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NEW YORK

EXECUTIVE OFFICE OF THE SECRETARY-GENERAL

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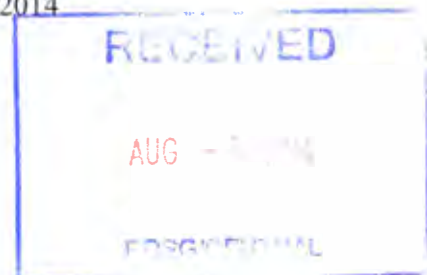
To: DSG,

Please find attached for your approval, the draft report of the SG on UNMIK. Among other things, the report provides an update on the EU integration process in Kosovo and the extension of the mandate of EULEX for another two years, until June 2016. It also describes an agreement on the establishment of a "specialist court" in light of the expected completion of the work of the EU's Special Investigative Task Force (SITF) into allegations of war crimes and crimes against humanity.

In this regard, at the request of UNMIK, four additional paras were sent to EOSG yesterday which summarize the 29 July update statement of the Chief Prosecutor of the SITF about the progress of his work (paras 20, 21, 22 and 44). All four paras were drafted by UNMIK/SRSG Zarif and cleared by DPKO. (NB: In sum, the Prosecutor noted that his 2 ½ year investigation largely confirmed human right and media reports that there was a campaign of persecution of Serb, Roma and other minorities by certain people in the KLA leadership and that in future the SITF would be "in a position to file an indictment against certain senior officials of the former Kosovo Liberation Army."). The language in the report on this highly sensitive issue is appropriately factual and antiseptic. Nevertheless, the topic will surely lead to vigorous debate in the next Council session on Kosovo.

Political Unit
31 July 2014

14-06728



Received in ODSG

31 July 2011

Seen by:

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Note to Mr. Eliasson


Draft UNMIK report

JUL 25 2014

14-06728

EXECUTIVE OFFICE
OF THE SECRETARY GENERAL

1. Attached please find a draft of the regular report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (UNMIK). The report is due to be issued on 30 July. The Security Council intends to discuss UNMIK on 25 August.
2. The draft report observes a slower pace of the EU-facilitated dialogue between Belgrade and Pristina during the past three months as both sides have focused on the conduct of the respective legislative elections. As a result, the new Government in Serbia was formed in late April, while in Pristina, the new Government is still to be formed following the elections to the Assembly of Kosovo held on 8 June. The elections were held peacefully and communities, including the Kosovo Serbs, took part in the vote with strong encouragement by Belgrade. The report notes that technical engagement between the sides in the dialogue continued.
3. The report also highlights the increased tensions in northern Kosovo, in particular around the Mitrovica bridge, where Kosovo Albanian demonstrators clashed with Kosovo police in an attempt to remove the new road block placed by Kosovo Serbs on the bridge on 18 June. This was the most serious security deterioration in past years. A swift response by Kosovo police, EULEX and KFOR has prevented further escalation.
4. The draft provides an update on the EU integration process in Kosovo, in particular the finalisation of a draft Stabilisation and Association Agreement between Kosovo and the EU. It also highlights the decision by the Kosovo Assembly and, subsequently, by the Council of the European Union to extend the mandate of EULEX in Kosovo for another two years, until June 2016. It informs on an agreement on the establishment of a "specialist court" in light of the expected completion of the work of the EU's Special Investigative Task Force into allegations of war crimes and crimes against humanity contained in the 2011 report by the Special Rapporteur of the Council of Europe.
5. In addition, the report highlights the progress and continuing obstacles with regard to human rights, the rule of law and return of internally displaced persons in Kosovo, as observed during the reporting period.
6. We would be grateful if you could obtain the approval of the Secretary-General of the draft report.


Hervé Ladsous
24 July 2014

14-041875

Jan Eliasson

Date:

31, 2014

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

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK and developments related thereto, from 16 April to 15 July 2014.

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 regular engagement with Belgrade and Pristina, the communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (EULEX) continues to be present in Kosovo in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes continue to work closely with UNMIK.

II. Political developments

3. During the period under review, main political developments centred around the formation of a new government in Serbia, following 16 March parliamentary elections, and holding of elections for the Assembly of Kosovo on 8 June. These developments, among other things, resulted in a slower period in the European Union-facilitated dialogue. While no high-level meetings between representatives of Belgrade and Pristina were convened during this period, the European Union continued to facilitate discussions at the technical level on implementation of various provisions of the 19 April 2013 "First agreement of principles governing the normalization of relations". On 22 May, Kosovo representatives also held meetings with European Union mediators in order to advance the implementation of technical aspects of the agreement on the freedom of movement reached between Belgrade and Pristina earlier. High-level talks are expected to resume once a new government in Pristina is formed.

4. In Belgrade, Aleksandar Vučić, leader of the Serbian Progressive Party (SNS), was designated as Prime Minister, and the new coalition government officially formed on 29 April, including the Socialist Party of Serbia (SPS), as well as smaller parties. The new government reaffirmed its commitment to the European Union-facilitated dialogue with Pristina and full implementation of the 19 April 2013 agreement.

5. In Pristina, the Assembly of Kosovo, in an extraordinary session held on 7 May, decided to dissolve itself by the vote of more than two-thirds of its members, including a majority of representatives from the Kosovo Serb and other non-majority communities, thus triggering an early election held on 8 June. The election was conducted peacefully throughout Kosovo, including in the four Kosovo Serb majority municipalities in the north, under a unified legal framework. A total of 31 political entities, including five Kosovo Serb entities, participated in the elections, with a total of 766,834 voters (or 42.63 per cent) casting ballots, compared with 45.29 per cent in the 2010 general election. With strong encouragement from Belgrade, the voter turnout in the Serb-majority municipalities of northern Kosovo was around 23.7 per cent, comparable to their turnout during the 16 March Serbian general election. By municipality, the turnout was 18.25 per cent in North Mitrovica, 35.86 per cent in Zubin Potok, 22.92 per cent in Zvečan/Zvečan, and 26.85 per cent in Leposaviq/Leposavić.

