



# Security Council

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## United Nations Interim Administration Mission in Kosovo

### Report of the Secretary-General

#### I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution [1244 \(1999\)](#), by which the Council established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK, and developments related thereto, from 16 September 2020 to 15 March 2021.

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

#### II. Key political and security developments

3. The main political developments centred on early legislative elections held on 14 February 2021, following several months of political turbulence compounded by the public confirmation, in November 2020, by the Kosovo Specialist Chambers, of an indictment against several prominent political figures, including the President of Kosovo at the time, Hashim Thaçi, for war crimes and crimes against humanity. Mr. Thaçi subsequently resigned and the President of the Assembly of Kosovo, Vjosa Osmani, assumed the duties of Acting President of Kosovo on 5 November. Amid the ongoing coronavirus disease (COVID-19) pandemic and its deepening socioeconomic repercussions, the February elections resulted in a victory for the Movement for Self-Determination (Vetëvendosje), while most other major parties suffered losses. Talks to form a new government and elect the next President of Kosovo followed. The developments slowed the pace of discussions in the framework of the European Union-facilitated Belgrade-Pristina dialogue. In early March, the European Union Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan



regional issues held a series of high-level meetings in Pristina and Belgrade to establish modalities for the continuation of the dialogue once a new government is formed in Pristina.

4. The stage was set for the February polls by a ruling of the Constitutional Court of Kosovo, issued on 6 January 2021, that the formation in June 2020 of the government led by the Prime Minister, Avdullah Hoti, had not been in compliance with the Constitution owing to an invalid vote cast by a member of the Assembly who had previously been convicted of a criminal offence. The Court ruled that no person convicted of a criminal offence in the final instance during the preceding three years can either be a candidate for or hold a valid seat in the Assembly. Pursuant to the ruling, Ms. Osmani dissolved the legislature on the same day and set 14 February 2021 as the date for early legislative elections.

5. On 2 February, the Central Election Commission certified 1,052 candidates (697 men and 355 women), representing 28 political entities, to compete for the 120 legislative seats. All major Kosovo Albanian parties chose to compete individually rather than in pre-election coalitions, while the Kosovo Serb community was represented by the Serbian List party and two other civic initiatives. The candidate certification process witnessed the non-certification of candidates with recent criminal convictions. After a review and appeals process involving, at different stages, the Central Election Commission, the Election Complaints and Appeals Panel, and the Supreme Court of Kosovo, 27 candidates from five political entities were barred from contesting the election. They included the leader of Vetëvendosje, Albin Kurti, who was convicted by a final judgment in September 2018 of a charge related to the release of tear gas into the chamber of the Assembly of Kosovo in 2015. Vetëvendosje and Ms. Osmani, whose newly established civic initiative ran on a joint ticket with Vetëvendosje, protested the decision. Regardless of his non-certification as a candidate, Mr. Kurti was put forward as his party's nominee for Prime Minister.

6. Given that the term of the Acting President expires on 5 May, the legislative elections should be followed by the election of the next President of Kosovo to avoid another institutional crisis. So far, Ms. Osmani, as part of her alliance with Vetëvendosje, and the leader of the Alliance for the Future of Kosovo, Ramush Haradinaj, have publicly expressed interest in the post of President.

7. The elections were conducted peacefully in all 38 municipalities of Kosovo. For the first time, neither the European Union nor OSCE deployed observation missions for elections in Kosovo. The European Union dispatched a three-person electoral expert mission to follow the entire election process and prepare a report and recommendations intended to strengthen that process. The elections were monitored by non-governmental organizations, political parties and representatives of the diplomatic community. The voter turnout was reported to be 48.78 per cent (903,386 votes), slightly higher than in the previous elections in October 2019 (44.56 per cent or 826,916 votes). Out-of-Kosovo voting was significantly higher, with 57,065 ballots cast by mail, compared with 19,789 in 2019.

8. The Central Election Commission announced the certified results on 13 March, following the conclusion of the complaints and appeals process. Vetëvendosje, which had campaigned on a platform centred on the rule of law and the fight against corruption, obtained 50.28 per cent of the votes, which translates into 58 seats in the Assembly. The margin of victory is the widest obtained by any single party in Kosovo since 2001. Among other Kosovo Albanian political entities, the Democratic Party of Kosovo came second, with 17.0 per cent of the votes and 19 seats, followed by the Democratic League of Kosovo, with 12.73 per cent and 15 seats, and the Alliance for the Future of Kosovo, with 7.12 per cent and 8 seats. The Social Democratic Party of Kosovo failed to reach the 5 per cent electoral threshold. Out of 20 seats guaranteed

for non-majority communities, the Serbian List secured all 10 seats earmarked for the Kosovo Serb community, while the remaining 10 seats were distributed as follows: 3 for the Kosovo Bosniak community, 1 each for the Kosovo Ashkali, Kosovo Egyptian and Kosovo Gorani communities, and 2 each for the Kosovo Roma and Kosovo Turkish communities.

9. Partial recounts and nullification of votes during the complaints and appeals process led to a few changes in mandate distribution, most notably affecting the non-majority communities. In particular, allegations that recently formed political entities representing the Kosovo Bosniak and Kosovo Roma communities had wrongfully secured seats through a disproportionately high number of votes received from Kosovo Serb-majority municipalities were upheld by the Election Complaints and Appeals Panel on 8 March and subsequently the Supreme Court on 12 March. The decisions recalibrated the winning entities among the Kosovo Bosniak and Kosovo Roma communities. The three seats reserved for the Kosovo Bosniak community were filled by Coalition Vakat, the New Democratic Party and the Social Democratic Union, while United Community – Adrijana Hodžić, a new civic initiative, lost a seat. Although the Kosovo Roma community retained two seats, the new Roma Initiative lost one seat to the Kosovo Roma Progressive Movement.

10. The elections also saw women secure 43 of the 120 seats in the legislature, or 35.83 per cent, exceeding the 30 per cent gender quota. Vetëvendosje fielded the highest proportion of successful female candidates (23 of 58) and a woman, Ms. Osmani, garnered the most votes ever for a candidate in Kosovo elections (300,788 votes).

11. As of the end of the reporting period, Vetëvendosje was continuing consultations, in particular with the parties representing the non-majority communities, to form a governing coalition. On 15 March, it initiated talks with all political parties to discuss modalities for the election of the next President. The constitutive session of the Assembly of Kosovo was held on 22 March and the deputy leader of Vetëvendosje, Glauk Konjufca, was elected President of the Assembly. Meanwhile, the Democratic League of Kosovo and the Democratic Party of Kosovo, turned their focus to internal party reforms in preparation for the forthcoming municipal elections slated for October 2021.

