

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

## **Introduction**

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of UNMIK's mandate. This report covers the activities of UNMIK, and developments related thereto, from 10 March to 31 May 2009.

## **Political situation**

2. Kosovo's authorities continued to act on the basis of the "Constitution of the Republic of Kosovo" and made a series of public statements requesting UNMIK to conclude its mission, asserting that resolution 1244 (1999) is no longer relevant and that they have no legal obligation to abide by it. Since my last report to the Security Council (S/2009/149), four states recognised Kosovo, bringing the total to 60.

3. Although the Kosovo authorities maintained minimal contacts with my Special Representative, Mr. Lamberto Zannier, during the reporting period, there continued to be practical cooperation between UNMIK representatives and Kosovo officials. My Special Representative and international stakeholders encouraged Pristina to take a more constructive stance towards engagement with UNMIK.

4. The International Court of Justice (ICJ) received written statements by thirty-six Members of the United Nations, as well as by the Kosovo authorities, on the question "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?" The ICJ was requested by the General Assembly to issue an advisory opinion on this question on 8 October 2008.

5. On 17 April, Serbian President Boris Tadić visited Kosovo to attend Orthodox Good Friday services at Visoki Dečani Monastery. Whereas the Kosovo authorities decided not to block this visit, stipulating that it should remain apolitical, they blocked a number of separate working visits by Serbian officials to areas of Kosovo south of the Ibër/Ibar River on procedural grounds. According to the Kosovo authorities, they should be notified directly by Belgrade before Serbian officials visit Kosovo.

6. In line with my reports of 24 November 2008 (S/2008/692) and 23 March 2009 (S/2009/149) and the Security Council's Presidential Statement of 26 November 2008 (S/PRST/2008/44), the European Union Rule of Law Mission in Kosovo (EULEX) has continued to operate under the overall authority of the United Nations and within the status-neutral framework of resolution 1244 (1999). During the reporting period, EULEX continued to build up its presence to the current total of 1,651 international and 918 local employees. On 6 April, the European Union announced that EULEX had reached full

operational capability. UNMIK and EULEX exchange information and coordinate on issues of mutual concern on a regular basis. The report on EULEX's activities in the rule of law sector prepared by Mr. Solana, Secretary General of the Council of the European Union and High Representative for Common Foreign and Security Policy, is attached to this report as an annex.

7. Although many Kosovo Serbs reject the authority of Kosovo's institutions derived from the "Constitution of the Republic of Kosovo", as does the Government in Belgrade, increasing numbers continue to apply for Kosovo identity cards, driver's licenses and other Kosovo documentation, and sign contracts with the Kosovo Energy Corporation (KEK) in order to facilitate their daily lives in Kosovo.

8. Municipal elections are expected to take place in Kosovo in October or November this year. Following months of public debate and calls by the opposition to hold elections at the earliest possible date, on 15 May representatives of political parties in Pristina held an initial round of consultations on the date of the elections. There is concern over the capacities of the local institutions to manage an electoral process. Since the establishment of the international presence in Kosovo in 1999, the Organisation for Security and Co-operation in Europe (OSCE) has, as part of UNMIK, been in charge of organising the elections held in Kosovo in 2000, 2001, 2002, 2004, and 2007. Following the entry into force of the "Constitution of the Republic of Kosovo", the Kosovo authorities began to assume full responsibility for the Central Elections Commission (CEC) and its Secretariat. The Assembly of Kosovo appointed in May a new CEC chairperson, and the CEC elected the Chief Executive Officer of its Secretariat, a position that had been vacant for more than one and a half years. However, the CEC continued to face serious challenges in terms of its proper management and functioning, due to its increasing politicisation, political deadlocks, and limited professional capacities. The OSCE continued its regular capacity building activities for the CEC and its Secretariat through OSCE staff that are co-located within the Secretariat and provide daily advice.

9. The municipalities in the north of Kosovo, as well as northern Mitrovicë/Mitrovica, continue to operate largely separately from the rest of Kosovo. Northern Kosovo Serb leaders consider UNMIK and KFOR as the only legitimate international presence under resolution 1244 (1999) and have shown no change in their firm non-acceptance of any institutions or symbols of the Kosovo authorities. They remain strongly against changes in the Kosovo Police chain of command that would link the police in the north directly to the police in Pristina. The Kosovo Police in the north presently reports to EULEX.

10. UNMIK continued to lend its good offices to all communities residing in that part of Kosovo, the overwhelming majority being Kosovo Serbs, and to provide links with institutions in Pristina, when required. All communities support UNMIK's role in these efforts. UNMIK's presence in the northern municipalities has also served as a bridge between EULEX and local political leaders, some of whom are still reluctant to communicate directly with EULEX.