6. In the six Kosovo Serb majority municipalities south of the Ibër/Ibar River, the average turnout was above that for Kosovo as a whole. A number of electoral reforms, which had been submitted to the Assembly prior to the election, were postponed. Partly as a result, some concerns remained, in particular related to the accuracy of the voters list, although an initial review did result in the removal of the names of some 20,000 deceased persons. At the same time, the number of eligible voters remains slightly higher than the overall population of Kosovo.

7. As in past elections, the OSCE facilitated the conduct of elections in the Kosovo Serb majority municipalities in the north, providing guidance, advice and technical assistance to the election management bodies. The OSCE also supported by-mail voting for eligible voters residing in Serbia and Montenegro. Around 150 OSCE staff were deployed to 94 polling stations in northern Kosovo to assist with the elections. The Kosovo police, EULEX and KFOR closely coordinated security activities during the election.

8. On 9 June, an EU Election Observation Mission, consisting of 96 observers deployed throughout Kosovo, assessed the elections to have been transparent and well-organised, while noting that the short time-frame had some adverse effects, including on the quality of complaints and appeals processes, as well as of the out-of-Kosovo voting process.

9. On 4 July, the Kosovo Central Election Commission certified the final election results. No single entity achieved an overall majority in the Kosovo Assembly. Among the Kosovo Albanian parties, the coalition led by the ruling Democratic Party of Kosovo (PDK) obtained 30.4 per cent of the vote (earning 37 seats), followed by the Democratic League of Kosovo (LDK) with 25.2 per cent (30 seats), Vetëvendosje with 13.6 per cent (16 seats), the Alliance for the Future of Kosovo (AAK) with 9.6 per cent (11 seats), and the newly-created Initiative for Kosovo (NpK) received 5.15 per cent (6 seats). The political entities representing non-majority communities did not secure any additional seats beyond the twenty guaranteed by the Constitution. Nine of the ten guaranteed seats for the Kosovo Serb community were won by the Civic Initiative Serbian List (GISL), and one by the Progressive Democratic Party (PDS). Among the ten guaranteed seats for other minority community

parties, the Turkish Democratic Party of Kosovo (KDTP) won the two seats for the Kosovo Turkish community. Coalition Vakrat and the New Democratic Party (NDS) won respectively two and one seats for the Kosovo Bosniak community. The Democratic Party of the Ashkali of Kosovo (PDAK), the Liberal Egyptian Party (PLE), the Ashkali Party for Integration (PAI), the Coalition for Gora (KzG) and the Kosovo New Romani Party (KNRP) won one seat each.

10. On 10 June, LDK, AAK and NpK signed a coalition declaration, proposing AAK leader Ramush Haradinaj as their joint candidate for Prime Minister. PDK leader and outgoing Prime Minister Hashim Thaçi questioned the constitutionality of such a post – election coalition, prompting a review by the Constitutional Court at the formal request of President Jahjaga on 19 June. On 1 July, the Court ruled that the President should in the first instance propose a candidate for Prime Minister nominated by the party or *pre-election* coalition which had won the greatest number of seats. The Court further ruled, however, that should the proposed candidate not receive the required 61 votes of the 120 Assembly members, the President has the discretion to appoint, after consultations, a candidate from the same party/pre-election coalition *or* from another.

11. On 2 May, the Kosovo authorities and the European Commission finalised the draft text of a Stabilisation and Association Agreement, setting forth the framework for political and economic association. The draft text has been forwarded to European Union member states for review. The Kosovo authorities and the European Commission also continued to advance their discussions on a visa liberalisation regime.

12. On 23 April, the Assembly of Kosovo adopted the law on “Ratification of the International Agreement between Kosovo and the European Union on the European Union Rule of Law Mission in Kosovo”, extending the mandate of EULEX until 14 June 2016, as well as the establishment of a specialist court to try cases arising from the findings of the EU Special Investigative Task Force (SITF). The Assembly also passed the Law on “Amending and Supplementing of the Laws Related to the Mandate of the Mission of the EU for the Rule of Law in Kosovo.” The adoption of additional legislation needed to support the functioning of the specialist court was postponed until after the establishment of the new Assembly. On 12 June, the Council of the European Union endorsed the two-year extension of the mandate of EULEX in Kosovo. EULEX will continue to perform its mandate, retaining its capacity of international police officers, judges and prosecutors, with a focus on strategic leadership-level capacity building and implementation of the EU-led dialogue agreements, in particular in northern Kosovo. It will continue to operate under the overall authority of the United Nations and in accordance with Security Council resolution 1244 (1999).

13. In early June, the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, paid an official visit to UNMIK mission area to assess the progress and challenges facing the international presences and authorities in Kosovo. He met with a wide range of governmental and non-governmental actors, as well as representatives of the international community in Pristina, Mitrovica and Belgrade.

III. Northern Kosovo

14. Following the Kosovo municipal elections, held in November 2013, the four Serb-majority municipalities in the north and Kosovo's Ministry of Local Government Administration had been engaged in protracted discussion over the content of the new municipal statutes. On 15 May, all four municipalities held sessions in which all disputed provisions were resolved, and on 16 May, the Ministry certified the adopted statutes.

15. The new municipal authorities in the north and Pristina also conducted discussions on a range of administrative and budgetary matters. Some key matters are also linked to broader on-going discussions, in the framework of the EU-facilitated dialogue, of the formation of the Association/Community of Serb-majority municipalities foreseen in the 19 April 2013 agreement.