12. The confirmation, on 26 October, by a pretrial judge of the Kosovo Specialist Chambers, of the indictment filed by the Specialist Prosecutor's Office against high-profile defendants had profound repercussions on the political scene. The indictment for war crimes and crimes against humanity was confirmed against Mr. Thaçi; the leader of the Democratic Party of Kosovo, Kadri Veseli; the leader of the Vetëvendosje caucus, Rexhep Selimi; and a former Acting President of Kosovo, Jakup Krasniqi. Mr. Thaçi, who resigned from office, and the other defendants submitted voluntarily to pretrial detention in The Hague. All the defendants pleaded not guilty at their initial hearings.

13. On 26 November, the Specialist Chamber of the Constitutional Court of Kosovo rejected a 24 August proposal by Mr. Thaçi to alter the mandate of the Kosovo Specialist Chambers and Specialist Prosecutor's Office by means of a constitutional amendment. The Court ruled that the proposed amendments would diminish the rights and freedoms guaranteed under the Constitution, in particular the rights of persons involved in the proceedings, including victims and protected witnesses. It reconfirmed the mandate of the Chambers and the Office until an appropriate notification by the Council of the European Union.

14. On 6 October, the European Commission released its annual report on Kosovo, which provided a mixed assessment of progress, including in combating corruption and ensuring the independence of the judiciary. The report attributed slower progress

to continued political instability and the effects of the COVID-19 pandemic. Developments during the reporting period further highlighted these shortcomings. On 9 October, the United States of America and the European Union, citing continued political interference and lack of transparency, withdrew from monitoring the process of appointments to the Kosovo Prosecutorial Council and of chief prosecutors. The Council subsequently requested the Ministry of Justice to amend the legal frameworks for such appointments to address those concerns. On 19 October, the government abolished the anti-corruption department of the Kosovo Police, a step that drew further international criticism.

15. The overall security situation in Kosovo remained stable, with a few incidents reported affecting non-majority communities. On 17 November, in Gračanica/Graçanicë municipality, a billboard in support of the defendants before the Specialist Chambers was burned by unknown perpetrators. The incident sparked further tensions among the Kosovo Albanian and Kosovo Serb communities, prompting Mr. Hoti to call for calm. The Office for Kosovo and Metohija of the Government of Serbia condemned the incident. In November, two incidents of defacement of Serbian language road signs, an attempt to set fire to a Serbian flag, and a verbal and physical attack on a Kosovo Serb resident of the ethnically mixed village of Kišnica/Kishnicë were also reported.

### **III. Coronavirus disease (COVID-19) impact and response**

16. The reporting period saw the largest spike of infections in Kosovo since the onset of the COVID-19 pandemic, with the highest single-day total of 1,047 new cases reported on 13 November. With little bed capacity remaining in Pristina's central hospital, additional COVID-19 units were established in seven regional hospitals across Kosovo. After a period of decline, the number of active cases climbed again from mid-January. Following the tightening of restrictions in November, the Kosovo authorities eased measures on 15 January and 11 February. General compliance with restrictions, including on public gatherings, was problematic, especially during the election campaign. On 8 February, the Ombudsperson Institution of Kosovo expressed concern about low public compliance and called on relevant institutions to ensure stricter adherence to the measures in order to prevent the further spread of the virus. One year into the pandemic, the assessment of United Nations agencies was that the socioeconomic impact of COVID-19 had continued to take its toll on Kosovo, marked by growing unemployment, continued loss of income, setbacks to education and an increase in domestic violence. By the end of the reporting period, some 82,550 cases of COVID-19 and more than 1,824 deaths had been reported in Kosovo.

17. Although the government's legislative efforts were hindered by the lack of a parliamentary quorum throughout the reporting period, the Assembly of Kosovo adopted, on 12 October, the Draft Law on Economic Recovery – COVID-19, which had been pending since June 2020. On 16 October, the Assembly also ratified, with the Council of Europe Development Bank, a Loan Framework Agreement worth 35 million euros to support the public health response to the pandemic. The Kosovo government and the European Union Office in Kosovo also signed, on 20 November, a 26.5 million euro contract on budget support assistance related to the COVID-19 response. On 29 December, one week prior to its dissolution, the Assembly adopted the Law on Budget Appropriations for 2021.

18. The reporting period was also characterized by frictions resulting from the activities of the Government of Serbia-supported public health institutions in the Kosovo Serb-majority areas. On 26 December, the start of vaccinations in northern

Kosovo with Government of Serbia-provided vaccines provoked a strong reaction from political actors in Pristina. The Kosovo government launched an investigation into the delivery of vaccines to northern Kosovo and the compliance of that delivery with Kosovo public health protocols. In protest, health-care workers from the Belgrade-supported system held a rally in North Mitrovica on 25 January. The Belgrade-supported institutions, meanwhile, discontinued vaccinations in northern Kosovo, offering Kosovo residents vaccination in locations in Serbia.

19. Throughout the COVID-19 pandemic, UNMIK and the United Nations agencies, funds and programmes remained operational, while implementing risk-reduction measures for staff, including telecommuting, and coordinating efforts to ensure staff welfare, continuity of operations, and support to the local authorities and communities. UNMIK put in place the necessary equipment, facilities and specialized personnel to treat United Nations staff and their dependants, except for the most critical cases, which would require medical evacuation. The Mission continued to operate two forward medical teams to provide assistance to personnel and eligible dependants. An in-house laboratory to conduct reverse transcriptase polymerase chain reaction tests became operational, with the support of additional temporary staff. As at the end of the reporting period, there had been a total of 141 confirmed cases of COVID-19 among United Nations staff and their dependants in Kosovo, including 117 cases among UNMIK staff and dependants (with 24 cases still active) and 24 among United Nations Kosovo team staff and dependants (with 4 active cases).

20. In responding to COVID-19, UNMIK, in close coordination with the United Nations Kosovo team, continued to support public health institutions and the people of Kosovo, in particular those from vulnerable communities. With most of its programmatic activities adapted to focus on the needs arising from the pandemic, the Mission distributed food and hygiene packages to vulnerable communities, and continued to mobilize and support women and youth volunteers to produce personal protective equipment. UNMIK also supported the Office of the Language Commissioner, within the Prime Minister's Office, in translating COVID-19 public information materials into the languages of non-majority communities, such as Serbian and Turkish. The Mission and the United Nations Kosovo team led the dissemination, including on social media, of verified public health information to counter misinformation. A series of multilingual public awareness campaigns was also conducted in cooperation with the authorities, using social media, outdoor installations, and public service announcements, to promote compliance with containment measures.

