



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 the Secretary-General to report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK, and developments related thereto, from 16 September 2021 to 15 March 2022.

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 (OSCE) and the Kosovo Force continue to perform their roles within the framework of resolution [1244 \(1999\)](#). The European Union Rule of Law Mission in Kosovo 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 the report of the Secretary-General of 24 November 2008 ([S/2008/692](#)). The United Nations agencies, funds and programmes work closely with the Mission.

3. On 16 January, the new Special Representative of the Secretary-General for Kosovo and Head of UNMIK, Caroline Ziadeh, arrived in Pristina and assumed leadership of the Mission.

II. Key political and security developments

4. The key political and security developments during the reporting period centred around the conduct of Kosovo local elections; tensions between Pristina and Belgrade over arrangements related to freedom of movement; the holding on 16 January 2022 of the Serbian constitutional referendum in Kosovo; and the forthcoming Serbian parliamentary and presidential elections in Kosovo. The European Union intensified efforts to advance the dialogue between Belgrade and Pristina, with bolstered support from the United States of America and European actors.

5. On 17 October, municipal elections were held in all 38 municipalities of Kosovo, followed by run-offs in 21 municipalities on 14 November. A total of 89 political entities participated, of which 32 were political parties. Overall voter turnout



was reported at 42.5 per cent, and the process was monitored by 24,693 accredited observers. A total of 166 mayoral and 5,199 municipal assembly positions were contested. The Democratic Party of Kosovo and the Democratic League of Kosovo won eight mayoral races each, followed by the Alliance for the Future of Kosovo winning five and the Movement for Self-Determination (Vetëvendosje) four, while the Social Democratic Initiative, the Turkish Democratic Party of Kosovo, and the Civic Initiative for Obiliq each secured one. The Serbian List won all 10 Kosovo Serb-majority municipalities. With regard to the representation of women, 14 women, reflecting 8.3 per cent of all candidates, competed in the elections, which represented an increase compared with the 2017 elections when 3 per cent of candidates were female. On this occasion, only two women – both representing the Serbian List – won mayoral races. Women candidates represented 37.2 per cent of those contesting municipal assembly seats, a slight increase from 34.8 per cent in the 2017 elections.

6. The European Union Election Observation Mission, which deployed over 100 election observers, assessed the overall conduct of the elections as positive while noting some lack of transparency and accountability concerning campaign finance as well as limited electoral competition due to the low number of candidates in Kosovo Serb-majority municipalities.

7. In its annual report on Kosovo issued on 19 October, the European Commission stressed that the Kosovo electoral legal framework had essentially remained unchanged since 2010, despite the electoral recommendations from previous European Union election observer and expert missions. More broadly, the Commission assessed mixed progress in 2021 on advancing European Union-oriented reforms, while noting slow progress in the European Union-facilitated dialogue. With regard to rule of law reforms, the Commission emphasized the importance of progress in the investigation and prosecution of corruption and organized crime cases, the need for increasing transparency in public institutions, and reducing undue political influence on the judiciary. The Commission expressed concern over the government's proposed introduction of a "one-off full re-evaluation" of prosecutors and judges.

8. Tensions between Belgrade and Pristina flared up during the days leading up to the local elections, in particular triggered by long-standing unresolved aspects in the implementation of the European Union-facilitated agreement on freedom of movement. On 20 September, the Ministry of Internal Affairs of Kosovo initiated a new policy for vehicles bearing Serbian licence plates, requiring them to be detached and replaced or covered with temporary Kosovo-issued plates at the official crossing points. Objections were raised in Kosovo Serb-populated areas, especially in the north, while Kosovo police special units were deployed near the crossing points at Gate 1 in Jarinjë/Jarinje and Gate 31 in Bërnjak/Brnjak to enforce the policy. Residents gathered near the two crossing points and blocked the transit roads in protest. A vehicle registration office in Zubin Potok was burned down, and an explosive device was found in the vehicle registration office in Zvečan/Zvečan. A stand-off between Kosovo police and protestors threatened to develop into physical altercations. While issuing rebukes against the approach of Kosovo, Serbia conducted military overflights and repositioned a small quick-reaction force in areas close to the administrative boundary line. The Minister of Defence of Serbia, accompanied by the Ambassador of the Russian Federation to Belgrade, visited the Serbian military units deployed in the area. The Special Representative joined the European Union and other international actors in calling for de-escalation and dialogue.

9. The controversy occurred on the heels of a regular consultative visit by the European Union Special Representative for the Belgrade-Pristina dialogue and other Western Balkan regional issues, Miroslav Lajčák, to Pristina and Belgrade from 15 to 21 September. Mr. Lajčák and chief negotiators from Pristina and Belgrade subsequently met in Brussels and the parties agreed to remove the Kosovo police

special units simultaneously with the roadblocks on 2 October, overseen by the Kosovo Force. The parties also agreed to implement a temporary regime of using stickers on both Kosovo-issued and Serbian licence plates. A special working group, consisting of both parties and European Union representatives, was established and tasked with agreeing on a more permanent solution by 21 April 2022. At the time of reporting, the group had met on six occasions, with some progress reported.

10. Tensions again flared up in the north in October when the Kosovo police conducted an anti-smuggling operation in several locations throughout Kosovo, including Pristina, Pejë/Peć, South Mitrovica, North Mitrovica and Zvečan/Zvečan. In the latter two municipalities, Kosovo Serb resistance to the presence of special police gave rise to altercations, with injuries to police officers, protesters and bystanders. Kosovo officials, defending the operation, expressed the “uncompromising” stance of Kosovo that “crime and criminal groups will not be tolerated and will be fought”. The President of Serbia, Aleksandar Vučić, travelled to Raška, to the north of the administrative boundary line, and urged restraint by Kosovo Serb leaders while also pledging a response to “any attempt to use violence against Kosovo Serbs”.

11. Discord arose once again concerning voting arrangements in Kosovo following the announcement by Serbia that a referendum would be conducted on 16 January on changes to the Serbian Constitution pertaining to the judiciary. Amid calls by the Quint (France, Germany, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States) and the European Union for the Kosovo authorities to facilitate the voting, the President of Kosovo, Vjosa Osmani, the Prime Minister, Albin Kurti, and the Speaker of the Assembly of Kosovo, Glauk Konjufca, issued a joint statement in which they underlined that “Kosovo Serb citizens with dual citizenship will have the right to vote in accordance with international standards and practices, such as by mail and through the [Belgrade] liaison office”. An extraordinary session of the Assembly on 15 January, at the request of Mr. Kurti, affirmed this position by a majority vote. Serbian List representatives did not attend the session. Belgrade officials reacted strongly, accusing Pristina of acting in contempt of the European Union-facilitated dialogue.

12. On the eve of the Serbian referendum, Kosovo police detained staff from the Serbian election commission who attempted to bring voting materials across the administrative boundary line. The Office for Kosovo and Metohija of the Government of Serbia claimed that the materials were expected to support an OSCE collection-of-ballots operation, in accordance with previous practice. Previously, the OSCE mission in Kosovo had informed Belgrade that such an operation would not be feasible without the consent of all parties, including Pristina. The Commission then announced that Kosovo Serbs would be able to vote only in specified locations north of the administrative boundary line. On referendum day, 16 January, with support from Belgrade authorities, transportation was provided to voters in Kosovo Serb-majority municipalities. In North Mitrovica, a protest was held against the position of Pristina, while smaller protests took place elsewhere in Kosovo.

13. During the reporting period, 13 incidents affecting the Kosovo Serb community and Serbian Orthodox religious and cultural sites were reported, including damage to tombstones at Serbian Orthodox graveyards in the municipalities of Prizren, Fushë Kosovë/Kosovo Polje, Graçanicë/Gračanica and Istog/Istok as well as an illegal construction in the special protective zone of the Saint Uroš monastery in the Ferizaj/Uroševac municipality. Additional incidents included cash thefts at religious sites of various denominations throughout Kosovo, including from mosques and Muslim graveyards and Serbian Orthodox churches, as well as damage at a Catholic church in the town of Pejë/Peć.