16. In June, several incidents occurred in the area of the main Mitrovica bridge, leading to a rise in tensions on both sides of the river. In the early hours of 18 June, a long-standing road block at the north end of the bridge was removed, but replaced several hours later, in the presence of the mayors of the four northern municipalities and the Director of the Serbian Government's Office for Kosovo and Metohija, by concrete planter boxes and soil, which continued to block the main road. On 22 June, a public protest against these actions by Kosovo Albanians in South Mitrovica led to violent clashes with Kosovo police, resulting in 13 police and 12 civilian injuries and damage to Kosovo police, EULEX and UNMIK vehicles. Timely and effective responses by the Kosovo police, EULEX and KFOR helped prevent further escalation. The mayor of North Mitrovica subsequently announced plans for a pedestrian zone around the northern end of the bridge, with a main plaza to be named "Tsar Lazar square".

17. On 10 July, a concrete block with a plaque reading "Adem Jashari Square" was installed, bearing a flag pole and Albanian flag, at a road junction in the ethnically mixed area of Bosniak Mahala in North Mitrovica. On 11 July, a similar concrete installation carrying the inscription "Kosovo Liberation Army Square" was placed in another multi-ethnic area on the northern side of the River Iber/Ibar. In light of the increasing tensions, High Representative of the European Union for Foreign Affairs and Security Policy Catherine Ashton convened Belgrade and Pristina representatives in Brussels on 11 July. Both sides agreed to establish a working group to resolve the matter which would meet on 22 July. In addition, meetings between the mayors of North and South Mitrovica were convened under the auspices of the Ministry of Environment and Spatial Planning.

IV. Security

18. On 25 April, a EULEX convoy on a routine rotation heading to Gate 31 was fired upon by unknown perpetrators, causing damage to two EULEX vehicles. The attack was condemned by the leadership in Pristina and Belgrade, my Special Representative, and the heads of other international missions. As of the end of the reporting period, no arrests had yet been made in connection with the incident.

19. The campaign period and election were conducted without significant security incidents. On 12 June, Kosovo and Albanian authorities jointly conducted a major anti-narcotics law enforcement operation, disrupting a well-developed trafficking network, and seizing a substantial quantity of illicit narcotics. On 8 July, around 500 people protested in the main square in Pristina against the conviction of several ethnic Albanians in the former Yugoslav Republic of Macedonia (fYROM). Protesters marched towards the Embassy of fYROM and burned a fYROM flag. Subsequently, on 11 and 13 July, several hundred Kosovo Albanians joined protests at the Hani I Elezit/Đeneral Janković border crossing point and in Ferizaj/Uroševac town in support of the on-going demonstrations in fYROM, resulting in the temporary closing of the main border crossing point.

V. Rule of Law

20. On 29 July, as the present report was being finalized, Clint Williamson, Chief Prosecutor of the European Union Special Investigative Task Force in charge of investigating allegations contained in the 2010 report by Council of Europe Rapporteur Dick Marty, issued a statement summarizing its findings to date. The statement in its entirety appears in the Annex to the present report. The Chief Prosecutor described the investigation as an “extremely challenging” exercise, because of the numbers of people and documents that required attention, the lack of physical evidence and witnesses and the fact that the events happened some fifteen years ago. Additionally, a “climate of intimidation” against current and potential witnesses has made the work of the Task Force difficult. Yet, as a result of this investigation, the Chief Prosecutor believed that the Task Force would be in a position to file an indictment against certain former senior officials of the Kosovo Liberation Army responsible for an organized campaign of persecution of minorities, including unlawful killings, abductions, enforced disappearances, illegal detentions, sexual violence and forced displacements, and desecration and destruction of churches and other religious sites, “effectively resulting in the ethnic cleansing of large portions of the Serb and Roma populations from areas in Kosovo south of the Ibar River, with the exception of a few scattered minority enclaves”. The evidence indicates that these crimes were conducted in an organized fashion and were sanctioned at the “top levels” of the leadership of the Kosovo Liberation Army, and their “widespread or systematic nature justifies prosecution for crimes against humanity”. The Task Force also found evidence of a sustained campaign of violence and intimidation directed by individuals within the Kosovo Liberation Army against Kosovo Albanian political opponents in order, *inter alia*, to obtain political power and personal wealth for themselves.

21. As regards the alleged killing of people with the aim of harvesting their organs, evidence was found that this practice did occur on a “very limited scale and that a small number of individuals were killed for the purpose of extracting and trafficking their organs”. However, the Chief Prosecutor explained that the evidence secured to date was not sufficient to include charges for such offences in an indictment. He indicated, nonetheless, that the Task Force would continue to actively pursue this aspect of the investigation in an effort to obtain relevant evidence.

22. The Chief Prosecutor also noted that the Special Investigative Task Force would file specific indictments only once the specialist court was fully established, and that the specifics of the findings and supporting evidence would remain under seal until that time. He stressed that additional investigative work would continue in the meantime, but strongly urged the Kosovo Government and Assembly and the EU to move quickly to have a court in place early in 2015.

23. During the reporting period, UNMIK continued to monitor activities and exercise some responsibilities in the area of rule of law, in cooperation with Kosovo institutions and the Serbian authorities. UNMIK continued to facilitate requests for mutual legal assistance from countries that do not recognise Kosovo. UNMIK also continued to provide document certification services to Kosovo residents and at the request of non-recognising States, primarily for the certification of civil status, education and pension documents. A total of 777 such documents were processed from 16 April to 15 July.

24. UNMIK continued to facilitate communications between the Kosovo authorities and the International Criminal Police Organization (INTERPOL) and its member States. During the reporting period, UNMIK issued nine INTERPOL Red Notices. On 16 May, UNMIK facilitated the extradition of a suspect from Kosovo to the former Yugoslav Republic of Macedonia.