## **Security**

11. The overall security situation in Kosovo remained relatively calm. However, a series of incidents occurred in the northern Mitrovicë/Mitrovica suburb of Kroi i Vitakut/Brdjani, where Kosovo Albanian former residents, despite opposition by local Serbs, started rebuilding their houses which had been destroyed in 1999.

12. UNMIK, in coordination with EULEX and KFOR, encouraged both sides to find a sustainable and peaceful solution. Nevertheless, construction works began on 23 April which led to daily protests organised by Kosovo Serbs. As soon as the situation started causing security concerns, Kosovo Police, EULEX and KFOR stepped in to protect the construction sites from the demonstrators. EULEX used tear gas on a number of occasions to disperse the demonstrators. On 27 April, EULEX and KFOR came under gun fire by Kosovo Serbs, but brought the situation under control. Relatively few injuries were reported during the period of protests. Political leaders on both sides condemned the acts of violence as did the Belgrade authorities. Through its continued mediation, UNMIK, with the support of EULEX and KFOR, eventually broke the deadlock and brought the two sides to agree on a pragmatic solution. The Kosovo Serbs agreed to the rebuilding of five Kosovo Albanian homes whereas the Kosovo Albanians agreed to Kosovo Serbs building five homes on recently-acquired parcels of land in the same area. As a result, on 13 May Kosovo Serbs began clearing their parcels of land in preparation for subsequent construction works.

13. The Kosovo Police, EULEX and KFOR continue to monitor closely the construction work at both the Kosovo Serb and the Kosovo Albanian sites and all necessary measures are being taken to keep the situation manageable. However, the situation is not fully resolved. The Kosovo Albanians have expressed the intention to rebuild 25 homes this year and as a result negotiations between the communities, with UNMIK's facilitation, are expected to continue.

14. NATO is overseeing and facilitating the training of the newly-established Kosovo Security Force (KSF), expected to reach interim operational capability in September 2009. Kosovo Serbs, who were envisaged to fill most of the ten per cent quota reserved for minority communities, continue to oppose the KSF. The creation of the KSF rendered the Kosovo Protection Corps (KPC) non-operational, on account of the fact that over 90 per cent of KPC's members applied to join the KSF. Former KPC members who did not apply to join the KSF or were not selected are participating in retirement or economic reintegration programmes run by the UNMIK Office of the KPC (OKPC) and the United Nations Development Programme (UNDP). The OKPC will cease operations on 15 June 2009.

## **Dialogue with Belgrade**

15. In accordance with my report to the Council of 24 November 2008, UNMIK continued efforts to facilitate engagement by all the sides in the implementation of

practical solutions to issues of mutual concern. My Special Representative, together with the United Nations Office in Belgrade, UNMIK and EULEX experts, continued substantial technical discussions with officials in Belgrade, with EULEX leading technical discussion on issues related to its role and activities in the areas of justice, police and customs, within the framework of resolution 1244 (1999). Whereas the authorities in Belgrade have been keen to discuss pragmatic arrangements in the areas of concern, Kosovo's authorities remained reluctant to engage.

16. Some progress has been made in reaching agreement and implementing solutions in the area of protection of the Serbian cultural heritage in Kosovo. In April and May, UNMIK experts held talks with the main stakeholders, including international organisations that are active in this field, in order to find a formula of cooperation which would be acceptable to the authorities in Belgrade and Pristina, as well as to the Serbian Orthodox Church.

17. In the justice sector, meetings with the Serbian authorities were held in Belgrade on 8 April, with the participation of UNMIK and EULEX representatives. Discussions focused on the details of a roadmap for the re-introduction of local judges and prosecutors to the Mitrovica courthouse. Some progress was achieved in forming a commission, composed of local staff, to inventory the active cases stored in the courthouse as a confidence-building measure. UNMIK representatives also continued consultations with Kosovo Serb political leaders from the northern municipalities on normalising the functioning of the justice system in northern Kosovo. In the meantime, EULEX judges and prosecutors are processing urgent cases from the Mitrovica courthouse.