14. During the winter period, Kosovo faced an energy supply crisis with regular power shortages due to reduced capacities to meet the usual high seasonal energy demands. On 29 December, the Assembly of Kosovo adopted a number of government-proposed emergency measures, including curbs on electricity consumption, for a period of 60 days. The government also reached a short-term emergency supply arrangement with Albania to ease the shortages. In early February, the Energy Regulatory Office increased the price of electricity for private households above a certain consumption threshold, which led to widespread criticism and some public demonstrations. Opposition parties expressed their intention to challenge the emergency measures through court action.

15. The Kosovo authorities held joint meetings with the Governments of Albania and North Macedonia, on 16 September and 26 November, respectively. The meetings produced several agreements to promote freedom of movement, energy cooperation, railway connectivity, trade and education ties.

16. On 21 and 22 December 2021, the leaders of Albania, North Macedonia and Serbia met in Tirana to advance the Open Balkan initiative, which Pristina opposes as not in line with the regional initiative of the Berlin process, the common regional market. The meeting in December produced five new agreements intended to facilitate the free movement of people and goods, economic cooperation and labour market access. A number of States members of the European Union and the United States have welcomed the initiative, while emphasizing the need to promote inclusive regional cooperation.

17. The majority of the Afghan evacuees hosted by the Kosovo authorities were relocated to countries in Europe and North America, pursuant to agreements reached between European countries, the United States and the North Atlantic Treaty Organization. Reportedly, approximately 50 of the initial 1,000 evacuees remain in Kosovo.

18. On 22 October, the Ministry of Foreign Affairs and Diaspora of Kosovo, upon instruction from the President of Kosovo, declared two staff members of the Russian liaison office in Pristina “persona non grata”, claiming that their activities risked “endangering national security and the constitutional order of the Republic of Kosovo”. The Russian Federation protested the decision, stressing that the Kosovo authorities had no legal basis to undertake such steps. In a letter communicated on 3 November to the Prime Minister of Kosovo, the Mission called for the observance of the privileges and immunities of liaison offices and their personnel, consistent with relevant UNMIK regulations adopted on the basis of Security Council resolution [1244 \(1999\)](#) and international law. These messages were also conveyed by the Mission in a follow-up meeting with the Prime Minister on 2 December.

19. On 31 December, citing a request by the Prime Minister, the Ministry of Foreign Affairs and Diaspora of Kosovo stated, through a social media platform, that a staff member of UNMIK was to be declared “persona non grata”. On 1 January, the Spokesperson of the Secretary-General underlined that the doctrine of “persona non grata” was not applicable to United Nations personnel, and that any concerns regarding a member of the UNMIK staff should be addressed to the Mission, in line with the status, privileges and immunities of UNMIK and its personnel. UNMIK received its first official communication from the Kosovo authorities on the matter on 2 January. The Mission leadership conveyed to the Kosovo authorities the expectation that the matter be resolved in line with the status, privileges and immunities of UNMIK and its personnel. At the close of the reporting period, despite raising the issue on several occasions, UNMIK had not yet been informed of any action taken in response to the request.

III. Pandemic impact and response

20. Kosovo continued to be affected by the coronavirus disease (COVID-19) pandemic, experiencing the highest wave of new infections in January 2022. At its peak, the daily number of new cases rose to more than 4,000 and the daily number of active cases surpassed 36,000. By the end of the reporting period, over 237,000 cases of COVID-19 and 3,339 fatalities had been reported in Kosovo since the beginning of the pandemic.

21. In response to the rising number of cases, the Kosovo government introduced new restrictions that became effective on 22 January, including requiring three vaccination doses or two doses and a negative polymerase chain reaction test to enter Kosovo. The latter measure was found to be disproportionate by the Kosovo Ombudsperson and triggered local protests in neighbouring Albania and calls by the health authorities in North Macedonia for its reversal, as it was viewed as having an impact on freedom of movement. Among other things, the measures affected 3,500 unvaccinated students in North Mitrovica who were unable to take end-of-semester exams. The restrictions were lifted on 5 February.

22. The vaccination process in Kosovo continued during the reporting period, with health authorities administering third doses of the vaccine, in addition to the initial two-dose vaccination. As of mid-March, 900,581 individuals (about 50 per cent of the total population) had received at least one dose of the vaccine, while 818,331 (about 45.5 per cent of the total population) had received two doses and 98,630 had received the third dose.

23. The Kosovo municipal authorities deployed mobile vaccination teams to areas populated by non-majority communities, notably in the Suharekë/Suva Reka municipality, the city of Gjakovë/Đakovica and 16 villages in the Prizren municipality. Some residents, mainly from the Kosovo Serb-majority municipalities, received vaccinations earlier at locations in Serbia. Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities continued to face particular challenges in dealing with the health and socioeconomic effects of the pandemic.

24. The total number of COVID-19 cases among United Nations staff and dependants since the beginning of the pandemic increased from 202 to 351 during the reporting period. UNMIK and the United Nations agencies, funds and programmes remained fully operational. The Mission introduced antigen testing as an addition to its polymer chain reaction testing capacity and finalized medical support arrangements with hospitals in Skopje for all United Nations staff and dependants.

25. The United Nations Children's Fund and the World Health Organization continued to support the Kosovo authorities in their mass vaccination campaign, which included an expansion of vaccination sites and the provision of specialized training for health workers on the COVID-19 pandemic. They also provided support to the Ministry of Education, Science, Technology and Innovation to help to ensure safe environments for in-person learning. The United Nations Office for Project Services supported the upgrading of intensive care facilities in local hospitals.

IV. Northern Kosovo

26. The six-month deadline imposed by the Assembly of Kosovo on the Kosovo Electricity Transmission System and Market Operator to assume responsibility for the costs of electricity use in the four northern Kosovo Serb-majority municipalities expired on 6 November 2021. In the absence of an arrangement to include those municipalities in the Kosovo billing system, the Operator allocated an additional

6.7 million euros to cover the costs until the end of 2021. In January 2022, the Operator stated that in 2021 the incurred electricity costs in northern Kosovo were 40.9 million euros and projected a further increase in costs of up to 30 million euros between January and March 2022, owing to the increase in the price of importing electricity.

27. On 18 November, the Supreme Court ordered a retrial in the case of a former member of the Assembly of Kosovo (Serbian List) and Minister of Local Government Administration, Ivan Todosijević. Mr. Todosijević was sentenced in December 2019 to two years' imprisonment for denying an alleged war crime that occurred in the village of Reçak/Račak in 1999. The Supreme Court's judgment annulled the verdict of December 2019 of the Basic Court in Pristina and the judgment of August 2021 of the Court of Appeals on the basis of lack of clarity with respect to elements of the criminal offence. The judgment also responded to the request for the protection of legality of Mr. Todosijević submitted by his defence, which challenged the ethnic composition of the trial panel as standing in violation of the European Union-facilitated First Agreement of Principles Governing the Normalization of Relations of 19 April 2013. The retrial commenced on 11 February but was suspended pending review of a request by the defence to move the proceedings to the Basic Court of Mitrovica and to exclude all Kosovo Albanian judges from the trial panel. On 10 March, the President of the Supreme Court rejected the defence's request for the change of venue and disqualification of judges as inadmissible, with the retrial expected to continue at a later date.

28. On 4 January, the Kosovo government introduced a ban on cryptocurrency mining as part of its emergency measures to tackle the energy crisis. The practice had become prevalent in numerous locations in Kosovo, including in the northern municipalities where, owing to unresolved implementation issues of the European Union-facilitated agreement on energy between Belgrade and Pristina, residents are presently not being billed for electricity consumption. Following the ban, Kosovo police and customs officials conducted operations in several locations, including in northern Kosovo, and confiscated suspected cryptocurrency mining equipment.