25. Following the adoption on 23 April of the “Law on Amending and Supplementing the Laws Related to the Mandate of the European Union Rule of Law Mission in the Republic of Kosovo”, the Kosovo Judicial Council and EULEX signed an agreement “on relevant aspects of the activity and cooperation of EULEX judges with the Kosovo judges working in the local courts”. The agreement clarifies the number and role of EULEX judges who may hear on-going and upcoming cases, and the procedure by which EULEX may request the Kosovo Judicial Council to refer cases to international judges.

26. On 23 May, the Basic Court of Mitrovica commenced proceedings against the so-called “Drenica Group”, which includes seven former Kosovo Liberation Army members charged with multiple counts of war crimes against the civilian population. On 20 May, three of the seven defendants escaped custody while receiving medical treatment at the Kosovo University Clinical Centre. On 23 May, however, they surrendered to the Kosovo police and were subsequently transferred to a prison in Dubrava.

27. On 15 May, the Kosovo police captured a Kosovo Serb, who had escaped from police custody on 12 March in Zubin Potok. He was detained on remand on suspicion of committing a number of serious criminal offences, including attacking EULEX personnel and property and endangering UN and associated personnel.

28. Following a meeting of the Working Group on Missing Persons on 7 April, exhumations resumed at a mass grave site in Rudnica, Raska Municipality, in Southern Serbia on 23 April. They were completed on 21 June, resulting in the recovery of 45 sets of human remains, along with 88 body parts. DNA samples were sent for analysis to a laboratory operated by the International Commission on Missing Persons. The Serbian

Government Commission on Missing Persons announced that the Serbian War Crime Prosecutor had issued a court order for investigation and exhumation at two other suspected locations in Rudnica. Excavations at one of these sites were completed without discovery of human remains.

29. The UN Assistant Secretary-General for Peacekeeping Operations visited the site during his official visit to the mission area in early June. The United Nations Working Group on Enforced or Involuntary Disappearances also visited Rudnica, following a visit to Kosovo on 24-26 June, during which they met with Kosovo authorities, relatives of disappeared persons, representatives of civil society organizations, and other stakeholders. The visit was part of a regional tour which also included Croatia, Serbia and Montenegro. The Working Group members underscored the urgent need for a renewed commitment at the highest political level and development of new national and regional strategy to address the question of enforced disappearances and missing persons in Western Balkans.

VI. Returns and communities

30. During April- June, the Office of the United Nations High Commissioner for Refugees (UNHCR) registered the voluntary return to Kosovo of 49 displaced persons, including 23 Kosovo Serbs, 15 Kosovo Roma, Kosovo Ashkali and Kosovo Egyptians, nine Kosovo Bosniaks and two Kosovo Goranis.

31. UNMIK has completed its 2013-2014 Confidence Building Measures Programme aimed at promoting reconciliation among different communities in Kosovo. The programme was implemented in eighteen municipalities throughout Kosovo, including the north, supporting community-based initiatives by civil society and other local actors in areas such as youth, sports, and education. Projects were particularly aimed to promote better access of non-majority communities to formal education and build professional capacities. UNMIK has provided equipment and other assistance to an ethnically- mixed community youth centre in North Mitrovica. The confidence-building programme also promoted projects in multilingualism and access to services and economic opportunities.

32. In May, the Office of Community Affairs in the Office of the Kosovo Prime Minister launched a six-month internship programme in Kosovo government institutions for 100 members of non-majority communities. The Kosovo police also launched a new recruitment campaign in May, which attracted considerable interest among Kosovo non-majority communities, while also highlighting a number of outstanding administrative issues, such as certification of diplomas of applicants from these communities. During the reporting period, the Kosovo authorities also began to explore means to allow holders of diplomas issued by a Belgrade-supported university in Mitrovica to apply for public sector work in Kosovo.

VII. Cultural and religious heritage

33. Delays in the appointment of a new European Union facilitator, and nomination of new Kosovo representatives due to the Kosovo Assembly elections, resulted in less regular meetings of the Implementation and Monitoring Council, which brings together the Kosovo

authorities, Serbian Orthodox Church and other religious representatives, the EU Office and the OSCE to discuss the protection of religious and cultural heritage in Kosovo.

34. Fifteen incidents targeting religious and cultural heritage sites (12 Serbian Orthodox, one Islamic and two Roman Catholic sites) were recorded during the reporting period. The incidents included an offensive graffiti painted on a gate of the Visoki Dečani monastery in Dečan/Dečani municipality on 25 April. Security measures at the monastery were further enhanced, including through the installation of a closed circuit video system. On 25 June, the Kosovo police opened a case of “usurpation of property” in relation to illegal construction in the special protective zone of the Visoki Dečani Monastery. Enforcement of a demolition order was still pending at the end of the reporting period, and remained in question.

VIII. Human rights

35. The United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons presented his report on the *Follow-up mission to Serbia including Kosovo* (9-12 October 2013) at the 26th Session of the United Nations Human Rights Council held in Geneva on 12 June. While commending notable efforts by the Government of Serbia and the Kosovo authorities to improve the situation of internally displaced persons, the Special Rapporteur called upon the Kosovo authorities to focus efforts on ensuring effective law enforcement, greater political commitment and more effective institutional coordination in order to achieve durable solutions for these persons. The Special Rapporteur also stressed the urgent need for resolution of property issues.

36. The second annual Inter-Faith Conference began a Week of Tolerance and Reconciliation in Kosovo 23-30 May. The event brought together representatives of different faith communities, including the Serbian Orthodox Church, under the theme “*Religion and Politics: Enhancing Interfaith Dialogue as a Means of Democratic Development*”. The conference, organized by the Ministry of Foreign Affairs, provided a constructive platform for promoting enhanced dialogue and reconciliation.