21. The World Health Organization (WHO) and other agencies continued to support public health institutions, including through the deployment of technical missions and the provision of experts, the reinforcement of surveillance, infection control and testing capacities, and the procurement of essential equipment. An innovative field data collection tool for public health emergencies, known as Go.Data, was introduced. Procedures in domestic violence shelters across Kosovo were reinforced with guidelines on addressing public health emergencies. A COVID-19 vaccination committee established by the Ministry of Health, WHO and the United Nations Children's Fund (UNICEF) supported the development of a vaccination deployment plan and assisted the government in liaising with the Global Alliance for Vaccines and Immunization, and in securing access to the Advanced Market Commitment of the COVID-19 Vaccine Global Access (COVAX) Facility. COVAX, which is co-led by the Coalition for Epidemic Preparedness Innovations, the Global Alliance and WHO alongside the key delivery partner UNICEF, has allocated a total of 100,800 doses to Kosovo in the first round of allotments, to be delivered through May. UNICEF will continue to work with the Global Alliance on the allocation of remaining doses until 20 per cent of the population has been reached (360,200 people

and 720,000 doses). During the reporting period, the United Nations Kosovo team, led by the Development Coordinator, has continued to implement its socioeconomic response plan, mobilizing more than \$20 million in bilateral and multilateral assistance, including \$2.5 million through the United Nations COVID-19 Response and Recovery Multi-Partner Trust Fund.

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

22. Political developments in northern Kosovo centred on special municipal elections in North Mitrovica and the 14 February parliamentary elections. After a five-month delay owing to COVID-19, special municipal elections were held in North Mitrovica on 29 November. The Serbian List won over 90 per cent of the vote, with Vetëvendosje, the Democratic Party of Kosovo and an independent Kosovo Serb candidate splitting the remainder of the vote. The Serbian List also secured a landslide victory in the 14 February general elections, winning over 78 per cent of the vote in all four municipalities in northern Kosovo.

23. Both the municipal and general elections were conducted without major security incidents. Notwithstanding, Kosovo Albanian and Kosovo Serb politicians competing against the Serbian List continue to experience challenges in campaigning freely in the north. On 30 January, ahead of the official start of the campaign for the 14 February elections, a visit by Ms. Osmani and Mr. Kurti to the ethnically mixed neighbourhood of Kodra e Minatorëve/Mikronaselje in North Mitrovica, was interrupted by a group of Kosovo Serb residents chanting “this is Serbia”. The visit, in particular by Ms. Osmani, was criticized by some Kosovo Albanian parties as aimed at election campaigning, as well as by Kosovo Serb politicians, with the leader of the Serbian List, Goran Rakić, describing it as a provocation. The President of Serbia, Aleksandar Vučić, denounced the visit and underscored the need to “preserve peace”.

24. On 16 January, the third anniversary of the murder of Oliver Ivanović, a Kosovo Serb politician, was commemorated peacefully in North Mitrovica. The related court proceedings continued, with the Special Prosecution filing a new indictment against six defendants on 11 November, after the Court of Appeals returned a previous indictment based on defence counsel appeals. The six defendants are charged with the criminal offence of aggravated murder. At a 5 February initial hearing on the new indictment, the six defendants pleaded not guilty to the murder charge, while two of them pleaded guilty to weapon possession charges. At the request of the Special Prosecution, on 23 February a pretrial judge withdrew a 2019 arrest warrant against one of two defendants who remain at large.

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

25. The Belgrade and Pristina delegations, led by their chief negotiators, held three rounds of expert-level talks on issues related to financial claims and property, under the auspices of the European Union Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan regional issues, Miroslav Lajčák. Despite the parties’ willingness to meet and discuss unresolved issues, Belgrade and Pristina are yet to reconcile their positions, including on the establishment of the Association/Community of Serb majority municipalities in Kosovo. In their separate addresses to the media after the first and second rounds of talks, on 17 September and 29 October, the parties acknowledged that they held opposing views on how to resolve financial claims and property issues, with Belgrade insisting that the Association/Community be part of the discussions. Tensions escalated in November, over violations of the

agreement on freedom of movement and the arrangement on official visits, when both Belgrade and Pristina refused to allow each other's officials to visit areas in Serbia and Kosovo at a time when human remains were being excavated in sites near Raška, Serbia. The events led to appeals by the European Union to Kosovo authorities to respect commitments under the dialogue.

26. Following their last meeting on 10 December, in view of the opposing positions and the upcoming early elections in Kosovo, the parties agreed to continue discussions in 2021. After the elections, Mr. Lajčák travelled to Pristina and Belgrade from 1 to 3 March to discuss modalities for the next round of talks. In Pristina, Mr. Kurti indicated that, once in office, the main focus of his government would be addressing pressing socioeconomic and rule of law issues. Nevertheless, he acknowledged the importance of the dialogue and the need for it to be "principled and well prepared". In Belgrade, the Serbian leadership reiterated its readiness to continue the dialogue, while stressing the importance of the full implementation of the signed agreements. During the reporting period, Belgrade also opposed the notion of "mutual recognition", advocated by Pristina as the main outcome of any comprehensive agreement.

27. On 14 December, the Kosovo Electricity Transmission System and Market Operator assumed responsibility from the Electric Network of Serbia for the transmission system in northern Kosovo. This was a significant step forward in the implementation of the 2013 European Union-facilitated agreement on energy, and the establishment of Kosovo as an independent regulatory zone following the entry of the Operator into the European Network of Transmission System Operators for Electricity on 30 June 2020.

28. Within the scope of commitments agreed by Belgrade and Pristina under the auspices of the United States on 4 September 2020, the Serbian authorities, on 7 October, moved police and customs officers to the integrated facility built with support from the European Union at the Merdarë/Merdare (Gate 3) crossing. The move also represented an important step in the implementation of the European Union-facilitated IBM Technical Protocol on the joint management of crossing points. In addition, and in line with the 4 September commitments, the then Minister for Foreign Affairs and the Diaspora of Kosovo, Meliza Haradinaj-Stublla, and the Minister for Foreign Affairs of the State of Israel, Gabi Ashkenazi, signed an agreement establishing diplomatic relations during a virtual ceremony on 1 February. The Spokesperson of the European External Action Service, referring to the establishment, under the agreement, of the representation of Kosovo in Jerusalem, recalled the commitment of Kosovo to European Union integration and called for Kosovo to act in accordance with that commitment. The Minister for Foreign Affairs of Serbia, Nikola Selaković, expressed dissatisfaction with the agreement. On 14 March, Kosovo opened its official representation in Jerusalem. Within Kosovo, a major Kosovo Turkish party also expressed concern that the decision violated relevant Security Council resolutions.

29. On 30 October, the President of Serbia and the Prime Ministers of Albania and North Macedonia held a teleconference to discuss regional cooperation in the framework of the "mini-Schengen" initiative promoted by the three countries to facilitate freedom of movement. Kosovo authorities were invited but did not attend the event.