29. On 24 February, Kosovo police closed roads providing access to unofficial crossings at the administrative boundary line in the municipalities of Zubin Potok and Leposaviq/Leposavić. Following the operation, some villages reported difficulties in accessing the main roads. On 26 February, several trucks accompanied by Kosovo police transported containers and other equipment to Gate 31 at Bërnjak/Brnjak with the stated purpose of improving working conditions at the gate. These actions were protested by Belgrade as provocations directed against the Kosovo Serb community.

V. Normalization of relations between Belgrade and Pristina

30. On 6 October, under the auspices of Germany and France, Mr. Kurti and Mr. Vučić met in the margins of the European Union-Western Balkans summit in Brdo, Slovenia. Following the meeting, Mr. Kurti announced that he had discussed with Mr. Vučić the Berlin process, freedom of movement and the recognition of diplomas, while calling for the six Western Balkan partners "to be treated as equals". Mr. Vučić stated that Belgrade would continue the dialogue with Pristina, with a focus on the establishment of the Association/Community of Serb-majority Municipalities, as provided for in the First Agreement of Principles Governing the Normalization of Relations of April 2013.

31. Mr. Lajčák visited Pristina and Belgrade on three occasions to encourage progress in the implementation of previously reached agreements and in the ongoing discussions related to energy; mutual property and financial claims; internally

displaced and missing persons; and economic cooperation, among other things. He was also exploring the possible convening of the next meeting at the leadership level with a focus on achieving concrete progress.

32. At the working level, the lead negotiators of Belgrade and Pristina travelled to Brussels on 16 and 17 November, where they met separately with Mr. Lajčák. Afterwards, Belgrade noted the unwillingness of Pristina to further discuss the implementation of the Association/Community of Serb-majority Municipalities, while Pristina argued that the issue of community rights should be folded into a “broader package”. The same negotiators reconvened on 22 February in Brussels and met separately with Mr. Lajčák, with reports of minor progress.

33. The Secretary of State of the United States, Antony Blinken, wrote to Mr. Kurti on 11 January, encouraging him to uphold prior commitments made in the framework of the European Union-facilitated dialogue and to engage in negotiations with “requisite focus, creativity and urgency”. The Special Envoy of the United States for the Western Balkans, Gabriel Escobar, and Mr. Lajčák jointly visited Belgrade and Pristina from 31 January to 4 February to discuss with the parties the modalities for advancing progress in the dialogue and consult with other stakeholders.

34. The newly appointed Special Envoy of the United Kingdom for the Western Balkans, Stuart Peach, visited Belgrade and Pristina from 8 to 10 February. In March, Germany appointed a former member of the German parliament, Manuel Sarrazin, as its Special Representative for the Western Balkans.

35. On 10 December, representatives of 47 Serbian and Kosovo civil society organizations issued a statement calling on the Belgrade and Pristina authorities to resume the dialogue in a substantive manner and to refrain from inflammatory rhetoric against minority communities, support confidence-building measures to bring communities together and hold a wider debate within and between societies on solutions and priorities in the dialogue.

VI. Returns, reconciliations, cultural heritage and community relations

36. The Office of the United Nations High Commissioner for Refugees (UNHCR) registered 118 voluntary returns by members of the non-majority communities who had been displaced within and outside Kosovo. The returnees include 57 women and 61 men (59 Kosovo Serbs, 19 Kosovo Roma, 10 Kosovo Ashkali, 13 Kosovo Egyptians and 17 Kosovo Albanians). This brings the total number of displaced persons of the non-majority communities who have found durable solutions in Kosovo since 2000 to 29,075, including 14,275 women and 14,800 men (12,577 Kosovo Serbs, 7,746 Kosovo Egyptians and Ashkali, 4,047 Kosovo Roma, 1,878 Kosovo Bosniaks, 1,464 Kosovo Gorani, 1,319 Kosovo Albanians, 21 Kosovo Montenegrins, 19 Kosovo Turks and 4 Kosovo Croats). There remain 15,683 displaced persons within Kosovo (7,220 women and 8,463 men) and 69,627 persons with displacement-related needs across the Western Balkans, out of the approximately 200,000 displaced persons from Kosovo residing in the region, most of them in Serbia.

37. Mixed migration into Kosovo continued during the reporting period, with a total of 718 new registered arrivals (631 men and 87 women), of whom 231 applied for international protection (212 men and 19 women). UNHCR has ensured free legal aid and psychosocial support for all asylum seekers, as well as interpretation services and their inclusion in the Kosovo-wide COVID-19 vaccination programme. The International Organization for Migration (IOM) supported the Kosovo authorities in

collecting information on migrants through the Displacement Tracking Matrix. A new reception and registration centre was inaugurated in Vranidoll/Vrani Do in the municipality of Pristina to augment the existing support infrastructure for migrants and asylum seekers.

38. IOM continued to promote sustainable voluntary return and reintegration options through measures for returnees and receiving communities. During the reporting period, 21 persons from Kosovo (19 men and 2 women) voluntarily returned from Belgium, Croatia, the Netherlands and Switzerland. IOM assisted the returnees by providing training, entrepreneurial support, social care, housing and medical and educational support.

39. UNHCR continued to support members of the Kosovo Ashkali, Kosovo Egyptian and Kosovo Roma communities in obtaining personal documentation and resolving civil status issues to enable their access to public services. Further support included offering legal aid in processing their civil status registration and facilitating access to education, as well as claiming property and pension rights.

40. During the reporting period, no further contributions were made to the United Nations trust fund in support of the Kosovo Ashkali, Kosovo Egyptian and Kosovo Roma communities affected by lead poisoning in Kosovo.

41. On 24 September, the Constitutional Court of Kosovo issued a statement concerning the non-implementation of its prior decisions, calling on the Kosovo government to implement the Court's ruling of 19 May 2016 regarding the registration of land of the Visoki Dečani monastery. The statement was welcomed by international representatives based in Pristina, who again urged the Kosovo government to act on the ruling without further delays. By the end of the reporting period, no steps towards the implementation of the Court's ruling were reported.

VII. Rule of law and human rights

42. Kosovo prosecution offices filed several high-profile corruption-related indictments during the reporting period. On 1 October, the Special Prosecution Office of Kosovo filed an indictment against a former official of the Ministry of Finance and a businessperson on charges of stealing 2 million euros from the Kosovo treasury. On 27 October, the Basic Court of Pristina confirmed an indictment against five suspects, including a former Minister of European Integration, on charges of abuse of office. The indictment was upheld by the Court of Appeals. On 18 November, the Basic Prosecution Office in Gjilan/Gnjilane filed an indictment for smuggling and other offences against 73 individuals, including 14 former Kosovo police officers, in the so-called "Karaçevë/Karačevo case". The Basic Court of Pristina imposed detention measures on 31 individuals, including municipal and other officials, suspected of abuse of position or authority and involvement in fraud related to agricultural subsidies. On 22 February, the Special Prosecution Office filed indictments against 21 of the suspects. On 14 March, in a large-scale operation, the Kosovo police arrested 48 police officers and two customs officers serving at the crossing points of Qafa e Prushit/Ćafa Prushit and Morinë/Morina, on the boundary line with Albania, suspected of organized crime, abuse of official position or authority and taking bribes, with criminal proceedings launched against a total of 68 individuals.

43. On 17 December, the Special Department of the Court of Appeals upheld the decision of the Special Department of the Basic Court of Pristina regarding the expulsion in March 2018 of six Turkish nationals from Kosovo, confirming indictments for abuse of official position or authority against the former heads of the Kosovo Intelligence Agency, the Department for Citizenship, Asylum and

Immigration in the Ministry of Internal Affairs and the Directorate for Migration and Foreigners in the Kosovo Border Police, respectively.

44. On 24 January, the Kosovo Anti-Corruption Agency launched proceedings, in accordance with the Law on the Declaration, Origin and Control of Assets of Senior Public Officials, to review the financial records of several officials of the Serbian List, including its president, Goran Rakić, and the Deputy Speaker of the Assembly of Kosovo, Slavko Simić, for allegedly failing to report assets or incomes received from Belgrade-financed institutions.