37. President Jahjaga participated in the Global Summit to End Sexual Violence in Conflict held from 10 to 13 June in London. Addressing the Summit, President Jahjaga highlighted the recently adopted amendments to the “*Law on the Status and the Rights of Martyrs, Invalids, Veterans, and Members of the Kosovo Liberation Army, Civilian Victims of War and their Families*”, which included survivors of sexual violence as a separate category of victims of war, and thus provides them with access to reparations. In the first such verdict in Kosovo since 2002, on 24 June the Court of Appeals overturned a judgment of acquittal by the Basic Court of Mitrovica, finding two defendants guilty of a war crime in a rape committed in April 1999. They were sentenced to imprisonment terms of 12 and ten years.

38. On 23 June, the OSCE published the outcomes of a comprehensive assessment of the implementation of the *Law on the Use of Languages*, adopted in 2007, at the municipal level in Kosovo. According to the assessment, the law remains only partially implemented, hindered by inadequate resources and misinterpretation of its provisions. As part of its Confidence Building Measures Programme, UNMIK provided support to the European

Centre for Minority Issues in the preparation of *“Strengthening the Protection of Language Rights in Kosovo: a Guidebook on the Implementation of the Law on the Use of Languages.”*

IX. Observations

39. I commend the Kosovo institutions, political entities and population for the peaceful and orderly conduct of elections for the Assembly of Kosovo on 8 June and the participation of the Kosovo Serb political entities and voters in northern Kosovo. The ensuing post-electoral negotiations have represented another important test of the political maturity of the Kosovo institutions, and their efficient conclusion is essential so that a new leadership in Pristina can proceed expeditiously to address key challenges, including reform of the electoral system and the political dialogue with Belgrade.

40. I also welcome the formation of the new government of Serbia, headed by Prime Minister Aleksandar Vučić, on 29 April. I note with appreciation the early reaffirmation by the new government of its commitment to the continuation of the EU-facilitated high-level dialogue with Pristina, and full implementation of the agreements reached last year.

41. I strongly condemn the acts of violence committed during the demonstration on 22 June in South Mitrovica. At the same time, I commend the professionalism shown by the Kosovo police, EULEX, and KFOR in responding to the violence. It remains essential that unilateral actions and inflammatory rhetoric be avoided, in order to help maintain an atmosphere conducive to the successful continuation of the dialogue. This incident is a stark reminder that reconciliation between communities is yet a long and arduous path. It also highlights the need for all sides to translate on the ground the progress reached at leadership level in Brussels.

42. Taking note that no high-level meetings between Belgrade and Pristina were held during the reporting period, owing to pre- and post-electoral processes in Belgrade and Pristina, I encourage both sides to resume such meetings at the earliest opportunity. Full and faithful implementation of the 19 April 2013 Agreement, in accordance with the Implementation Plan of 22 May 2013, should provide the context for addressing further outstanding issues through continued high-level engagement by Belgrade and Pristina in the EU-facilitated dialogue.

43. I also welcome the formation of the new municipal assemblies and the adoption of municipal statutes by the Serb-majority municipalities in northern Kosovo. I commend the constructive stances taken by all sides in this regard. Together with the successful conduct of municipal and legislative elections throughout Kosovo, these positive developments represent critical steps toward the establishment of a future Association/Community of Serb-majority municipalities in Kosovo, as envisaged under the 19 April 2013 Agreement. I urge all parties concerned to continue to work towards this objective. At the same time, I welcome the decisions extending the activities of EULEX, as well as the establishment of a specialist court, which would help Kosovo to continue strengthening its rule of law and justice institutions.

44. In this respect, I welcome the statement of findings issued on 29 July by the Chief Prosecutor of the Special Investigative Task Force, charged with investigating allegations contained in the 2010 report by Council of Europe Rapporteur Dick Marty. I wish to commend the intensive work undertaken by the Task Force, which is essential not only for sustaining fundamental principles of international justice, but also to combat impunity and ensure accountability, as required to promote reconciliation and healing among the communities in Kosovo. I wish to thank the leadership of the European Union for fully committing the political and financial resources to complete this process, and I strongly urge the Kosovo authorities as well as the supporting European Union structures, to ensure the specialist court is in place by early next year.

45. I commend the forensic experts from Serbia, EULEX and Kosovo for the important work completed so far at an exhumation site in Rudnica. I urge the parties to continue this expeditious work, and to renew efforts to ensure further progress on the issue of missing persons. I once again encourage those who might possess any relevant information concerning the fate of the missing persons to come forward and help in the closure of this painful chapter.

46. The strong commitments by Belgrade and Pristina to advance on the path to European integration, coupled with continued active engagement by the European Union, have proven critical driving forces toward the critical objective of normalization of relations between Belgrade and Pristina. In this respect, I welcome the extensive efforts made by Kosovo and the European Commission, which resulted in the finalisation of the text of a Stabilisation and Association Agreement, and I look forward to its early review by European Union member states.

47. In conclusion, I would like to thank my Special Representative, Farid Zarif, for his forward-looking and dynamic leadership, and all the staff of UNMIK for their dedication and efforts to contribute to continued progress in Kosovo. I also extend my gratitude to our long-standing partners on the ground, including the European Union, EULEX, KFOR, and OSCE, and to all members of the United Nations family in Kosovo, for their contributions to peace, stability and development.

Annex I

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

Date and time of report: 15 July 2014, 15.30 CET

Report type: UN

Reporting period: 16 April to 15 July 2014

1. SUMMARY

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring, and advising (MMA) activities in the area of rule of law and to implement its executive functions according to its mandate. The prosecution of war crimes resulted in the first conviction of rape as a war crime since 2002. Three EULEX judges also started the trial in the “Drenica Group” case against a number of high-profile defendants. The Special Investigative Task Force (SITF) continued to investigate allegations contained in the report of Council of Europe Special Rapporteur Dick Marty. As regards strengthening activities, special emphasis was given, *inter alia*, to problems in relation to high-risk and high-profile prisoners and to a number of important events including the 8 June General Elections and Vidovdan celebrations. EULEX also continued to facilitate the implementation of the agreements reached within the EU-facilitated dialogue on the normalisation of relations between Pristina and Belgrade in the rule of law sector.