## VI. Returns, reconciliation and cultural heritage and community relations

30. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded 273 voluntary returns by members of the non-majority communities who had been displaced within and outside Kosovo. The returnees included 133 women and 140 men (223 Kosovo Serbs, 36 Kosovo Ashkali, 10 Kosovo Roma and 4 Kosovo Albanians). This brings the total number of displaced persons of the non-majority communities who have found durable solutions in Kosovo since 2000 to 28,819, including 14,153 women and 14,666 men (12,429 Kosovo Serbs, 7,706 Kosovo Egyptians and Ashkali, 4,000 Kosovo Roma, 1,878 Kosovo Bosniaks, 1,464 Kosovo Gorani, 1,298 Kosovo Albanians, 21 Kosovo Montenegrins, 19 Kosovo Turks and 4 Kosovo Croats). There remain 15,781 displaced persons within Kosovo (7,268 women and 8,513 men), as well as 69,627 persons with displacement-related needs across the Western Balkans, out of the approximately 200,000 displaced persons from Kosovo residing in the region, most of them in Serbia.

31. As part of the “Skopje process”, a regional initiative facilitated by UNHCR and OSCE, the technical working group on durable solutions, composed of representatives from Belgrade, Podgorica, Pristina and Skopje, met on 13 November to assess the progress and challenges in the areas of security, property issues, data management, civil status documents and solutions planning. The participants discussed the way forward in the implementation of the concept note on solutions planning, on durable solutions for displaced persons from and within Kosovo, adopted in November 2019, taking into account the regional experience of the so-called “Sarajevo process”. They also called for additional efforts to address incidents affecting returnees, resolve outstanding property issues, and expedite land allocation and other practical solutions for the displaced, and stressed the importance of regional cooperation to achieve further progress.

32. Internally displaced persons, returnees, persons at risk of statelessness, and survivors of domestic and gender-based violence continued to be supported through a United Nations COVID-19 Response and Recovery Multi-Partner Trust Fund project. Under the project, jointly implemented by UNHCR, the International Organization for Migration (IOM) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), beneficiaries were provided with psychological, legal and income-generation support to recover from the effects of the pandemic.

33. Efforts to promote sustainable voluntary returns and reintegration also continued. On 12 January, 87 Kosovo Serb displaced families, who had been residing in four collective centres in the Štrpce/Shtërpçë municipality, moved to newly constructed apartments in the same municipality, facilitated by a social housing project funded by the European Union and implemented by the Danish Refugee Council and the Ministry for Communities and Return. Concurrently, IOM supported the social and economic reintegration of 42 families in six municipalities. In November 2020, UNMIK liaised with the Ministry to facilitate the resumption of humanitarian transports for Kosovo Serb returnees in Bablak/Babljak village, Ferizaj/Uroševac municipality, to Gračanica/Gracanicë and Štrpce/Shtërpçë municipalities.

34. Mixed migration into Kosovo continued to increase, with a total of 1,087 new registered arrivals, of whom 448 lodged asylum claims. UNHCR ensured that all asylum-seekers received free legal and psychosocial assistance and supported the Kosovo authorities in ensuring appropriate reception conditions. With support from

IOM, Kosovo authorities are also establishing a temporary accommodation and registration centre in Vranidoll/Vrani Do for migrants.

35. The Implementation and Monitoring Council, which oversees the special protective zones surrounding religious sites, met on 9 November to discuss the contentious issue of the construction of a transit road to Montenegro through the special protective zone of the Visoki Dečani monastery. The Council reached an arrangement under which a bypass road and an alternate local road that would pass through the special protective zone would be constructed simultaneously. The arrangement, which was facilitated by the representative of Italy, is intended to promote intercommunal relations and economic development in the municipality, and its implementation will be monitored by the Council with the support of the Kosovo Force. The representatives of the monastery and both the municipal and central authorities welcomed the arrangement.

36. Kosovo authorities and international organizations continued to support the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities in obtaining personal documentation and resolving civil status issues to enable their access to public services. UNHCR provided legal aid to 103 individuals (61 women and 42 men) to facilitate their civil registration, enabled 125 voluntary returnees and displaced persons from non-majority communities (56 women and 69 men) to benefit from education, social assistance, property and pension rights, and provided psychosocial support to 59 identified survivors of gender-based violence (53 women and 6 men). The Kosovo Ministry of Education and Science awarded 585 scholarships of 300 euros each to Kosovo Roma, Kosovo Ashkali, and Kosovo Egyptian secondary school students for the current academic year. During the period under review, no contributions were made to the United Nations trust fund in support of the Kosovo Ashkali, Kosovo Egyptian and Kosovo Roma communities affected by lead poisoning in Kosovo, leaving the fund with few resources to support their urgent needs.

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

37. Kosovo courts issued judgments in several corruption and war crimes cases. On 7 October, an indictment was filed against the former Mayor of Kaçanik/Kaçanik, Xhabir Zharku, accusing him of abusing his official position or authority by allegedly allowing illegal construction on socially owned cadastral parcels. In November, the Supreme Court of Kosovo upheld the suspended imprisonment sentences imposed by the Court of Appeals against all accused individuals in the so-called “Pronto case”, which involved high-ranking officials of the Democratic Party of Kosovo. Similarly, in January, the Court of Appeals confirmed the indictment against the former Minister of Agriculture, Forestry and Rural Development, Nenad Rikalo, and other staff of the Ministry, for abusing their official position or authority. On 24 February, the Kosovo Prosecution and Kosovo Police conducted an operation at the Ministry in Pristina and four other locations around Kosovo; as a result, 12 people, including 10 ministerial officials, were arrested on corruption and other charges. The Special Prosecution of Kosovo also filed an indictment for abuse of official position or authority against the former head of the Kosovo Intelligence Agency, the head of the Department for Citizenship, Asylum and Immigration in the Ministry of Internal Affairs, and the head of the Directorate for Migration and Foreigners in the Kosovo Border Police, in relation to the expulsion of six Turkish nationals in March 2018. The government adopted a new anti-corruption strategy and action plan 2021–2025, which is pending approval by the Assembly of Kosovo. Similarly, draft amendments to the Law on the Financing of Political Entities were introduced in the Assembly and are pending adoption.

38. Concurrently, several high-profile defendants were acquitted of charges related to abuse of official position or authority, such as 12 defendants in the so-called “veterans case”, including the former Prime Minister, Agim Çeku, the former Minister of Defence, Rustem Berisha, and an Assembly member, Shkumbin Demaliaj. Local civil society organizations continued to express concern over “politicized justice” and the lenient sentences imposed by courts in high-profile cases. In two separate reports, the Kosovo Law Institute pointed to challenges in prosecuting high-level corruption, the small number of indictments filed by the prosecution and the high number of unsolved cases.