### **UNMIK Reconfiguration**

18. As indicated in my previous report (S/2009/149), the reconfiguration and downsizing of the Mission is close to finalization. The 2009/2010 budget proposal reflects the projected end-state of the reconfiguration process, which envisages that the Mission will be reduced from the overall current authorised personnel strength of 4,911, to 507 proposed personnel, comprising 491 civilians, 8 UN Police and 8 Military Liaison Officers. The assumption of an operational role in the rule of law sector by EULEX last December has been reflected in the corresponding drawdown of UNMIK's Rule of Law component, from the authorised strength of 3,329 down to the proposed 22 personnel of the Police and Justice Liaison Office, effective as of 1 July 2009. As a consequence of the reconfiguration in the substantive areas, UNMIK's Division of Mission Support is in the process of drawdown, from this year's authorised personnel strength of 907 to the proposed strength of 225 for the 2009-2010 budget year.

19. The structure and strength of the reconfigured Mission proposed in the 2009-2010 budget submission is intended to ensure that the Mission is properly resourced to perform

the specific functions outlined in my reports of 12 June and 24 November 2008. As Kosovo is still faced with significant challenges in the field of inter-ethnic relations, the Mission will also allocate its resources to the continuous mediation between communities and to supporting minority communities throughout Kosovo. Specifically, by creating an office of “Community Support and Facilitation”, UNMIK will concentrate the necessary resources to perform minority-related functions, including supporting the returns process and residual functions relating to human rights monitoring. This office will also include a field presence in Pejë/Pec, due to the area’s important cultural heritage sites, as well as a mobile field unit based in Pristina covering the central and southern parts of Kosovo. The Mitrovicë/Mitrovica Regional Office will remain the focal point for all activities in the north.

20. In parallel, the Mission has commenced the drawdown and disposal of its surplus assets and handover of premises, as part of its overall reconfiguration. As of July 2008, the value of UNMIK's inventory holding stood at approximately 100.5 million USD, comprised of 38,324 items. As of May 2009, the Mission had reduced its inventory holding to around 97 million USD. The plan for disposal of surplus assets includes the sale of surplus assets valued at around 13.3 million USD to EULEX, under the Technical Arrangement between UNMIK and the European Union Planning Team for the Sale of Surplus Assets and Supplies, entered into on 18 August 2008. UNMIK is currently in the process of disposing of surplus assets valued at around 15 million USD through commercial sales, in compliance with the applicable financial and property management rules. The surplus asset disposal plan will continue to be implemented through the next budget cycle. The Mission is consolidating its office space and warehouses into seven premises in four cities, namely, Pristina, Mitrovica, Belgrade and Skopje.

### **Rule of Law**

21. During the reporting period, UNMIK handed over to EULEX all remaining active case files with the exception of one ongoing criminal case and four proceedings of the Special Chamber of the Supreme Court in Kosovo, whose transfer would have adversely affected human rights or judicial efficiency. The handovers were completed by the end of March as anticipated in my previous report (S/2009/149). EULEX is now fully responsible for all cases. All closed cases were archived with the local courts.

22. UNMIK continues to exercise certain responsibilities with regard to external relations in the justice area. As of 19 March 2009, local authorities assumed responsibility for international legal assistance requests to and from countries which have recognised Kosovo, while UNMIK continues to deal with such requests from and to non-recognising countries. UNMIK also continues to play a role in facilitating contacts between EULEX and the local authorities, on the one hand, and Interpol, on the other, with regard to international legal assistance matters. The Mission continues to serve as the focal point for ICTY-related matters in Kosovo. A working relationship between ICTY and EULEX is being developed, in view of EULEX’s operational role in police matters.

23. The Mitrovicë/Mitrovica Detention Centre has faced a staffing problem since the Kosovo Albanian correctional staff left due to security concerns on 17 February 2008. It appears that the Kosovo Correctional Service (KCS) management is reluctant to recruit or reassign additional Kosovo Serb staff already employed by the KCS from other facilities to replace the missing Kosovo Albanian staff. UNMIK is liaising with the KCS and EULEX to find a solution.

24. The functioning of the Office on Missing Persons and Forensics (OMPF) has now been assumed by EULEX, with UNMIK maintaining one forensic expert to ensure cohesive cooperation with EULEX at the technical level. UNMIK continues to maintain a presence in the Working Group on Missing Persons, at the request of the ICRC. Belgrade and the Kosovo Serb and Kosovo Albanian Associations of Families of Missing Persons have also supported UNMIK's participation in the Working Group. My Special Representative continues to ensure that the issue of missing persons receives adequate political support from all international partners and local actors and remains non-politicised. During the reporting period, 26 bodily remains, seven of them belonging to Serbs and 19 to Kosovo Albanian victims, were identified and returned to the victims' families.