While progress has been noted in northern Kosovo, the security situation, particularly in Zubin Potok, remains a cause for growing concern. An indication of this is the incident at the end of April, when a EULEX convoy on its way to the crossing point came under gunfire. The elimination of a longstanding roadblock at the main bridge in Mitrovica and the subsequent works on a so called ‘Peace Park’ that replaced the roadblock led to violent protests at the end of June.

Finally, the Council of the European Union extended the mandate of EULEX for the next two years on 12 June 2014.

2. EULEX ACTIVITIES April to July 2014

War crimes

The reporting period was marked by developments in several war crimes cases involving EULEX judges and prosecutors. On 22 May, a panel of three EULEX judges at Mitrovica Basic Court (BC) started the trial against the “Drenica Group”. The case relates to the alleged torture and mistreatment of hostages at the KLA headquarters in Likovc/Likovac (Skënderaj/Srbica municipality) in 1998-1999.

On 29 May, a panel of EULEX judges at Mitrovica BC acquitted all four defendants in the “Drenica Group 2” case concerning the abduction, torture and rape of two Kosovo Albanian women in Mitrovica South in late 1998/early 1999. While the court established beyond reasonable doubt that one of the defendants had kidnapped one of the victims, the five-year statute of limitations for that offence had already passed.

On 24 June, the first conviction of rape as a war crime since 2002 was delivered in Kosovo when the Court of Appeals, in a panel of one local and two EULEX judges, overturned an acquittal from April 2013 and sentenced two defendants to 12 and 10 years imprisonment respectively for war crimes against civilian population committed in April 1999.

Organised crime and corruption

On 21 May, a EULEX prosecutor from the Kosovo Special Prosecution Office (SPRK) filed an indictment at Pristina BC against two suspects for allegedly having accepted an offer of €200.000 from a syndicate of five individuals in return for ensuring that the Privatisation Agency of Kosovo selected their bid in a land privatisation process in 2009.

On 22 May, a EULEX judge at Prizren BC sentenced a defendant to four and a half years imprisonment and a fine of €600 on the basis of a plea agreement. The defendant was found guilty of having trafficked narcotics to the European Union in 2009 as a member of an organised criminal group.

On 10 June, a panel of one local and two EULEX judges at Pristina BC started the trial in the high-profile “MTPT 1” case involving charges of organised crime, abuse of official position or authority accepting and giving bribes at the Ministry of Transport, Post and Telecommunication (MTPT). During the first trial session, a EULEX judge decided to join the case with the related “MTPT 2 case”, for which the indictment had been confirmed on the same day.

On 11 June, a panel of three EULEX judges at Mitrovica BC found the Mayor of Vushtrri/Vučitrn municipality guilty of having unlawfully occupied land and having illegally built on it and sentenced him to pay a fine of €10,000.

On 20 June, a EULEX and a local prosecutor from the Ferizaj/Uroševac Basic Prosecution Office (BPO) filed an indictment against three defendants suspected of organised crime, money laundering and facilitation of prostitution. The defendants are alleged to have recruited foreign nationals to provide sexual services at a motel in the Ferizaj/Uroševac region between 2005 and 2013.

On 5 July, a EULEX prosecutor from SPRK filed an indictment at Pristina BC against an alleged narcotics ‘kingpin’ who is suspected of numerous offences including organised crime, aggravated murder and trafficking of narcotics.

Other cases

On 23 April, a EULEX prosecutor from SPRK filed an indictment against two defendants suspected of having released the identities of witnesses in the "Drenica Group" case. One of the defendants showed the testimonies of protected witnesses on his TV-show on a public broadcasting network in Kosovo.

On 24 April, a EULEX prosecutor from SPRK filed an indictment at Pristina BC against a defendant in the high-profile case related to the murder of KP officer Triumf Riza in 2007. Three other individuals have already been convicted for his murder.

On 22 May, EULEX and KP conducted search and arrest operations in the regions of Pristina and Podujevë/Podujevo as part of an ongoing investigation into the murder of a KP and an UNMIK police officer in 2004. Two individuals were arrested.

On 2 June, a panel of EULEX judges at Mitrovica BC sentenced two defendants to three years and two and a half years imprisonment for causing general danger in a shooting incident in Mitrovica South in 2012 in which one person was killed and another was injured.

On 26 June, a EULEX prosecutor at Pristina BPO filed an indictment against a defendant for allegedly having thrown stones at a convoy transporting a Serbian delegation on official visit to Kosovo in April 2012.

Special Investigative Task Force

The Special Investigative Task Force's (SITF) investigation into the allegations found in the January 2011 report authored by the Council of Europe Special Rapporteur Dick Marty, entitled 'Inhuman treatment of people and illicit trafficking in human organs in Kosovo' continues apace. Claims of abduction, detention, mistreatment, killings, as well as organ harvesting and trafficking in Kosovo, found in the report, are being investigated by the SITF.

The SITF is still actively engaging with victim advocacy groups, injured parties, and individuals in order to collect information useful for the investigation. Investigative and operational activities are ongoing, and cooperation with judicial and law-enforcement authorities in the region and beyond remains productive. During the reporting period Ambassador Williamson and members of his Office travelled to Europe and North America to hold talks with governmental agencies on important issues related to the SITF's work.

Ambassador Williamson continued his engagement with European Union (EU) institutions and Member States throughout the reporting period in order to ensure on-going support for the SITF's investigation. The SITF also continued to contribute to efforts led by the EU for the establishment of a viable, independent and impartial judicial mechanism to receive any indictment arising out of the SITF's investigation. Lastly, Ambassador Williamson made public the SITF's investigative findings on 29 July (a copy of his statement is attached).