39. Trial hearings were held in four ongoing cases involving war crimes, including rape, allegedly committed against the civilian population during the conflict in Kosovo. On 6 November, the Special Department of the Court of Appeals overturned the guilty verdict against Sami Lushtaku, the former mayor of Skenderaj/Srbica, in relation to his escape from detention during his trial in the so-called “Drenica” case, because of the expiration of the statutory limitation on criminal prosecution. On 1 December, the Department confirmed the war crime conviction of a former member of the Yugoslav reserve police but reduced his sentence from 22 to 11 years of imprisonment, triggering protests by residents of Krushe e Madhe/Velika Kruša. On 23 December, Kosovo police arrested an individual suspected of having committed war crimes against the civilian population in 1999 in Pejë/Peć. On 24 December, another former member of the Yugoslav police was sentenced to six years of imprisonment and, on 11 February, a former reserve police officer of the Serbian forces was sentenced to 12 years of imprisonment, both for having committed war crimes against the civilian population.

40. Kosovo continued to prosecute individuals suspected of participation in foreign conflicts and terrorism. On 18 December, the Basic Court in Pristina sentenced a man to 18 months of imprisonment on terrorism charges for threatening the Kosovo representative to France, after the latter retweeted a French newspaper article containing a caricature of the Prophet Muhammad. On 20 December, two men were charged with attempting to travel to the Syrian Arab Republic to participate in foreign wars, while, on 11 February, two other defendants were acquitted by a first instance judgment for having allegedly travelled to the Syrian Arab Republic for the purpose of terrorism. On 24 December, the Special Prosecution filed an indictment against an individual for attempting to organize or participate in a terrorist group. In order to address terrorist threats, the Kosovo government adopted a money-laundering and terrorist financing national risk assessment prepared with the support of the United Nations Development Programme, with analysis of related risks, threats and vulnerabilities.

41. UNMIK continued to monitor closely and report on the human rights implications of the COVID-19 pandemic, focusing on its disproportionate impact on non-majority communities and persons in vulnerable situations. The pandemic and related containment measures continued to affect the realization of human rights related to the freedom of movement, peaceful assembly and religion; the rights to life and health; and economic and social rights. The Ministry of Health and the Kosovo Institute for Public Health continued to publish updates on the COVID-19 situation primarily in Albanian, hampering access to information by non-majority communities and thereby violating their language rights. Marking Human Rights Day on 10 December, the Special Representative reaffirmed the commitment of the United Nations to supporting Kosovo authorities and other stakeholders in their efforts to promote and protect human rights for all people in Kosovo, and called on all actors to place human rights at the heart of the pandemic response and recovery efforts to ensure that communities and persons in vulnerable situations are not left behind.

42. On 30 September, the government of Kosovo approved a draft amendment to the Law on the Freedom of Religion, which, once adopted by the Kosovo Assembly, would strengthen religious freedom in Kosovo by allowing religious communities to obtain the status of a legal entity. On 26 November, pursuant to the new Juvenile Justice Code, the Ministry of Justice promulgated three sublegal acts to further enhance the protection, rehabilitation and reintegration of juveniles deprived of liberty. The acts were drafted with the assistance of UNMIK in partnership with UNICEF, in line with international standards and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

43. In February, an investigative journalist was brutally attacked in Pristina, and Belgrade-based television crews were prevented from visiting northern Kosovo during the elections. In response to the incidents, the Special Representative stressed the importance of ensuring a safe and conducive environment for journalists from all communities and called for renewed efforts to ensure the unrestricted exercise of the freedom of the media and the right to information in Kosovo.

44. UNMIK continued to support efforts to determine the fate of 1,640 persons still missing since the Kosovo conflict. On 16 September, UNMIK participated in a meeting of the Pristina-Belgrade working group on persons who are unaccounted for in connection with events in Kosovo. The meeting focused on identifying a potential mass grave in Kiževak, Serbia, which UNMIK subsequently visited on 4 December. UNMIK also supported the Missing Persons Resource Centre in the distribution of food and hygiene packages to family members of missing persons from all communities across Kosovo.

## VIII. Women and peace and security

45. The Kosovo governmental commission responsible for the verification and recognition of the status of survivors of conflict-related sexual violence received 111 applications, bringing the total number of applications received since its establishment in February 2018 to 1,414. To date, 912 applicants (880 women and 32 men) have been granted survivor status, while 210 (180 women and 30 men) have been rejected. In February, the Basic Court in Pristina directed the commission to review, for the first time, its decision to deny an application for survivor status, opening the way for survivors to challenge the commission's decisions and realize their right to effective remedies. In September, UNMIK launched an initiative to support the economic empowerment and rights of survivors of conflict-related sexual violence, as well as sexual and gender-based violence, from all communities in Kosovo, including their right to effective remedy and compensation. The initiative provides some 150 survivors with access to vocational training, psychosocial counselling, legal assistance and medical care.

46. On 17 November, UNMIK, in partnership with UN-Women and the European Union, brought together 24 women leaders from all communities and international representatives in an online event during which the women leaders called for equal and full participation of women in power structures and peace processes, including the European Union-facilitated dialogue between Belgrade and Pristina. Similarly, UN-Women supported the Regional Women's Lobby for Peace, Security and Justice in Southeast Europe in organizing a conference on 15 December that brought together 45 women leaders from the Western Balkans, including Belgrade and Pristina, in a constructive and forward-looking dialogue on women's meaningful participation in peace processes.

47. To mark the twentieth anniversary of Security Council resolution [1325 \(2000\)](#) on women and peace and security, UNMIK, together with representatives of other

international presences in Kosovo, undertook a series of strategic communication and social media campaigns to raise awareness of the role of women at the United Nations, and to promote the women and peace and security agenda. Under the auspices of the multi-stakeholder Security and Gender Group, which is chaired by UN-Women and includes UNMIK, activities were carried out in support of the global 16 Days of Activism against Gender-based Violence campaign. The UNMIK-produced documentary “Not Your Property” was screened in both Albanian- and Serbian-language television programmes, followed by debates on the link between gender-based violence, property rights, and the impact of the pandemic on women and girls. On 8 March, on the occasion of International Women’s Day, the Special Representative underscored the significant contribution of women to the COVID-19 pandemic response and recovery efforts, and emphasized the importance of women’s meaningful participation and leadership in decision-making, policy design and implementation at all levels.

48. Kosovo institutions continued to take important steps to protect the rights of women. On 25 September, the Assembly of Kosovo passed legislation incorporating provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) into the Constitution. The Special Representative welcomed the legislation as an important step in advancing women’s rights and achieving a just and peaceful society. The government also adopted, on 25 November, a policy aimed at preventing and penalizing sexual harassment in public administration institutions in Kosovo.

## **IX. Trust-building, partnerships and cooperation**

49. UNMIK, in close collaboration with the United Nations Kosovo team, continued to support the advancement of mutual trust between Kosovo communities and efforts to achieve key Sustainable Development Goals. In September, UNMIK, in cooperation with IOM, launched the third phase of a trust-building initiative to promote the learning of both official languages in Kosovo by expanding online Albanian-Serbian and Serbian-Albanian dictionaries, developing an online language course and promoting the learning of terms related to the COVID-19 pandemic via social media. The United Nations, OSCE and other partners, together with the Kosovo Ministry of Education, also supported the accreditation of a university programme on the teaching of official languages. In January, with the assistance of the United Nations, all 73 translators employed by the judicial system started online courses as part of the effort to ensure equal access to services and information in both the Albanian and Serbian languages.

