region has grown,

in particular after the Office began to issue summonses to former high-ranking members of the Kosovo Liberation Army.

The Specialist Prosecutor, Jack Smith, visited Kosovo for the first time at the end of October for a series of meetings with international officials and the Kosovo authorities. He met with, among others, heads of international organizations, the Special Representative of the Secretary-General for Kosovo, Zahir Tanin, representatives of European Union member States and the Minister of Justice of Kosovo, Abelard Tahiri, as well as senior officials in his ministry.

## Annex III

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

(as at 15 January 2019)

<i>Country</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Austria	1	–	1
Bulgaria	–	1	1
Finland	–	1	1
Germany	1	–	1
Hungary	–	2	2
Russian Federation	1	2	3
Turkey	–	1	1
<b>Total</b>	<b>3</b>	<b>7</b>	<b>10</b>

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

(as at 15 January 2019)

<i>Country</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Czechia	1	1	2
Poland	–	1	1
Republic of Moldova	–	1	1
Romania	–	1	1
Turkey	–	1	1
Ukraine	1	1	2
<b>Total</b>	<b>2</b>	<b>6</b>	<b>8</b>