Department of Forensic Medicine

On 23 April, EULEX forensic experts at the Department of Forensic Medicine started an excavation in Raška, Serbia, under the authority of a Serbian investigative judge. The EULEX Head of Mission (HoM) visited the site in June. On 4 July, the excavation was suspended following the completion of the exhumation at two out of the three sites. Thus far, 45 sets of human remains and 88 body parts have been recovered.

Property rights

In the area of the civil justice, Commissioners of the Kosovo Property Claims Commission continued their work. During the reporting period, 874 cases (mainly inter-ethnic property claims were adjudicated). Out of the total of 42.701 claims lodged with the Kosovo Property Agency, only 624 are still pending a decision.

From 16 April to 15 July, the Kosovo Property Agency (KPA) Appeals Panel received 49 new appeals and adjudicated 49 appeals.

During the reporting period, the Special Chamber of the Supreme Court (SCSC) rendered 119 decisions in trial panel cases. The SCSC also closed 481 workers list cases and finalised 62 cases at the Appellate Panel level.

Strengthening the rule of law

Following EULEX advice, during May both KJC and KPC revised a series of regulations in the areas of recruitment and appointment, evaluation and disciplinary liability of judges and prosecutors. These amendments will enable both Councils to align their regulations with the EU standards in the areas of organisational capacity and professional capability. EULEX also advised KPC on how to assess candidates' written and oral performance and conduct interviews.

In addition, EULEX conducted a thematic assessment on the use of official languages in judicial proceedings and court administration and presented its findings to KJC and KPC. EULEX recommended to increase oral and written translation resources in the court system as well as to align the signage in court buildings with the language requirements in the Law on the Use of Languages. EULEX has started cooperating with both Councils on translating the recommendations into actions.

EULEX held extensive discussions with the Ministry of Justice (MoJ) and the KCS on the urgent need to appoint an experienced director for the High Security Prison (HSP) in Podujevë/Podujevo in order to accelerate the opening of the HSP. Acting upon the Mission's advice, KCS redeployed the director of Dubrava Correctional Centre (CC) as acting director

of HSP. The HSP was opened on 31 May and it is expected to gradually improve overcrowding in other prisons and to alleviate problems in relation to high-risk and high-profile prisoners.

The hospitalisation of high-profile prisoners continues to be a concern as throughout the reporting period there were a record number of prisoners hospitalised at University Clinic Centre of Kosovo (UCCCK) in Pristina. A profound example of this relates to the start of the “Drenica Group” war crimes trial scheduled for 22 May. In advance of the trial, and taking into account the multiple abuses of transfer to medical facilities on behalf of the defendants, the presiding judge issued an order to have the defendants relocated to the Mitrovica Detention Centre for the days the trial was in session, on the grounds of both potential delay in transport and security. The remainder of the time the defendants were to be detained at Dubrava CC as before.

On 20 May, the day the detainees were instructed to be transferred for the first time, three of the seven defendants absconded from custody at the UCCCK. This escape was allegedly facilitated by the Kosovo Correctional Service (KCS), into which a criminal investigation is ongoing. A small protest accompanied this escape. Protesters barricaded the rooms the escapees had previously occupied, and prevented KP from establishing the exact whereabouts of the three.

EULEX worked with KP to ensure the court appearance of the remaining four defendants and in an operation to locate and transfer the three detainees who were absconding from justice. Consequently, an arrest warrant for them was issued, which also specified that the three defendants would be detained at Dubrava CC, superseding the 19 May court order to place them in Mitrovica Detention Centre. On 22 May, the three handed themselves over to KP at the UCCCK hospital. They were immediately transferred to Dubrava CC, as per the terms of the arrest warrant. KP actions in this context were assessed as adequate.

The KCS Internal Investigation Commission tasked to look into the UCCCK incident presented a report, which dealt only with KCS officers on guard duty, not with KCS senior management. EULEX assessed the report to be of poor quality and lacking crucial information needed to decide on disciplinary measures, and thus provided recommendations on how to improve the report. Upon the proposal made by the Commission, the KCS Director imposed a transfer for six months to another correctional institution for one KCS officer and a written warning for two other officers.

Furthermore, EULEX provided support to KP at both the strategic and the operational level for a number of high-profile events including the friendly football match against Turkey, a parade marking the rights of the Lesbian, Gay, Bisexual, and Transgender (LGBT) community and the general elections. EULEX monitored the KP plans for the elections and considered they were adequate and KP resources sufficient. During the operation, no major incidents were reported. MMA teams also provided key support to KP in preparation of Vidovdan celebrations on 28 June. EULEX assessed that KP demonstrated a community-focused policing style, aiming at creating a safe environment during the celebration. KP was

well prepared and, according to EULEX's assessment, its reactions were prompt, professional and proportionate.

In June, EULEX also provided advice to the Integrated Border Management (IBM) Executive Board's working group on the Development Plan for the Centre for Border Management in Kosovo and identified priority activities and action plans in areas such as infrastructure, inter-agency cooperation, risk analysis, and visibility, in accordance with requirements of the EU visa liberalisation roadmap.

Finally, EULEX monitored the asylum registration procedures in the case of irregular migrants who claimed to be of Syrian origin and were detained by KP in northern Kosovo. In addition, EULEX provided advice to KP and Kosovo Border Police (KBP) on improving the flow of information between KP stations and KBP offices in order to increase chances of proper identification and due treatment of asylum seekers, including readmission to third countries.

The north

In northern Kosovo, EULEX continued its MMA activities while exercising its executive functions in a number of judicial proceedings. On 22 April, EULEX and KP Regional Command North cooperated in ensuring the service of twenty summonses to persons of interest in northern Kosovo and subsequent interviews. The summonses refer to a number of investigations into, *inter alia*, the escape of a suspect from custody at the police station in Zubin Potok and into the killing of KP officer Enver Zymberi during an attack on a KP convoy on 25 July 2011.