25. The Kosovo authorities announced that the salaries of Kosovo Serb police officers who had stopped reporting to their duty stations after Kosovo's declaration of independence would no longer be paid as of 15 May 2009, and that 30 June 2009 had been set as the deadline for them to return to work. The Kosovo authorities stated that police officers who fail to return to work by the deadline would lose their posts, which would be filled through new recruitment. A growing number of Kosovo Serb police officers appear to have started returning to work since the announcement; there also appears to be considerable interest amongst members of the Kosovo Serb community to apply for posts which might become vacant after 30 June.

## **Human Rights**

26. My Special Representative undertook consultations with the High Commissioner for Human Rights to find ways of increasing the effectiveness of the Human Rights Advisory Panel (HRAP) as a credible mechanism for dealing with allegations of human rights violations under UNMIK's mandate. Agreement has been reached on the need to reaffirm the non-adversarial character of HRAP's proceedings at public hearings and address other procedural aspects of UNMIK Regulation 2006/12 on the establishment of the HRAP. The total number of cases received by the Panel to date is 378, of which 23 cases are closed.

## **Community issues**

27. During the reporting period, the Kosovo Energy Corporation (KEK) carried out a policy of collective electricity disconnection of non-paying villages in Kosovo, aimed at enforcing payment. Repeated protests were staged in Kosovo Serb villages, where disconnections were perceived as politically motivated and ethnically discriminatory. Protests in Shillovë/Šilovo in early March 2009 and in Pasjane/Pasjan on 10 May 2009 turned violent. KEK, with the support of international actors, reached out to the disconnected villages by offering payment arrangements. This led to the signing of collective agreements and the eventual reconnection of the majority of the affected villages by the end of the reporting period. Inhabitants of a few Kosovo Serb-majority areas, in particular Graçanicë/Gračanica, remain reluctant to sign agreements with KEK, despite having been urged by senior representatives of Serbia's Ministry for Kosovo and Metohija to pay their electricity bills. Some Kosovo Serbs argue that a contractual relationship with a public entity would constitute implicit recognition of Kosovo's independence.

28. The OSCE closely monitored the developments surrounding the electricity disconnections, with particular focus on establishing whether there were any grounds for claiming ethnic discrimination. The OSCE concluded that the disconnections were not based on ethnicity, but that KEK still needed to assume a more conciliatory position given the complex political-legal context.

29. Implementation of a new traffic law by Kosovo's authorities threatened to limit the freedom of movement of Kosovo Serbs who refuse to apply for Kosovo documents. In accordance with the new law, from 16 April Kosovo Police began seizing licenses and vehicle registration documents issued for Kosovo by the Serbian authorities after 1999. However, on 30 April the Kosovo Police Commissioner issued instructions to suspend this action until further notice.

## **Returns**

30. The number of voluntary returns in 2009 is gradually increasing, even though it remains disappointingly low and continues to lag behind the 2008 figures. According to UNHCR's estimates, 137 displaced community members, including 24 Kosovo Albanians, 30 Kosovo Serbs and 54 Roma, Ashkali and Egyptians, have voluntarily returned to Kosovo between January and April this year. During the same reporting period, 936 individuals have been involuntarily returned to Kosovo from Western Europe, an increase of 27.3 per cent compared to the corresponding period last year. Of these, 40 persons belong to minority communities.

31. According to the Ministry of Communities and Returns (MCR), reintegration of minority communities, especially the Kosovo Serb community, continues to be a challenge. As the primary factors affecting reintegration include lack of employment opportunities, a fragile economic situation, limited access to public services and security, MCR intends to place greater focus on promoting economic development and sustainability of minority communities to encourage more returns. Over 660 families,

totalling 3,100 persons, have expressed an interest to return in the course of this year. The MCR is now more responsive to applications for return and better placed to manage return requests thanks to the finalisation of its returnee database.

32. The MCR is implementing six organised return projects targeting the return of 143 Kosovo Serb families in Vushtrri/Vučitrn, Prizren, Klinë/Klina, Istog/Istok, Novobërdë/Novo Brdo and Pristina municipalities. Moreover, 23 returnee families have already been assisted with housing reconstruction in 2009 and another 45 housing units should be reconstructed by the end of the year under the UNDP-managed Sustainable Partnership for Assistance to Returns in Kosovo (SPARK) programme, funded by the British Government and MCR. An additional 180 returnee families will be assisted under the Return and Reintegration to Kosovo (RRK) project, jointly funded by the European Commission, MCR and UNDP. The one hundredth Kosovo Serb family has returned to Klinë/Klina town since the first urban returns in Kosovo in February 2005.