50. The UNMIK-supported Legal Aid Centre of the Kosovo Law Institute, which, during the reporting period, provided free legal assistance to 754 vulnerable individuals (275 women and 479 men) on issues related to property, labour and pensioner rights, and domestic violence, extended its support to the municipalities of northern Kosovo with the opening of a Mitrovica branch in November. As part of an UNMIK-funded project, the Initiative for Justice and Equality, a Kosovo non-governmental organization, launched a study on women’s access to justice in the Western Balkans.

51. In December, UNMIK participated in the first meeting of the Kosovo Interministerial Coordinating Group on Human Rights to discuss issues related to upholding human rights during the pandemic and to review a draft programme and action plan for the protection and promotion of human rights. The Mission also organized virtual workshops and training activities for local civil society organizations to support the drafting of their second joint report on the human rights

situation in Kosovo, with a focus on the impact of COVID-19 on economic, social, cultural and other rights.

52. The Mission continued to provide support to a drop-in centre in Pristina to provide street children and their families with integrated online psychosocial, educational and counselling services, as well as food, disinfectants, and face masks. UNMIK has tailored its human rights education activities to raise awareness about the impact of the pandemic on the realization of economic and social rights.

53. Through its programmatic activities, UNMIK also supported Kosovo central and local authorities, multi-ethnic youth groups, women living in shelters for domestic violence, and members of non-majority communities in responding to the COVID-19 crisis. In December, UNMIK, in collaboration with United Nations agencies and other international organizations, conducted a joint needs assessment which led to the delivery of humanitarian assistance to the vulnerable Kosovo Roma community in South Mitrovica. The Mission also supported a multi-ethnic youth non-governmental organization and the Danish Refugee Council in engaging youth from Kosovo Ashkali, Kosovo Egyptian and Kosovo Roma communities in producing personal protective equipment. In addition, UNMIK funded a project to produce and distribute reusable face masks to support the economic empowerment of women living in shelters for domestic violence.

54. Under its youth, peace and security programme, UNMIK partnered with UNICEF to support six multi-ethnic youth initiatives on access to education, inclusion of young people with disabilities, language rights and digital media literacy. To mark the fifth anniversary of Security Council resolution [2250 \(2015\)](#) on youth, peace and security, the Mission organized online activities connecting Kosovo students with youth peace movements in the region and in Colombia, India and the Russian Federation, to exchange best practices related to youth participation in building peaceful and inclusive communities. Under a programme supported by the Peacebuilding Fund, efforts continued to overcome conflict narratives and prejudice by engaging youth from divided communities on issues of shared interest. In December, as part of the programme, a series of mentorship workshops for young female future leaders in social entrepreneurship, communication, leadership and women in the workforce were launched.

55. In December, the United Nations Kosovo team finalized the United Nations Sustainable Development Cooperation Framework 2021–2025. The Cooperation Framework represents the collective vision of United Nations agencies, funds and programmes to address, jointly with government partners, development challenges in Kosovo. It incorporates the plan for socioeconomic response to COVID-19, which is being implemented by the team.

56. UNMIK continued to provide document certification services, with over 2,154 documents processed in relation to pensions and civil status. UNMIK facilitated the issuance of 34 Red Notices, 1 Yellow Notice and 4 extradition requests from members of the International Criminal Police Organization (INTERPOL) to Kosovo. It also opened 816 cases for investigation within the INTERPOL database. Considering the number of cases processed and closed, this leaves a total number of 743 open cases related to the territory or people of Kosovo.

## **X. Observations**

57. I commend Kosovo institutions, political entities and voters for the orderly conduct of the early legislative elections in February. Despite the challenges posed by the pandemic, the elections witnessed higher voter turnout than the October 2019

elections. I urge the leaders of Kosovo to capitalize on this momentum by working towards constituting the new Assembly and government, and electing the President of Kosovo, within the prescribed deadlines. I also call on the next Kosovo government and the opposition to work constructively to address the impact of the pandemic on the population and economy of Kosovo, continue efforts to consolidate the rule of law, combat corruption, uphold human rights frameworks and principles, and engage fully in important high-level political processes such as the European Union-facilitated dialogue.

58. I welcome the high level of participation of women and youth in the elections and the increased proportion of women deputies elected, in numbers that exceed the established 30 per cent quota. Women's leadership and participation in all spheres is critical to building a more peaceful, inclusive, and stable society. As the ongoing global health crisis has shown, although disproportionality affected, women continue to be at the forefront of the COVID-19 response and recovery planning. The contribution and impact of elected and appointed women leaders in decision-making at all levels will be essential in that regard.

59. Lasting peace, stability and socioeconomic development in Kosovo and the region are contingent on sustainable progress in the dialogue aimed at the normalization of relations with Belgrade. While I welcome the clear statements issued by both parties about the importance of advancing the dialogue, I underline the importance of genuine commitment to continuing high-level talks within the framework of the European Union-facilitated Belgrade-Pristina dialogue, in the very near future. As confirmed by the European Union, progress in the dialogue also remains central to the parties' respective European Union aspirations.

60. Important steps were also made to advance the investigative and judicial processes of the Kosovo Specialist Prosecutor's Office and Kosovo Specialist Chambers. These rule of law institutions must receive full cooperation from all parties so that they can effectively discharge their duties.

61. As everywhere in the world, Kosovo continues to grapple with the COVID-19 crisis. The Mission and the United Nations Kosovo team are committed to sustaining their efforts to support public health institutions and the people of Kosovo in the management of the pandemic. As vaccines are rolled out, the United Nations will continue to mobilize international support to make sure that they are available for all. The Organization remains equally engaged in bolstering public information campaigns, empowering women and youth to participate in preventive action, and providing assistance to vulnerable communities across Kosovo. Now is the time for solidarity and international cooperation, and the United Nations will stand by the people of Kosovo to identify a path out of the crisis and support progress along it.

62. The United Nations remains committed to supporting the Ashkali, Egyptian and Roma communities affected by lead poisoning in Kosovo. Regretting the lack of voluntary contributions to the United Nations trust fund established to provide these communities with the assistance they need, I once again call on Member States, other actors and organizations to honour our shared responsibility and contribute to the fund.

63. I thank my Special Representative, Zahir Tanin, for his leadership, and all Mission staff for their dedicated support for Kosovo, including for meeting the challenges of the pandemic. I reiterate my gratitude to the United Nations Development Coordinator in Kosovo and United Nations agencies, funds and programmes for their invaluable contribution and collaboration with UNMIK, and to long-standing partners of the United Nations in Kosovo, including the Kosovo Force, the European Union and OSCE.