On 25 April, EULEX arrested the driver of the Mayor of Zubin Potok, who had been summoned in relation to the escape of a person from custody at the police station in Zubin Potok. On 27 April, a EULEX judge rejected an application for detention on remand and ordered the release of the driver from police custody. The person who had escaped police custody was arrested by KP on 15 May on charges of committing a number of serious criminal offences, including endangering UN and associated personnel, obstructing official persons in performing official duties, participating in a crowd committing a criminal offence, attacking EULEX personnel and property and participating in a violent escape.

Also on 25 April, a convoy of two armoured EULEX vehicles came under gunfire in the village of Banja/Banjë in the municipality of Zubin Potok, one kilometre from Crossing Point (CP) Bërnjak/Tabaliqe. The unit was at the forefront of the convoy for the rotation of EULEX staff working at the CP. The incident, which resulted in damage to EULEX vehicles and could have easily led to casualties, was condemned in the strongest terms by political leaders in Pristina, Belgrade and northern Kosovo. EULEX also received support for its mandate and actions from the EU's High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) and the UN SRSG in Kosovo. Locally, the Mayor of Zubin Potok characterised the incident as a terrorist attack.

Following EULEX security assessments, there has been no physical MMA presence in Zubin Potok. However, MMA continues to be provided by phone and through regular meetings outside the municipality.

On 2 May, 43 members (36 Kosovo Serbs, 7 Kosovo Albanians) of the KP North Quick Response Team (QRT) concluded their three weeks training at the Kosovo Police Academy and became fully operational on 9 May. Already during the first weeks of duty, the QRT significantly contributed to an increase of KP North's operational effectiveness. EULEX monitored all stages of the training course as well as the first five operations that the QRT has undertaken.

Furthermore, the Mission supported KP North in its executive capacity by facilitating communication on mounting an operation that targeted organised car theft gangs, which have been operating in Kosovo and Serbia. The operation resulted in five arrests and the seizure of assets.

On the evening of 17 June and early morning of 18 June, parties unknown removed the rubble and soil barricade at the Main Bridge in Mitrovica, which had been erected in July 2011 in protest against the presence of Kosovo Special Police Units in northern Kosovo on 25 July 2011. On the afternoon of 19 June, concrete plant pots began to be moved onto the bridge. Three rows of such pots were put across the bridge. During the afternoon several lorry loads of soil were also dumped on the bridge and spread out between the three rows of plant pots.

On 22 June, approximately 1,000 Kosovo Albanians protested at the Mitrovica South Municipal Assembly building against the placement of the new barricade. As the protest moved towards the bridge a number of protestors threw stones and other items towards KP which responded by deploying tear gas. EULEX also fired tear gas and rubber bullets. The demonstration resulted in 13 KP officers sustaining slight injuries while 12 civilians were injured but were released after receiving medical treatment. In addition, several vehicles (KP, EULEX and UN) were set on fire or vandalised. Ten Kosovo Albanian protesters were arrested during the incident and were later detained on Prosecutor's order.

Dialogue implementation

Within the framework of the EU facilitated dialogue between Pristina and Belgrade the double taxation for travellers with goods transiting Serbia on their way to Kosovo ceased as of 19 April. Commercial vehicles are now charged with a guarantee payment when entering Serbia for transit, which is to be reimbursed when entering Kosovo. EULEX has been monitoring the implementation of this agreement.

Pursuant to the agreement on the integration of members of Serbian security structures in the equivalent Kosovo structures, thirty Kosovo Serb firefighters from northern Mitrovica successfully signed an employment contract with the Mitrovica North Administration Office on 8 May.

In relation to the implementation of the Customs agreement, the issuance of provisional licences for all goods entering Kosovo CPs Rudnica/Jainjë and Bërnjak/Tabaliqe resumed on 21 May. Since then, 109 companies have registered at the two CPs.

Other Key Issues

The Joint Rule of Law Coordination Board (JRCB), co-chaired by Deputy Prime Minister/Minister of Justice, the EUSR/Head of the EU Office in Kosovo and EULEX Head of Mission met on 28 May. It confirmed the continuing commitment in relation to the Joint Compact signed on 12 November 2012. It also served as a reminder of the need to continue efforts in ensuring the full implementation of the agreed work plans. The JRCB continued discussions on Kosovo's particular challenges as regards political interference in the rule of law.

On 11 June, the JRCB co-chairs jointly presented the 'Compact Progress Report 2014' to the public. The report takes stock of recent developments, including the remaining challenges in the area of Rule of Law.

3. EULEX's mandate

Based on a Strategic Review of the Mission conducted by the European External Action Service, on 13 June, the Council of the European Union extended the mandate of EULEX until 14 June 2016. EULEX will continue to operate under the overall authority of the UNSC Resolution 1244.

Prior to this, on 23 April, the Assembly of Kosovo voted in favour of Kosovo's continued commitment to cooperating with EULEX, as expressed in the invitation letter from the President to the HR/VP. Its ratification ensures the continuing legality of EULEX's activities under domestic legislation until June 2016. Assembly members also committed to the relocation of judicial proceedings for the follow-up to the SITF investigations.

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo (as at 15 July 2014)

| <i>Country</i> | <i>Number</i> |
|--------------------|---------------|
| Austria | 1 |
| Hungary | 1 |
| Italy | 1 |
| Pakistan | 1 |
| Russian Federation | 1 |
| Ukraine | 1 |
| Total | 6 |

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo (as at 15 July 2014)

| <i>Country</i> | <i>Number</i> |
|---------------------|---------------|
| Czech Republic | 1 |
| Poland | 1 |
| Norway | 1 |
| Republic of Moldova | 1 |
| Romania | 1 |
| Turkey | 1 |
| Ukraine | 2 |
| Total | 8 |