33. The Mitrovicë/Mitrovica Municipal Policy and Finance Committee has approved an Urban Regulatory Plan for the Roma Mahalla on the south bank of the Ibër/Ibar River where Kosovo Roma, Ashkali and Egyptian (RAE) families, currently living in camps in northern Mitrovicë/Mitrovica, will be able to relocate if they are willing to do so. This ambitious plan foresees construction of houses, a police station, a hospital and a school offering multi-lingual education, including in the Roma language. UNMIK is working with the parties as well as with the NGOs and international community to find a sustainable solution to the Roma Mahalla issues.

### **Cultural and religious heritage**

34. UNMIK continued its efforts to support the work of the Council of Europe-led Reconstruction Implementation Commission (RIC) on the reconstruction of cultural and religious heritage sites which were damaged or destroyed during the March 2004 violence. My Special Representative conducted extensive consultations with the Council of Europe, the European Commission, the Serbian Orthodox Church and the Kosovo authorities in order to find financial and administrative modalities to ensure the functioning of RIC and to allow for the reconstruction of Serbian Orthodox Church sites, initiated by UNMIK, to be concluded successfully. RIC continues to play an important role as it remains the only venue for Belgrade and Pristina to interact on cultural heritage issues at the technical level.

35. At a RIC meeting on 12 May, with the participation of representatives of the Kosovo Ministry of Culture, Youth and Sport (MCYS), the Serbian Orthodox Church (SOC), the Institutes for the Protection of Monuments (IPM) from Belgrade and Pristina, and UNMIK, the parties succeeded in overcoming a year-long stalemate over the tendering procedures for reconstruction projects. As a result, five tenders totalling more

than 900,000 euros were launched in May 2009. Three more tenders with a total amount of over 700,000 euros are expected to follow shortly.

36. On 11-14 May, a UNESCO delegation visited Kosovo to conduct an assessment of the reconstruction of certain cultural heritage sites, funded by the United States and Italy. The head of the delegation once again stressed the apolitical and status-neutral character of UNESCO's activity in Kosovo and confirmed that it would continue technical cooperation with all the partners through UNMIK, on the basis of memoranda of understanding between the two organizations.

### **Local governance**

37. The reluctance of the Kosovo Serbs to engage with the Kosovo authorities continues to place in question the creation of the new Kosovo Serb-majority municipalities planned by the Kosovo authorities. In March 2009, the Kosovo authorities initiated a process of establishing municipal preparatory teams which would carry out preliminary work on the creation of new municipalities and opened job vacancies for these bodies. Some Kosovo Serbs have expressed interest in applying, primarily attracted by the salaries, which are three times higher than the average salary in the Kosovo civil service. In light of the upcoming municipal elections, the Kosovo authorities intensified their exhortations to Kosovo Serbs to take part in the decentralisation process.

### **Economy**

38. UNMIK has continued to offer its facilitation to the Kosovo authorities to enable Kosovo's engagement in international and regional fora, initiatives and agreements and has participated in over 13 such events.

39. In order to resolve difficulties for the implementation of the Central European Free Trade Agreement (CEFTA) caused by the introduction of new customs stamps by the Kosovo Customs Director-General at the end of November 2008, UNMIK, as party to the CEFTA Agreement, communicated to the other CEFTA Parties a set of specimen impressions of "Kosovo Customs" stamps. These stamps, considered appropriate by my Special Representative as they refer to one single customs area of Kosovo and reflect UNMIK's status-neutral approach, are meant for use as certificates of origin to indicate for the authorities of CEFTA Parties the origin of the shipments of goods. However, the authorities in Belgrade have rejected them, stating that they are not in compliance with resolution 1244 (1999) or status-neutral. Serbia has proposed that the stamps refer to "UNMIK Customs" or, alternatively, "EULEX Customs" given EULEX's operational role relating to customs. My Special Representative has continued discussions on this matter with a view to ensuring the proper functioning of the CEFTA mechanisms aimed at promoting economic development in the region.

### **Observations**

40. In line with the parameters contained in my reports of 12 June and 24 November 2008, and pursuant to the Security Council's Presidential Statement of 26 November 2008, UNMIK has moved forward with its reconfiguration within the status-neutral framework of resolution 1244 (1999). The United Nations will continue to adopt a position of strict neutrality on the question of Kosovo's status. I am confident that the resources of the restructured Mission, as envisaged in the 2009-2010 budget proposal, are commensurate to the tasks the Mission will need to perform during the upcoming period.

41. I welcome the assumption of full operational capability by EULEX. Its operational role in the rule of law sector, under the overall authority and within the status-neutral framework of the United Nations, is key to the maintenance of stability on the ground. As EULEX develops its roadmap for the strengthening of the rule of law throughout Kosovo, the concerns of all communities should continue to be taken fully into account, in close consultation with UNMIK. In this regard, I am encouraged by the level of cooperation between UNMIK and EULEX on the ground, and expect that such cooperation will continue and be strengthened in all relevant areas.