45. On 16 September, the Ministry of Internal Affairs signed an agreement with the European Union Agency for Law Enforcement Cooperation (Europol) on the appointment of a liaison officer to Europol and the establishment of a secure line of communication and exchange of information. The Kosovo government also approved a concept document on the development of a new vetting process for the Kosovo justice system and established a working group tasked with drafting relevant legislation. On 25 February, the Minister of Justice of Kosovo submitted the draft legislation to the European Commission for Democracy through Law (Venice Commission) of the Council of Europe for its review, which provided its opinion in mid-March. On 29 December, the Kosovo government submitted to the Assembly of Kosovo a draft law on the State Bureau for Verification and Confiscation of Unjustified Assets, which would introduce the concept of civil confiscation in addition to criminal confiscation. On 9 March, the government also approved the draft amendments to the Law on the Kosovo Prosecutorial Council. However, the Kosovo Prosecutorial Council voiced concerns regarding the expeditious approval of the draft amendments, stressing the need for prior consultation with all relevant stakeholders to ensure inter-institutional coordination.

46. Kosovo courts continued to pursue some cases of alleged war crimes and related offences. On 5 October, the Basic Court of Pristina sentenced a former reservist of the Serbian police forces, Goran Stanišić, to 20 years' imprisonment for the killing of 13 civilians in the municipality of Lipjan/Lipljan in 1999. On 9 November, the Special Prosecution Office filed an indictment against an individual for alleged war crimes against the civilian population between 1998 and 1999 in the village of Bellopojë/Belo Polje.

47. The Kosovo judicial authorities continued to prosecute individuals involved in terrorism and foreign conflicts. On 9 October, five individuals were arrested as part of a group of radical Islamist militants on suspicion of preparing terrorist attacks in Kosovo and placed in pretrial detention. On 19 January, a woman, previously repatriated from the Syrian Arab Republic received a two-year suspended sentence, while two men were sentenced to two years and six months and three years and eight months, respectively, for having joined Da'esh.

48. On 27 October, the government approved its programme for the protection and promotion of fundamental human rights and freedoms for 2021–2025 and the related action plan for 2021–2023 to support the implementation of directly applicable international and regional human rights standards under the Kosovo Constitution and to harmonize the legal framework with the International Covenant on Economic, Social and Cultural Rights.

49. Against the backdrop of repeated incidents of discrimination against Kosovo Egyptians and Kosovo Roma individuals, Kosovo institutions highlighted the failure to effectively implement the Law on Protection from Discrimination. To this end, the Committee for Human Rights, Gender Equality, Missing Persons and Petitions of the Assembly of Kosovo organized a series of meetings to review the obstacles to implementing the law and how best to address them.

50. On 22 September, the Kosovo government, recognizing the disproportionate impact of the COVID-19 pandemic on persons with disabilities, approved an action plan for the rights of persons with disabilities for 2021–2023 within the framework of the Kosovo strategy for the rights of persons with disabilities for 2013–2023, and declared 2022 the year of persons with disabilities.

51. The Ministry of Justice established a working group, composed of representatives of relevant Kosovo institutions and civil society, to prepare a draft law on the establishment of the Institute for Documentation of Crimes Committed during the War in Kosovo.

52. UNMIK continued to support efforts to determine the fate of 1,620 persons (1,357 men and 263 women) still missing since the events of 1998 and 1999 in Kosovo, maintaining contact with families and members of the Belgrade-Pristina Working Group on persons who are unaccounted for in connection with events in Kosovo. While the issue of the missing persons has been taken up in political discussions under the framework of the European Union-facilitated Belgrade-Pristina dialogue, no meetings of the Working Group took place during the reporting period.

53. On 21 December, Kosovo authorities and the Government of Denmark signed a letter of intent for the lease of prison cells for 300 non-Danish nationals serving sentences of up to 10 years in Denmark, with the prisoners expected to be transferred to a prison in Gjilan/Gnjilane. UNMIK, in consultation with the Office of the United Nations High Commissioner for Human Rights and Kosovo institutions, including the Ombudsperson Institution, continues to monitor developments related to the protection of the rights of the prisoners in line with applicable international standards.

54. On multiple occasions, local associations of journalists in Kosovo raised concerns about the freedom of the media and the right to freedom of expression in response to incidents of physical attacks against journalists and verbal attacks on the media by politicians.

55. On 20 January, over 90 civil society organizations, individuals and activists issued an appeal to Kosovo institutions in which they requested the inclusion of same-sex marriage in the Civil Code. On 23 February, in conjunction with the review of amendments to the Civil Code in the Assembly of Kosovo, the Islamic Community of Kosovo, the Diocese of Prizren-Pristina (Catholic Church), the Protestant Evangelical Church of Kosovo and the Jewish community of Kosovo expressed joint opposition, in addition to the opposition expressed by the Chair of the Committee for Human Rights, Gender Equality, Missing Persons and Petitions of the Assembly of Kosovo, to the inclusion of such a provision in the Civil Code.

56. UNMIK continued to provide document certification services to Kosovo residents, with a total of 2,059 documents processed during the reporting period, including 843 relating to pensions and 1,216 to civil status. UNMIK facilitated the issuance of 24 Red Notices and five extradition requests from members of the International Criminal Police Organization (INTERPOL) to Kosovo. The Mission also opened 827 cases for investigation within the INTERPOL database. Considering the number of cases processed and closed, this leaves a total of 756 open cases related to the territory or people of Kosovo.

VIII. Women and peace and security

57. Since its establishment in 2018, the Kosovo government commission responsible for the verification and recognition of the status of survivors of conflict-related sexual violence has received 1,656 applications. As of March 2022, 1,149 applicants (1,098 women and 51 men) were granted survivor status, while 229

applications (from 193 women and 36 men) were rejected. UNMIK continues to monitor and support awareness-raising campaigns conducted by the commission to encourage survivors to apply for the status before the commission's mandate ends in 2023.

58. UNMIK continued to advocate for women's rights, including those of women in the most vulnerable conditions. During the 16 Days of Activism against Gender-based Violence campaign from 25 November to 10 December, which included a total of 132 events across Kosovo municipalities, UNMIK conducted screenings of an in-house production film, *Romni*, and an accompanying documentary, *Like a Real Woman*, focusing on early marriage in Roma communities, followed by interactive debates and discussions.

59. On 26 January, the Kosovo government approved the strategy for protection against domestic violence and violence against women for 2022–2026 and its associated action plan. Both documents are aligned with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which was incorporated into the Kosovo Constitution in September 2020.

60. In the framework of activities to mark the twenty-first anniversary of Security Council resolution [1325 \(2000\)](#) on women and peace and security, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) organized discussions with Kosovo security institutions on the role of women in the defence and security sector. UN-Women and the Kosovo police also published a study outlining key challenges faced by the police and justice institutions in addressing cases of violence against women and girls, and recommendations to ensure more gender-responsive policing practices.

61. On 9 December, during an online Summit for Democracy hosted by the United States, Ms. Osmani expressed the commitment of Kosovo to strengthening the rule of law and human rights, as well as bolstering the role of women in Kosovo society, stressing in particular the fight against gender-based violence. She announced that Kosovo intended to host a global summit for women in peace and security in 2022.

62. On 5 January, the alleged murder of a woman by her partner in the municipality of Skenderaj/Srbica provoked public outcry over gender-based violence in Kosovo. The alleged perpetrator was arrested the same day. Civil society groups demanded that more be done to protect women. The multi-stakeholder Security and Gender Group in Kosovo, chaired by UN-Women and comprising international, government and civil society representatives, called upon Kosovo institutions to thoroughly investigate the circumstances of the murder and ensure justice.

63. Between 25 November and 9 December, UN-Women conducted a study among the women members of the Assembly of Kosovo on violence against women in politics and obstacles to women's political participation. The study found that violence against women in politics was linked to exclusion, marginalization, paternalism and other forms of discrimination, which contributed to a sense of powerlessness among women engaged in political parties and institutions in Kosovo.