## Annex I

### **Report of the High Representative of the Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 September 2020–15 March 2021**

#### **1. Summary**

More than two years after the end of the executive mandate of the European Rule of Law Mission in Kosovo in the justice area, the robust monitoring of high-profile cases on corruption, organized crime and war crimes, including former Mission cases, has proven to be a successful and effective way to build on the Mission's executive legacy and offer Kosovo counterparts tailored advice on systemic and case-specific issues. Moreover, the robust monitoring offers a unique insight into the inner workings of the Kosovo judiciary.

In October 2020, the Mission launched its first public justice monitoring report together with its main Kosovo partners in the judiciary. Given the importance of the rule of law, in particular with regard to the European path of Kosovo, it was time to make the results of the Mission's monitoring work available to the wider public, including rule of law civil society organizations that are themselves engaged in monitoring the judiciary, lawyers and other legal practitioners, as well as interested citizens. The report was well received and Kosovo counterparts have endorsed and followed up on several of the Mission's findings and recommendations.

The Mission continued to provide operational and logistical support to the Kosovo Specialist Chambers and the Specialist Prosecutor's Office. Supported by the Mission and the Kosovo police, on 4 and 5 November 2020, the Specialist Prosecutor's Office conducted operations leading to the arrest of former President Hashim Thaçi and several other prominent political leaders.

During the extraordinary parliamentary elections on 14 February 2021, the Mission deployed staff at the main common crossing points between Kosovo and Serbia to monitor the anticipated influx of voters from Serbia, and, in its capacity as second security responder, the Mission put its formed police unit on alert to be able to react quickly in case of need.

#### **2. Monitoring**

The Mission continued its case-monitoring activities. Physical presence in courts and meetings with police, prosecutors and judges was conducted whenever feasible and in line with the applicable coronavirus disease (COVID-19) restrictions. Long-established relations of trust with all local counterparts ensured that the Mission monitors were well informed about all developments at all times, even when contacts were restricted to telephone and video calls.

In particular, the Mission closely monitored the impact of a provision of the Criminal Procedure Code that stipulates that trials have to recommence if no hearings have taken place for three consecutive months. In view of the COVID-19 restrictions and the overall reduction in the number of court hearings, the effect of this rule caused a number of trials to restart. While this rule has so far been circumvented in many cases by having both parties agree to consider previous testimonies as read and to continue the procedure, this approach is not in line with the law and may constitute possible grounds for appeal at a later stage of a trial, with obvious negative effects in terms of the timely delivery of justice.

Since its inception, the Case Monitoring Unit has drafted four systemic and thematic reports with specific recommendations for the Kosovo judiciary. The first three of these reports were shared and discussed only with local counterparts and relevant international partners. However, the fourth report, finalized in October 2020, was presented to the general public, receiving widespread and favourable media and expert attention.<sup>1</sup> Several trends and patterns identified in that report have been addressed by local counterparts, for instance the high percentage of unproductive hearings and the practice of assigning high-profile cases to the same panel of judges. One of the recommendations contained in the report was to strengthen the anti-corruption task force of the Kosovo police, which the government decided to dismantle on the very day the Mission's report was presented. The specific assessment in the report and the Mission's in-depth knowledge of the anti-corruption task force played a major role in the successful joint intervention by the European Union family and the wider international community to reverse this decision.

The Mission is increasingly being perceived by local partners as a buffer against undue influence and political interference in the judiciary, which is still common in Kosovo. On some occasions, police officers, prosecutors and judges have reached out to the Mission, requesting it to monitor cases and also, at times, investigations.

Over the past year, the Mission has assisted the Kosovo police War Crimes Investigation Unit in the successful establishment of an electronic war crimes database. The database is a significant tool for administering complex criminal cases and is also enabling qualitative case analysis. The establishment of the database has resulted in increased cooperation between the Specialist Prosecutor's Office and the War Crimes Investigation Unit, while also helping to preserve the Mission's legacy on war crimes cases dealt with during its executive justice mandate. The establishment of the database was assessed positively by other international actors in Kosovo, resulting in further support for the War Crimes Investigation Unit.

In addition, the Mission provided comments on several rule of law-related draft laws and strategies through the legislative review mechanism led by the European Union Special Representative.

The Mission adapted its monitoring activities in the Kosovo Correctional Service facilities to the pandemic-related restrictions while maintaining regular contacts with the management of the Kosovo Correctional Service and all 11 correctional facilities in order to assess the way the Kosovo Correctional Service was managing the new challenges posed by COVID-19. Special attention was given to ensuring that pandemic-related restrictive measures in correctional facilities were in line with international and European guidelines on respect for human rights and the treatment of specific categories of inmates, such as high-profile or radicalized prisoners. In-person visits to all facilities were resumed as soon as was feasible. Mission experts shared their observations and recommendations on how to best deal with pandemic-related restrictions with the Kosovo Correctional Service management and the directors of all 11 facilities on a regular basis.

The Mission continued to promote and support the establishment of a risk and needs assessment mechanism for convicted prisoners in the Kosovo Correctional Service. In line with best European practice, according to which significant importance is given to the rehabilitation of inmates and the prevention of reoffending, this mechanism provides the basis for a systemic sentence-planning practice. Within this framework, the Mission advocated, supported and provided expertise for the establishment of a prisoners' assessment and classification unit for convicted prisoners. The Mission organized several training measures on risk and needs

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<sup>1</sup> See [www.eulex-kosovo.eu/?page=2,11,1250](http://www.eulex-kosovo.eu/?page=2,11,1250).

assessment for the unit's staff based on the risk-need-responsivity model and conducted study visits to Finland and Sweden. In addition, the Mission identified the lack of a comprehensive database as a serious handicap for the functioning of the assessment system. The Mission subsequently purchased a service for updating the prisoners' database, which is being successfully used to generate the necessary data and reports. As a result, a prisoner's information, assessment and individual sentence plan can now be easily shared, implemented and followed.

With the aim of enhancing awareness of the need to increase the number of women in the Kosovo Correctional Service, including in management positions, the Mission supported the work of the Kosovo Correctional Service Women's Association by providing online training courses and facilitating the Association's contacts with relevant local and international actors and similar associations worldwide.

The Mission identified several important shortcomings in the level of professional skills and capacities within the Kosovo Correctional Service, as well as in respect of procedures in place. Several training workshops were conducted in order to address some of the gaps, such as on security and safety risk assessment principles. Two major concerns were addressed: (a) procedures for dealing with prisoners with mental health issues; and (b) actions to be taken in cases of suicide and self-harm. Mission experts provided advice for the drafting of a contingency plan for cases of suicide and self-harm at all Kosovo Correctional Service facilities and conducted training sessions for Kosovo Correctional Service staff identified as future trainers, who in turn provided training to wider Kosovo Correctional Service staff on how to deal with such cases in line with the contingency plan. Mission staff are attending all training sessions in order to provide further assistance or clarification. This activity is still ongoing.