42. Recent tensions in northern Mitrovicë/Mitrovica are of concern. I commend the Mission for its efforts to mediate between communities in the area and to promote peaceful solutions based on dialogue and compromise. I welcome the positive outcomes reached in this regard through the coordinated efforts of UNMIK, EULEX and KFOR. I call on the communities directly affected, as well as on the authorities in Pristina and Belgrade, to continue to work closely with all international stakeholders in minimising tensions in the area and reaching negotiated solutions to differences through peaceful means.

43. UNMIK's engagement with all sides in order to promote the implementation of the practical arrangements referred to in my 24 November 2008 report has continued. EULEX's increasing contribution to discussions in the area of the rule of law has helped move the process forward, in light of its expertise and operational role in the areas of police, justice and customs. Although comprehensive or long-term solutions have not yet been agreed, discussions have helped to clarify respective positions on these matters. These developments are welcome, as they enable the consideration of solutions that may resolve long-standing impasses, including concerning Kosovo Serb participation in the Kosovo Police, the functioning of the courthouse in Mitrovica, the protection of property rights, and the need to bridge differences in the area of customs. I encourage all sides to increase their constructive engagement in light of the significant potential benefits which practical arrangements could bring in each of the areas under consideration.

44. UNMIK, as reconfigured, can continue to play an effective and useful role in mediating between communities, in promoting practical arrangements that can benefit both Pristina and Belgrade, and in carrying out the functions set out in my reports of 12 June and 24 November 2008. However, in order to do so effectively

**UNMIK requires the cooperation and constructive engagement of all concerned. The continuing support of the Security Council and of the broader international community for a reconfigured UNMIK is of crucial importance.**

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

**46. I would also like to extend my gratitude to the United Nations' longstanding partners in Kosovo - the European Union, NATO and the Organization for Security and Cooperation in Europe - as well as to the United Nations agencies, funds and programmes for their ongoing support and cooperation with UNMIK.**

**Annex I**  
**Report of the Secretary General of the Council of the European Union/High Representative for the CFSP to the Secretary-General of the United Nations on the activities of EULEX Kosovo**

**EULEX KOSOVO**  
ESDP Civilian Mission

**Date and time of report:** 31 May 2009

**Report type:** UN

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**Report number:** 2

**1. EXECUTIVE SUMMARY**

EULEX assumed full operational capability on 6 April 2009. Through monitoring, mentoring and advising the rule of law institutions in Kosovo, EULEX built up a picture of the competence of those authorities, and identified areas for further targeting of reform efforts.

On 1 February EULEX Customs began collecting data on commercial traffic at Gates 1 and 31 in northern Kosovo on a 24/7 basis, and on 20 May began copying and stamping documents of truck drivers and cargos. EULEX started to adjudicate in the District Court house in northern Mitrovicë/a, where it completed two trials. Two war crimes trials were completed leading to convictions. EULEX judges started to hold civil law trials dealing with inter-ethnic property disputes. EULEX identified and returned more than 44 sets of remains of missing persons. On 19 March the Head of Mission and the Heads of Components had their first official meetings in Belgrade with senior members of the Serbian Government. EULEX Police Units had to intervene in April-May in violent protests by Kosovo Serbs against the reconstruction of Kosovo Albanian houses in Brdjeni/Kroi I Vitakut in Mitrovicë/a. No-one was seriously injured and reconstruction, eventually, by members of both communities has continued peacefully.

**2. EULEX ACTIVITIES FEBRUARY 2009 - MAY 2009**

EULEX assumed its full operational capability on 6 April 2009, following successful deployment throughout Kosovo on 9 December 2008. The Mission continued to be welcomed in Kosovo, although elements in the Kosovo Serb community in the North of Kosovo accused it of partisanship when EULEX police had to intervene in April-May following violent protests by Kosovo Serbs against the reconstruction of Kosovo Albanian houses in Brdjeni/Kroi I Vitakut in Mitrovicë/a. No-one was seriously injured and reconstruction, eventually, by members of both communities has continued peacefully. EULEX launched an outreach campaign in northern Kosovo to inform the communities about EULEX's

mandate and objectives and underline the benefits to all the communities of an enhanced rule of law in Kosovo. The Head of Mission and other senior managers continued regularly to visit the non-majority areas throughout Kosovo.