IX. Trust-building, partnership and cooperation

64. UNMIK continued to pursue a people-centred approach through a focus on trust-building driven by local change-makers. The Mission continued to work with local partners to advance its trust-building agenda by promoting cross-community engagement through the online Kosovo Trust-building Platform; promoting educational and cultural content and revitalizing art spaces in the Mitrovica region (a

cooperative, inter-ethnic endeavour between civil society in South and North Mitrovica); and supporting youth entrepreneurship through business development training, mentorship and small grants. UNMIK also supported the economic empowerment of Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in the Mitrovica region by providing vocational training in information technology and journalism skills; supporting a multi-ethnic tailoring social enterprise through an UNMIK-funded confidence-building project; and supporting driving lessons for young women as well as internships implemented by the non-governmental organization Romtegra.

65. As part of advancing trust-building between communities as well as between people and institutions, UNMIK supported initiatives to meet the challenges posed by COVID-19 and support the post-pandemic recovery. The Mission provided equipment to facilitate early diagnosis of respiratory conditions and treatment of COVID-19 to a medical centre in South Mitrovica and a hospital in North Mitrovica. UNMIK also supported efforts to combat domestic violence by facilitating information-sharing among domestic violence shelters, related civil society organizations and relevant institutions.

66. UNMIK continued to promote the youth and peace and security agenda, including through its partnership with the Kosovo branch of the international youth network YMCA to pilot a youth-led television programme, *Youth Heroes: United in Diversity*, featuring an ethnically mixed team of young men and women change-makers. UNMIK supported the revitalization of the Pristina observatory with the theme “Under one sky: youth trust-building through astronomy and science”, prioritizing the involvement of young women from diverse communities, and a series of cross-community scientific exchanges among young people from Kosovo and other parts of the region. These activities seek to support inter-ethnic cooperation among young people through art, culture, science and sports, as well as media initiatives that promote positive narratives of youth inter-ethnic cooperation and participation in community affairs.

67. UNMIK continued to support the integration of the judiciary and the administration of justice, especially in northern Kosovo, including by engaging translators and legal associates to help to further reduce the backlog of cases before the Basic Court of Mitrovica. In partnership with the United Nations Development Programme (UNDP), court translators and interpreters were recruited for the Basic Court of Pristina, and support was provided to the Basic Courts of Pristina and Ferizaj/Uroševac to systematize their archives and case files.

68. The UNMIK-supported Legal Aid Centre of the Kosovo Law Institute continued to provide free legal aid to vulnerable groups on issues related to domestic violence as well as property, labour and pensioner rights and on strategic litigation cases. UNMIK also supported a local non-governmental organization Inject in monitoring court hearings in Pristina and Prizren on cases related to property, financial sustainability and domestic violence. During the reporting period, Inject monitored over 200 court hearings and advocated for the need to clarify the legal frameworks related to the evaluation of joint property dispute cases.

69. UNMIK launched several initiatives aimed at promoting and protecting human rights in Kosovo. These included support for education on human rights for young people, legal professionals and civil society representatives, and for municipal officials in the Mitrovica region to address human rights-related concerns and violations. In partnership with IOM, UNMIK continued to promote language rights in Kosovo and opportunities for learning of both official languages by all in Kosovo. In its efforts to support the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities, the Mission launched an initiative to advance the rights to life, health,

education and an adequate standard of living for the residents of the Roma Mahala in South Mitrovica. UNMIK, in cooperation with UNHCR and the Jahjaga Foundation, also supported expanding income-generating and employment opportunities for women from the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities.

70. The Mission and the United Nations Kosovo team continued to ensure cooperation and coordination through the joint integrated strategic framework, which has facilitated the steering of joint efforts. Guided by the framework's senior leadership forum, internal thematic working groups have developed joint initiatives in priority areas related to social cohesion, the rule of law, gender equality, youth and human rights.

71. In December, the United Nations Human Settlements Programme (UN-Habitat) launched a project to measure the socioeconomic impact of COVID-19 in Kosovo municipalities, in partnership with UNMIK. The ongoing project has been assessing the impact of the pandemic in all 38 municipalities, including on civil society and businesses. Building on previous assessments conducted by UNDP, UN-Women and the United Nations Population Fund, the initiative would help to guide support from central government institutions and international actors in meeting the challenges of recovery and long-term development at the local level.

72. The United Nations Kosovo team continued to support initiatives to protect the environment and boost a "green transformation" in Kosovo. In November 2021, UNDP, the United Nations Volunteers programme and the World Health Organization launched a project to support Kosovo institutions in promoting more inclusive, evidence-based planning, as well as monitoring and addressing the impact of air pollution and waste on health. The United Nations Kosovo team also launched a campaign to encourage active engagement across Kosovo society to accelerate the transition towards a "net-zero economy". UN-Habitat established a local forum for community climate leaders and civil society organizations to accelerate partnerships for inclusive multilevel climate action.

73. The Sustainable Development Council of the Assembly of Kosovo continued to play a role in furthering progress towards meeting the Sustainable Development Goals. In that regard, it held a dedicated session on 11 February to discuss, among other things, the more effective integration of the Goals into public policies and budgets.

X. Observations

74. The present report illustrates the importance of continuing to pursue efforts to counter the use of divisive rhetoric, strengthen social cohesion and advance dialogue in Kosovo. Furthermore, the COVID-19 pandemic and its disproportionate impact on communities and vulnerable groups continue to serve as a reminder that more needs to be done to respond effectively to arising challenges.

75. The European Union-facilitated dialogue process remains the key forum for achieving a normalization of relations between Pristina and Belgrade. I regret that only limited progress has been made and encourage both sides to engage constructively towards achieving concrete results benefiting all. The dialogue process and efforts at normalization have the full and unequivocal support of the United Nations.

76. In this regard, maintaining an open, transparent and inclusive process is central to achieving viable and sustainable agreements. I encourage both sides to ensure the meaningful participation of a wide array of stakeholders, including women and young

people, as well as other civil society actors, and to take into account their needs and expectations for the European Union-facilitated dialogue process.

77. I commend the Kosovo government and the Central Election Commission for the successful conduct of Kosovo-wide local elections in October 2021. It is important that Kosovo continues to advance electoral reform efforts as stipulated in the recommendations of the European Union Election Observation Mission's reports and the European Commission report on Kosovo of 19 October 2021.

78. I reiterate my call for the Kosovo government, without further delay, to implement in full the ruling of May 2016 by the Constitutional Court of Kosovo on the property of the Visoki Dečani monastery. This would be an important step towards demonstrating the government's respect for the rule of law and enhancing people's trust in institutions.

79. I welcome the adoption of a five-year strategy for protection against domestic violence and violence against women and encourage the government of Kosovo to continue to undertake efforts to combat gender-based and domestic violence. It will be essential that the standards of the Istanbul Convention are also reflected in the strategy's implementation, as a key step in preventing violence against women and girls, protecting victims and prosecuting perpetrators.

80. I reiterate calls on both Pristina and Belgrade to resume cooperation within the existing Working Group on Missing Persons. The Working Group had previously achieved tangible results in providing answers to the families of the missing. UNMIK will continue to support the process by promoting a humanitarian and human rights-based approach. In this context, I welcome the commitment of both parties to advancing such efforts, as expressed in the European Union-facilitated dialogue process.

81. I call on Kosovo institutions at all levels, civil society organizations and local communities to continue to undertake efforts towards creating an environment conducive to the safe, dignified and sustainable return of all internally displaced persons and returnees and their reintegration.

82. I note with regret the continuing lack of contributions to the United Nations trust fund in support of Roma, Ashkali and Egyptian communities in Kosovo. I reiterate my appeal for voluntary contributions from Member States and other actors and organizations to the fund to enable more effective support to these vulnerable communities.

83. I welcome the ongoing support of UNMIK, in close collaboration with the United Nations Kosovo team, for efforts by Kosovo towards achieving the Sustainable Development Goals.