On 19 March, the Head of Mission and the Heads of Components had their first official meetings in Belgrade with the Serbian Deputy Prime Minister/Minister of Interior, as well as the Ministers of Finance, Justice and the Minister for Kosovo. The three EULEX Components continued technical talks with counterparts in Belgrade following the visit.

EULEX also established contacts at the technical level with rule of law authorities in Skopje, Podgorica and Tirana. Cooperation between EULEX and UNMIK has been ongoing throughout the reporting period, to include efforts regarding Brdjani/ Kroi I Vitakut..

On 31 May 2009, Mission staffing was 2,569 staff (1,651 international staff and 918 local staff).

By May, through monitoring, mentoring and advising the rule of law institutions in Kosovo, the EULEX Programme Office has been building up a picture of the competence of those authorities so as to identify areas for targeting reform efforts.

On 1 February EULEX Customs began collecting data on commercial traffic at Gates 1 and 31 in northern Kosovo on a 24/7 basis, and on 20 May began copying and stamping documents with a EULEX stamp. EULEX Border Police extended their presence at Gates 1 and 31 to 24/7.

The handover of case files from UNMIK to EULEX has been completed. EULEX started to adjudicate in the District Court house in northern Mitrovicë/a. In March the first trial involving EULEX judges in the Mitrovicë/a District Court went ahead despite initially being postponed due to protests. A second case in the court was completed in May. On 3 March EULEX issued its first

verdict in a war crimes case (both accused and victims were Kosovo Albanians), and a second case ended in a conviction in April. EULEX judges also started to hold civil law trials dealing with inter-ethnic property disputes. Since 9 December the EULEX Office for Missing Persons and Forensics has conducted 26 exhumations pertaining to 21 remains. These 21 remains were autopsied and bone samples sent for DNA analysis. As of the same date, the Office has confirmed identification and returned 44 remains to the families.

EULEX continued to engage with the Kosovo authorities in areas such as anti-money laundering legislation and anti-corruption mechanisms, in consultation also with international organisations. EULEX also monitored closely and provided advice to the Kosovo authorities on the role of the Kosovo Judicial Council and the role of the Special Chamber of the Supreme Court, the drafting of strategies on organised crime, counter-terrorism, narcotics, and integrated border management, as well as judicial reform and senior public appointments.

EULEX Police have been closely monitoring the restructuring of Kosovo Police (KP), and had regular meetings with all KP station commanders and KP senior management. EULEX participated in working groups on strategies on integrated border management (now submitted to the Kosovo authorities for approval), organised crime, drugs and terrorism.

## **Police**

EULEX Police monitored, mentored and advised Kosovo Police (KP) in all regions and at all boundary points. EULEX Border Police presence at Gates 1 and 31 was extended to 24/7 from 2 February. After the completion of case review and the handover of criminal files from UNMIK, EULEX conducted initial investigations into priority cases, including interviews with witnesses in and outside Kosovo, on-site inspections in Kosovo and requests for international cooperation.

The Head of the Police Component conferred with KP General Director and the Minister of Internal Affairs on a weekly basis. EULEX monitored KP restructuring and the selection of senior KP staff: the two positions for KP deputy general director, four positions for assistant directors, and six regional director posts. EULEX held fortnightly meetings with the four KP station commanders and KP senior management in the North. KP in the North continued to report to EULEX Police,

copying in KP regional command in their communications. Efforts to move towards greater co-operation and integration of Kosovo Serb KP in the North into regional command structures have yet to produce tangible results. Following a joint KP/EULEX assessment, some progress was made towards improving basic communications and logistics in the four KP stations in the North. EULEX supports the plan for the reintegration of the suspended Kosovo Serb police officers as set out by the Ministry of Internal Affairs in mid-April, and encouraged KP to engage with the officers concerned in a pro-active way. So far, a total of about 45 out of more than 300 officers have returned to work.

EULEX monitored the performance of the ethnically mixed KP unit with Kosovo Serb, Kosovo Bosniak and Kosovo Albanian officers which was set up on 23 January to patrol areas in north Mitrovicë/a. These patrols were temporarily withdrawn at the time of the demonstrations in Brdjani/Kroi I Vitakut, but have been well-received and appear to have improved confidence in the areas concerned.

EULEX Police helped KP restore order during daily protests in Brdjani/Kroi I Vitakut in April and May and backed up KP during the demonstrations in May against electricity cuts in Gjilan/Gnjilane region. The cascade of responsibilities for security incidents remains unchanged: first responder - KP with EULEX exercising its mandate to monitor, mentor and advise; second responder - EULEX under its executive mandate; third responder – the Kosovo Force (KFOR). Regular exercises involving EULEX, KFOR and KP took place to improve co-ordination and response to major security events. Formed police units continued to guard Gates 1 and 31 on a 24/7 basis and provided support in civil disturbance situations.