84. I thank the new Special Representative, Caroline Ziadeh, and all the staff of the Mission, as well as the United Nations Development Coordinator in Kosovo and the United Nations agencies, funds and programmes, for their collaborative work in ensuring the continuity of operations during the pandemic, as well as the safety and health of staff. I also wish to express my sincere appreciation to her predecessor, Zahir Tanin, for his dedicated efforts to further peace and stability in Kosovo and the region and his effective leadership of the Mission

85. I also express my gratitude to our long-standing partners, the Kosovo Force, the European Union, OSCE and others, for their close collaboration.

Annex I

Report of the High Representative of the Union 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 September 2021–15 March 2022

1. Summary

The European Union Rule of Law Mission in Kosovo formed police unit maintained its regular cooperation with the Kosovo Force in line with the three-layer security system. In response to a formal request by the Kosovo police, on 20 September 2021 the Mission deployed two formed police unit teams as observers at two common crossing points in northern Kosovo during the blockade of these points, following the introduction by the Kosovo authorities of “reciprocity measures” towards Serbia concerning the recognition of vehicle licence plates.

The Mission’s forensic experts participated in bilateral meetings between Pristina and Belgrade on forensic issues related to the work on missing persons. The Mission assisted the Kosovo Institute of Forensic Medicine in examining body remains found at the Kiževak site in Serbia. Additionally, the Mission assisted Institute experts in conducting the final inspection of human remains related to an investigation previously led by the Mission. The Mission also provided support in concluding the activities of a site assessment in the Zubin Potok area.

On 16 December, the Mission presented its systemic and thematic justice monitoring report, covering the period from March 2020 to October 2021. It is the fifth such report issued by the Mission since 2019 and the second to be made available to the public. The report provides the Mission’s findings about critical aspects of the functioning of the rule of law in Kosovo and includes a number of specific recommendations to the Kosovo authorities aimed at improving the justice system.

The Mission supported the Kosovo Correctional Service by monitoring the recruitment of new correctional officers, organizing training and assisting in the drafting of new regulations. Furthermore, the Mission urged both the Service and the Ministry of Justice to prioritize the recruitment of senior staff.

The Mission’s Dialogue Support Unit continued to provide technical advice and support to the European Union Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan regional issues, in the areas of integrated boundary management, freedom of movement and integration of the judiciary.

2. Monitoring

Through its Case Monitoring Unit, the Mission assessed the functioning of the Kosovo police, prosecution and judiciary in terms of procedural, substantive and human rights law compliance. Despite the pandemic, the monitoring of cases continued steadily throughout the reporting period. Physical presence in courts and meetings with police, prosecution and judges were ensured whenever feasible and in line with the applicable restrictions.

The Mission published its fifth systemic and thematic justice monitoring report based on the monitoring of 295 cases and 378 hearings. The Mission identified systemic issues such as the overuse of detention on remand and its potential punitive effects, the excessive length of detention on remand without final judgment and an increase in unproductive hearings. Further topics addressed were the lack of audio recording of court proceedings, shortcomings in the identification of state institutions as injured parties, in particular in corruption-related cases, lack of progress in the

handling of high-profile cases and inconsistencies in the enforcement of criminal sanctions. Thematically, the issues identified relate to anti-corruption, crimes under international law, property rights, privatization and liquidation, court administration, the case management information system, gender-based violence and access to justice for victims of domestic violence during the coronavirus disease (COVID-19) pandemic. The Mission provided recommendations for all findings, welcomed by the Minister of Justice, and the Kosovo Judicial Council and the Kosovo Prosecutorial Council committed themselves to follow up on the recommendations.

The delays in the adjudication of some high-profile cases involving prominent defendants remained a major problem for the overall performance of the Kosovo judiciary. The Mission found that on numerous occasions a sizeable number of hearings are being adjourned immediately upon commencement, since either the defendant(s) or witnesses fail to comply with the court's summons and do not show up. Courts very rarely impose sanctions to deter such behaviour, resulting in a large number of unproductive hearings and the unnecessary postponement of proceedings. In the report, the Mission urged further strengthening of the Kosovo police's Special Investigation Unit investigating corruption cases and the ensuring of closer cooperation with the Special Prosecution Office of Kosovo. At the same time, the Mission welcomed the considerable advancement by Kosovo of 17 positions, compared with 2020, in the Transparency International 2021 Corruption Perceptions Index published in January.

The Mission followed up on the announced transfer of several cases, including former Mission cases, from the respective Serious Crimes Departments at the Basic Courts to the Special Department at the Basic Court of Pristina. These announced transfers to the Special Department concern cases already in the process of being adjudicated and are not in line with legal provisions. In response to the Mission's requests for clarification, the Kosovo Judicial Council stated that all former Mission cases, as well as other affected cases, would remain with the Serious Crimes Departments of the respective Basic Courts. The only exception relates to the Basic Court of Pristina, whose cases would be transferred to judges from the Special Department, in their capacity as judges of the Serious Crimes Department, owing to their alleged lower workload. This complies with the applicable legislation. However, all transferred cases would need to recommence after being assigned to a new presiding judge, thus further increasing delays in adjudication.

The Mission observed some progress in the manner the Kosovo police War Crimes Investigation Unit is using the war crimes database and its tools, which were provided by the Mission last year alongside several training workshops for the Kosovo police staff assigned to run this database. Additionally, in line with the Mission's suggestions, the Unit started to open cases of missing persons where the circumstances of the disappearance pointed to a crime, linking them to existing war crimes investigations.

The Mission provided support to the Ministry of Internal Affairs and Public Administration and the Civil Registration Agency in implementing the technical agreements on freedom of movement, as agreed in the European Union-facilitated Belgrade-Pristina dialogue. The recognition by Kosovo authorities of documents issued by the Serbian authorities (birth, marriage and death certificates and driving licences) and facilitation of the registration of vehicles with Kosovo plates for owners of vehicles with former Yugoslav or similar plates are of paramount importance for ensuring real freedom of movement, primarily, but not exclusively, for the Kosovo Serb population. As already highlighted in the previous reporting period, the Mission followed up on the abrogation, in September 2020, of the administrative instruction allowing for the registration of vehicles with Kosovo Serb plates in Kosovo and

stressed its concerns regarding the expected negative impact on freedom of movement of the fact that three ministerial decisions had not been extended.

Similarly, it is worrisome that the Kosovo authorities have still not extended the validity of other regulations, notably those that should allow exchange of Serbian driving licenses to Kosovo ones and the recognition by the Kosovo authorities of documents of birth/marriage/death issued by Serbian parallel structures, or the exchange of such documents for Kosovo-issued ones. The Mission has repeatedly emphasized that the non-extension of these decisions is negatively impacting freedom of movement.

The Mission was invited by the Ministry of Internal Affairs to participate as an official member in the working group drafting standard operating procedures for the Advance Passenger Information/Passenger Name Record Unit, soon to be set up within the National Centre for Border Management. The Mission has for a long time called for the establishment of a unit to deal with the implementation of the advance passenger information/passenger name record system, which is a paramount step in bringing Kosovo in line with European Union guidelines on combating irregular immigration and improving border control.

The Mission continued to support the Kosovo Correctional Service management. The Mission monitored the recruitment process for 50 new correctional officers and reported its findings in writing to the Service's senior management. The Service drew up two new internal regulations, on the management of categorized prisoners and on the categorization of prisoners according to risk level, incorporating Mission comments and proposals. However, the Mission also found that the Service was facing a serious shortage of senior staff, notably facility directors. Thus, the Mission urged the Service (and the Ministry of Justice) to prioritize the recruitment of such staff. Progress could be observed in preventing and dealing with self-harm and suicide cases in correctional facilities and the treatment of inmates with mental health problems. The Mission conducted a thorough analysis of the treatment of religiously radicalized prisoners and shared its findings and recommendations with the Service in an extensive report. The main findings of the report point to the need for more targeted rehabilitation programmes for terrorist offenders and for prisoners at risk of being radicalized, for better training for the Service staff and for structured cooperation and information-sharing mechanisms between the Service and other bodies, in particular the Kosovo Probation Service.

The Mission supported a three-day training for correctional officers working with prisoners with mental health problems. The workshop included information-sharing, discussions and different exercises and focused on identifying and dealing with addictions, different forms of mental health problems and techniques for conducting motivational interviews. The training was attended by both female and male staff working in three Kosovo Correctional Service facilities, including the ones for juveniles and female prisoners.

The Kosovo Judicial Council announced a recruitment process for 70 court professional associates for all Kosovo courts. Thus, the Council established the Employment Commission and the Audit Commission to carry out the recruitment process and respectively review the applications, as well as to hear appeals to decisions on recruitment. Such recruitments are in line with Mission recommendations, which highlight the shortage of this staff in courts across Kosovo. The Council additionally opened internal competition procedures for two positions at the Court of Appeals Division in Mitrovica, which were reserved for Kosovo Serb judges. In November, the Council announced a selection process for 54 judges at the level of basic courts Kosovo-wide, of which 8 positions were reserved for judges from the Kosovo Serb community.

These decisions and recruitments reflected a clear improvement in the way the Kosovo Judicial Council has been addressing the long-lasting shortage of skilled staff in the judiciary across Kosovo, and in the Basic Court and Court of Appeals Division in Mitrovica in particular. However, the Mission noted with concern that the election of a Kosovo Serb judge to the Council could not be enacted. Out of the 13 Council members, some must be elected by the Assembly, including two Kosovo Serbs, of whom at least one must be a judge. Two judges applied for this position but neither of them was elected, which will necessitate the repetition of the process. For a Kosovo Serb candidate to be elected, he/she needs to receive the majority of votes from the representatives of Kosovo Serbs in the Assembly of Kosovo (this applies also to the representatives of other communities). However, Kosovo Serb representatives boycotted the voting and refused to support the two candidates. This illustrates the difficulty to ensure buy-in from the Kosovo Serb community to this process.

No progress has been achieved with regard to the composition of panels at the Special Department of the Court of Appeals in Pristina. The 2013 Brussels Agreement and the Justice Agreement require that Kosovo Serb-majority review panels should adjudicate cases originating from Kosovo Serb-majority municipalities, yet no such panels have been established nor was their establishment foreseen in the Court of Appeals workplans for the years 2019, 2020 and 2021. Under the political leadership of the European Union Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan regional issues, and in close cooperation with the Head of the European Union Office in Kosovo/European Union Special Representative, the Mission repeatedly advocated for this decision to be amended, so far to no avail. The Mission remains concerned about the Court of Appeals annual workplan for 2022. The workplan failed to meet the provisions stipulated in the First Brussels Agreement with regard to the composition of panels in the Court of Appeals Special Department, which exclusively deals with Special Prosecution Office of Kosovo cases. While Kosovo Serb-majority panels are foreseen to deal with all cases originating in Kosovo Serb-majority municipalities, the new workplan applied this principle to all Court of Appeals Departments with the exception of the Special Department. Despite not being in line with the Agreement, the Kosovo Judicial Council approved the workplan on 27 January. The Mission will continue to monitor related developments closely.

The Mission, at the request of the Chief State Prosecutor, monitored both the first and the second written tests for candidates for new prosecutors of the State Prosecution Offices. There were 362 candidates that initially applied and 277 candidates took the first test. In the second round, in total 180 candidates, out of whom 62 were female, including 1 was from a non-majority community, took the test. That means that almost 65 per cent passed the first written test, which was held on 21 November 2021. Translation services were provided for the candidate from the non-majority community. The Mission, also at the request of the Kosovo Judicial Council, monitored both the first and the second written tests for candidates for 54 new judges at the Basic Courts. The initial number of applications was more than 500 but after preliminary checks and the elimination of non-eligible candidates, the number of applicants who attended the first round of examination on 16 January 2022 was 494. Out of the 494 participants, 163 candidates, including 3 Kosovo Serbs, attended the two written tests of the second phase on 5–6 February. In addition, the Mission also monitored the written test of around 300 candidates who took the written test for the bar exam. Among them 11 were Kosovo Serbs. None of the Kosovo Serb candidates passed the test. A shortage of eligible Kosovo Serb staff could impact the performance of many judicial institutions in the near future.

The Mission continued to monitor criminal proceedings against seven Kosovo nationals who had been returned from the Syrian Arab Republic in July 2021 and who were suspected of having participated in terrorist activities. By the end of December,

indictments were filed against all of them (six men and one woman) and the Mission observed that the adjudication had been progressing effectively and efficiently. In January, three sentences (including one against the female defendant) were announced. The Mission observed that all these sentences were low compared to sentencing in European Union countries for terrorism charges.

The Mission conducted three workshops in cooperation with the Mitrovica Basic Prosecution Office and the Kosovo Justice Academy to strengthen the working cooperation of Kosovo Albanian and Kosovo Serb prosecutors and other justice actors. The workshops focused on achievements and challenges in the Mitrovica region, including modalities to unify daily practices at the Juvenile Unit in the application of the new Juvenile Justice Code.

Through a continuing joint project, the Mission and the Kosovo Law Institute organized a workshop on the key concepts of court proceedings and trial monitoring for 20 new lay monitors, who are expected to monitor around 500 criminal sessions throughout Kosovo. These monitors, who have no legal background, were selected based on a number of criteria, including gender, ethnicity, age, education and profession. In the framework of the same project, each lay monitor will attend a total of 25 such sessions. The Mission drafted a road map for establishing specialist support services for victims of sexual violence offences, which will be assisting the government in incorporating the requirements of article 25 of the Istanbul Convention. On 26 January, Kosovo approved the new national strategy and action plan on protection from domestic violence and violence against women, to which the Mission contributed to by participating in the drafting and revision.

The Mission started its activities in the context of the 16 Days of Activism against Gender-based Violence through an awareness campaign aimed at addressing the link between property rights and domestic violence.

The Mission held its first round table in a series of Mission legacy dialogues aimed at highlighting the Mission's contribution to the rule of law in Kosovo, with a discussion on international police cooperation.

3. Operations

The three-tier security responder mechanism in Kosovo consists of the Kosovo police as the first security responder, the Mission as the second and the Kosovo Force as the third. The Mission continued to provide support to the Kosovo police crowd and riot control capability through advice and joint training sessions and continues to stand ready to help ensure public order.

In mid-September 2021, a decision by the Kosovo authorities not to extend a provision included in the European Union-facilitated freedom of movement agreement with Serbia related to the validity of certain vehicle registration plates triggered a serious standoff between Kosovo and Serbia. The unilateral non-extension of this provision by the Kosovo government resulted in thousands of vehicles no longer bearing valid registration plates throughout Kosovo, especially in the Kosovo Serb-majority northern region. This in turn provoked a harsh reaction from the Kosovo Serb local population and politicians, supported by Belgrade. The deployment of Kosovo police special units to northern Kosovo to assist in the implementation of this measure led to blockades by Kosovo Serbs of the main roads to the two common crossing points in northern Kosovo, Rudnica–Jarinjë/Jarinje (Gate 1) and Tabalije–Bërnjak/Brnjak (Gate 31). The Mission's Kosovo formed police unit was deployed to monitor the situation at the two common crossing points, in line with the mandated role of the Mission as second security responder in Kosovo. The formed police unit teams have been closely monitoring the situation in the vicinity of both common crossing points ever since. Throughout its engagement on

the ground, the Mission maintained close cooperation with both the Kosovo police and the Kosovo Force under the framework of the three-layer security responder system. The Mission's collection and assessment of relevant real-time information has been instrumental in keeping the European Union family locally and in Brussels abreast of the evolving situation on the ground at all times.

The crisis was defused when – on 30 September 2021 in Brussels – in the framework of the European Union-facilitated dialogue an agreement was reached between Belgrade and Pristina on the withdrawal of the special police in the north and deployment of the Kosovo Force for two weeks, the removal of the roadblocks and agreement on a temporary regime involving the application of stickers covering certain symbols on the respective licence plates.

The situation has underlined the continued need for the Mission to be ready and fully capable to act and sustain its role as second security responder, in coordination with the two other security responders.