The EULEX Ministry Monitoring Unit provided advice to the Ministry of Internal Affairs on the reorganization of the Ministry, and on civil registration and migration issues. EULEX contributed to the drafting of legislation and strategies on integrated border management, organised crime, drugs and terrorism.

## **Justice**

By February the handover of cases from UNMIK to EULEX judges and prosecutors was mainly completed. EULEX Judges received 120 cases and EULEX prosecutors close to 300 cases. A

thorough examination of the case material was undertaken to ascertain the status of each case. Bringing these cases to their conclusion remains a major challenge. Cases were also examined and taken over by EULEX judges based on requests from the public, or from within the Kosovo judiciary.

EULEX judges, prosecutors, correctional officers and legal experts have been monitoring, mentoring and advising Kosovo counterparts. EULEX judges, prosecutors and correctional officers also carried out the full range of their executive tasks. EULEX judges presided over hearings and trials in mixed panels with their Kosovo colleagues. Trials were held in all regions, including Mitrovicë/Mitrovica. By late May, 16 verdicts had been passed in criminal cases concerning *inter alia* murder, organised crime, trafficking in human persons and war crimes. EULEX Prosecutors met with the War Crimes Prosecution Office of Serbia to exchange information on ongoing cases. Verdicts were issued in two appeal cases to the Supreme Court. EULEX judges also started to handle civil law trials, dealing with intra-ethnic and inter-ethnic property disputes. In several first-instance verdicts of this kind, EULEX judges found that alleged sales of the property of displaced persons were not proven, and confirmed the claims of the original owners. Following the appointment of a new representative to the Kosovo Property Claims Commission, this commission held one four-day session in April. EULEX judges to the Special Chamber of the Supreme Court started to handle cases concerning the privatisation process in Kosovo.

EULEX prosecutors initiated a new on-call system for interaction with the KP to ensure that EULEX prosecutors are involved in cases from the earliest stage, together with their Kosovo colleagues. The four KP police stations in the North have also been responding to this on-call system. EULEX prosecutors and the Kosovo Anti-Corruption Agency (ACA) signed an arrangement to exchange information, and EULEX prosecutors regularly received information about suspected corruption cases from ACA.

The EULEX Office on Missing Persons and Forensics (OMPF) conducted a large number of autopsies, exhumations and field assessments. OMPF continued to meet Missing Persons Family Associations and organised several broader meetings on the issue. A significant number of remains were identified and handed over to the families.

EULEX Correctional Unit continued to assist its Kosovo counterparts, evaluating a wide range of aspects of Kosovo's prisons and detention centres, such as security, contingency plans and resource management.

### **Customs**

The EULEX Customs component continued to carry out monitoring, mentoring and advising activities with the Kosovo Customs, and identified and addressed a number of areas for improvement in the work of the Kosovo Customs. EULEX Customs continued its phased approach towards re-establishment of full customs control at Gates 1 and 31. On 1 February, EULEX Customs started to collect data on commercial traffic at Gates 1 and 31 on a 24/7 basis. The information collected includes date and time of crossing, details of the driver and vehicle, importing company, quantity of cargo, invoice number and value of invoice, currency and customs seal or TIR number. The data is shared with the Kosovo Customs Service and Serbian counterparts.

On 20 May EULEX Customs further strengthened customs control with new measures including the copying of commercial invoices accompanying goods entering Kosovo and ID cards of drivers of trucks transporting commercial goods to Kosovo. Drivers are handed a notice advising them to ensure customs clearance for their goods and informing them that the nearest clearance point is at Mitrovicë/Mitrovica Trepca Complex. Copies are shared with Kosovo Customs and the Serbian Customs Administration and Tax Administration.

Approved by Yves de KERMABON  
Head of Mission

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**Annex II**  
**Composition and strength of the police component of UNMIK**  
**(as at 31 May 2009)**

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<i>Country</i>	<i>Number</i>
Germany	1
Ghana	1
Italy	4
Pakistan	1
Russian Federation	2
Slovenia	1
Turkey	7
Ukraine	5

### **Annex III**

#### **Composition and strength of the military liaison component of UNMIK**

**(as at 31 May 2009)**

<i>Country</i>	<i>Number of liaison officers</i>
Bangladesh	1
Czech Republic	1
Denmark	1
Norway	1
Turkey	1
Poland	1
Romania	2
Russian Federation	1
Spain	1
Ukraine	4
<b>Total</b>	<b>14</b>