The Mission supported the Kosovo Institute of Forensic Medicine in its work on missing persons. The Mission's forensic experts participated in bilateral meetings between the Pristina and Belgrade delegations on forensic issues related to this work. The team also assisted Institute experts in examining body remains of seven missing persons found at the Kiževak site in Serbia. Additional partial remains found in Kiževak were re-associated to two previously identified individuals. With the identification and examination completed, the remains of all these individuals were handed over to their families to be reburied. The Mission's forensic expert also assisted Institute experts in conducting the final inspection of human remains related to an investigation previously led by the Mission. The inspected bodily remains, alongside remains of an additional two missing persons from the Kosovo conflict, all Kosovo Serbs, were handed over to representatives of the Serbian Government Commission on Missing Persons and returned to Serbia. The Mission also provided support in concluding the activities of a site assessment in the Zubin Potok area.

The Mission supported the Kosovo Institute of Forensic Medicine in organizing a workshop on sexual violence, biological evidence and its importance in criminal proceedings. This workshop was the first step in which the Mission supported the Institute and the Ministry of Justice in establishing the Kosovo state protocol on sexual violence cases, to ensure that the survivors of sexual violence are offered the effective services and assistance they need.

The Mission continued its support to the Kosovo police in international police cooperation. Since Kosovo is not a member of the International Criminal Police Organization (INTERPOL), the Mission facilitated the information exchange between the Kosovo police International Law Enforcement Coordination Unit and the National Central Bureaus of INTERPOL under the umbrella of the United Nations Interim Administration Mission in Kosovo. The European Union Rule of Law Mission in Kosovo also facilitated the information exchange between the European Union Agency for Law Enforcement Cooperation (Europol) and the Kosovo police on serious crime investigations through its Swedish Europol liaison desk, as well as between the Kosovo police and the Serbian authorities (in accordance with a protocol between the Mission and the Serbian Ministry of the Interior). The Mission observed improvements in the information-sharing between the police services of Kosovo and Serbia via the Mission-facilitated protocol, which tripled in 2021.

The Mission continued to support the Kosovo Specialist Chambers and the Specialist Prosecutor's Office in line with Kosovo legislation.

Annex II

Specialist Chambers and Specialist Prosecutor's Office

On 15 September 2021, at the end of the previous reporting period, the case against Salih Mustafa became the first before the Specialist Chambers to commence trial proceedings. Mr. Mustafa is charged with four counts of war crimes – arbitrary detention, cruel treatment, torture and murder – committed by certain Kosovo Liberation Army members against persons detained at the Zllash detention compound in Kosovo. The Specialist Prosecutor's Office concluded its case on 4 February 2022 after having called 13 witnesses to testify. The defence has filed a motion to dismiss the charges against the accused. On 23 February 2022, the panel rejected the motion. The trial in this case will proceed on 8 March 2022 with the defence preparation conference.

The second case to proceed to trial before the Specialist Chambers is the case against Hysni Gucati and Nasim Haradinaj, which commenced with the opening statement delivered by the Specialist Prosecutor on 7 October 2021. This case is the first before the Specialist Chambers to close the evidentiary phase of the proceedings.

Mr. Gucati and Mr. Haradinaj are charged with two counts of criminal offences against public order – obstructing official persons in performing official duties – and four counts of criminal offences against the administration of justice and public administration – intimidation during criminal proceedings, retaliation and two counts of violating the secrecy of proceedings.

The Specialist Prosecutor's Office formally closed its case on 10 November 2021. On 2 February 2022, after having called 10 witnesses to testify, the Haradinaj and Gucati defence formally closed their cases. On 3 February, the trial panel, *inter alia*, closed the evidentiary proceedings in this case. The 12 parties submitted their final trial briefs on 3 March 2022 and delivered closing statements, responses and comments between 14 and 17 March 2022.

The pretrial proceedings in the cases against Hashim Thaçi, Kadri Veseli, Rexhep Selimi, Jakup Krasniqi and Pjetër Shala are ongoing. The Specialist Prosecutor's Office filed its pretrial brief in the *Thaçi et al.* case on 17 December 2021. The accused in this case are charged with six counts of crimes against humanity – persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance of persons – and four counts of war crimes – illegal or arbitrary arrest and detention, cruel treatment, torture and murder.

In the case against Mr. Shala, who is charged with four counts of war crimes – arbitrary detention, cruel treatment, torture and murder – the Specialist Prosecutor's Office filed its pretrial brief on 28 January 2022. Pretrial proceedings are ongoing in this case as well.

The President, Pre-Trial Judge, trial panels and the Court of Appeals panels issued 427 orders and decisions during the reporting period. Six hearings were held before the Pre-Trial Judge and 58 hearings before the two trial panels. The hearings were attended by the parties, both in person and via videoconference.

Following the resumption of in-person visits by the immediate family of the eight Specialist Chambers detainees in mid-July 2021, the visits were expanded to include other family members and other visitors in September 2021. While in-person visits were discontinued for a few weeks in late November 2022 owing to the coronavirus disease (COVID-19) situation in the host State, a total of 198 visits to the Specialist Chambers detention facilities were facilitated during the reporting period.

In September and October 2021, the International Committee of the Red Cross and the Specialist Chambers Ombudsperson, respectively, carried out visits at the Specialist Chambers detention facilities in accordance with the Specialist Chambers legal framework.

In January 2022, pursuant to a decision of a Pre-Trial Judge, the Specialist Chambers carried out a custodial visit of a detainee to Kosovo on humanitarian grounds, the third such visit to date.

On 27 January 2022, the Registrar assigned Victims' Counsel to represent participating victims in the case against Mr. Shala. By mid-February, there were 29 admitted participating victims in three of the four cases before the Specialist Chambers: 1 in the case against Mr. Shala; 8 in the case against Mr. Mustafa; and 20 in the case against Mr. Thaçi et al. The publicly available list of counsel contains 219 persons eligible to practise before the Specialist Chambers, of whom 107 are qualified to represent victims.

While Specialist Chambers outreach activities were mainly carried out online throughout the reporting period, the President and the Registrar travelled to Kosovo from 6 to 9 September 2021, during which time they held two outreach events with civil society, media and non-government organizations, met with members of the diplomatic, international and local community and gave media interviews. In response to feedback received from civil society representatives during the visit, the Specialist Chambers began broadcasting public hearings on its YouTube channel and holds weekly media briefings online, during which updates on the proceedings are provided, and also opened its own trilingual Twitter account.

On 27 October 2021, the President appeared in person before the European Union Political and Security Committee in Brussels, during which she briefed the European Union member States on the Specialist Chambers judicial activities and responded to questions posed.

On 25 November 2021, the President, the Registrar and the Specialist Prosecutor updated European Union member States and contributing third States based in The Hague, via videoconference, on the work of the Specialist Chambers and the Specialist Prosecutor's Office as part of their annual briefing to the diplomatic community.

The Specialist Prosecutor's Office has been continuously engaged with the disclosure of evidence and material in its possession as set out in the Rules of Procedure and Evidence of the Specialist Chambers. It has opposed requests for interim release, arguing in a series of filings that there was a very real risk that, if freed, the accused would seek to obstruct court proceedings and interfere with witnesses.

The Specialist Prosecutor's Office continued to interview witnesses and suspects both in The Hague and in Pristina, reviewing documentary evidence collected in the course of the investigation and preparing it for disclosure purposes and working with relevant authorities to ensure both that documents are cleared for use in court and that witnesses are cleared to testify in court. The Office continues to require the engagement and support of the international community, international organizations and individual States in these and all activities.

Annex III

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

(as at 15 March 2022)

<i>Country</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Austria	1	–	1
Finland	–	1	1
Germany	2	–	2
Hungary	–	1	1
Russian Federation	1	1	2
Slovenia	–	1	1
Ukraine	–	1	1
United Kingdom of Great Britain and Northern Ireland	–	1	1
Total	4	6	10

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

(as at 15 March 2022)

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

Map