In support of the European Union Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan regional issues, Mission experts continued to facilitate the implementation of the IBM technical protocol reached as part of the European Union-facilitated Belgrade-Pristina Dialogue. With no formal communication in place between the two parties at the six common crossing points, the Mission provided a substantial and regular channel of communication on the technical level through its regular visits to the common crossing points and contacts with both sets of authorities. In October, the Mission facilitated and coordinated the technical negotiations on preparing the move of the Belgrade party staff to their dedicated new premises at the main common crossing point at Merdarë/Merdare, similar to their Pristina counterparts, who are already fully using their premises.

During the pandemic, the Mission's role in acquiring precise and real-time information on all given situations at the common crossing points became essential in order to counter disinformation. This was possible thanks to the Mission's long-standing and trust-based network of contacts with both parties and its in-depth knowledge of specific circumstances at all common crossing points. The information was also regularly shared with relevant European Union actors as well with as other international organizations in Kosovo.

Moreover, the facilitation undertaken by the Mission and its expertise was fundamental in pushing forward several important developments related to IBM. These included the full functionalization of a state-of-the-art National Centre for Border Management – a model for the entire region that is in line with the relevant flagship initiative included in the 2018 Western Balkans strategy developed by the European Commission – and a call for the creation of similar centres in all Western Balkan countries in order to create a regional network for information exchange. The Mission also played a central role in the drafting of the new National IBM Strategy and Action Plan (2020–2024) and the agreement reached that the Strategy and Action

Plan will be a standalone document with a dedicated budget. Both documents were finally approved by the caretaker Prime Minister in February 2021. The Mission also assisted in facilitating the exchange of information between the customs administrations of both parties following complaints communicated by the secretariat of the Central European Free Trade Agreement on pending requests. This was done through a mechanism established within the framework of the European Union-facilitated Dialogue.

The Mission continued to engage with the Ministry of Internal Affairs and the Civil Registration Agency in the process of meeting the requirements agreed in the European Union-facilitated freedom of movement agreements and their implementation. This has been a slow and cumbersome process given the complexity of these agreements, as well as the difficulties and delays resulting from frequent government changes in Kosovo over the past year. The Mission assisted and advised the Ministry of Internal Affairs and the Civil Registration Agency in drafting administrative instructions and extending ministerial decisions aimed at facilitating the recognition of documents and ensuring tax exemption for vehicle registration for Kosovo Serbs. The recognition by Kosovo authorities of documents issued by the Serbian authorities (birth, marriage and death certificates, driving licences) and facilitating the registration of vehicles with “KS” or “RKS” plates for owners of vehicles with “FRY” or similar plates remain of paramount importance for ensuring real freedom of movement, primarily but not exclusively for the Kosovo Serb population.

The Mission also provided assessments upon request to the team of the European Union Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan regional issues on the situation at the common crossing points between Kosovo and Serbia with regard to the use of relevant documents (passports, ID cards, driving licences, vehicle registration certificates, entry/exit documents).

The Mission continued to advise and mentor the President of the Basic Court of Mitrovica and the Head of the Court of Appeals Division in Mitrovica, as well as other judicial authorities, in order to provide support in the implementation of the First Agreement of Principles Governing the Normalization of Relations and the Justice Agreement, and in order to ensure full establishment of the rule of law mechanisms in the northern municipalities in Kosovo. In addition, the Mission closely followed developments at the Kosovo Judicial Council, the Kosovo Prosecutorial Council, the Supreme Court, the Court of Appeals and the Ministry of Justice, which had an influence on the successful implementation of the aforementioned agreements.

At the request of the Minister for Justice, the Mission provided advice on options to overcome the stalemate on the composition of Kosovo Serb majority panels in the special department of the Court of Appeals, which deals with high-profile cases. The Mission also provided expertise on the agreement aimed at ensuring the recognition of Serbian parallel courts’ legal documents by the Kosovo legal system up to a certain cut-off date.

### **3. Operations**

Operational functions are undertaken by the Mission’s operations pillar, which maintains a limited residual capability as a second security responder and provides continued support to the Kosovo police crowd and riot control capability through advice and joint training sessions. The three-tier security-responder mechanism in Kosovo consists of the Kosovo police as first, the Mission as second and the Kosovo Force as the third security responder.

The Mission deployed monitors at the main common crossing points on election day (14 February) to follow up on the reports of an expected increase in traffic, with

Kosovo Serb voters coming from Serbia. The day passed without incident. An operations liaison officer was deployed at the Kosovo police operational headquarters to follow the security-related developments on election day and to ensure a smooth flow of information.

The Mission supported the Kosovo Institute of Forensic Medicine in exhuming human remains from graves in the municipalities of Pejë/Peć and Mitrovica, where complete remains of potential conflict-related victims were recovered, including two sets of remains found in a Mitrovica cemetery.

The Mission provided support to the core activities of the Kosovo Institute of Forensic Medicine in its work on missing persons. On 16 November 2020, experts from the Mission, the Serbian Government Commission on Missing Persons and the Kosovo Institute of Forensic Medicine discovered human remains in Kiževak, a large quarry site in Serbia. The Mission has worked since 2015 in Kiževak in search of human remains and its forensic experts finally identified the exact area by comparing aerial photos, narrowing down the search to specific coordinates, which led to the discovery of human remains. Mission experts will continue providing assistance, as exhumation works are expected to resume in the second quarter of 2021.

The Mission continued its support to the Kosovo police in the field of international police cooperation. Since Kosovo is not a member of the International Criminal Police Organization (INTERPOL), the Mission facilitates information exchange between the Kosovo police International Law Enforcement Coordination Unit and the National Central Bureaus of INTERPOL under the umbrella of the United Nations Interim Administration Mission in Kosovo. The Mission also continued to facilitate information exchange between Europol and the Kosovo police on serious crime investigations through its Swedish Europol liaison desk as well as between the Kosovo police and the Serbian authorities, in accordance with the relevant protocol between the Mission and the Serbian Ministry of Interior. During the reporting period, the volume of requests for information exchange facilitated by the Mission under this protocol increased markedly.

The Mission continued to support the Kosovo Specialist Chambers and the Specialist Prosecutor's Office in line with relevant Kosovo legislation. On 24 and 25 September, the Mission provided operational and logistical support to the Specialist Prosecutor's Office in conducting the arrests of three persons and search operations on the premises of the Kosovo Liberation Army War Veterans Association in Pristina. Supported by the Mission and the Kosovo police, the Specialist Prosecutor's Office, on 4 and 5 November, conducted further operations leading to the arrests of former President Thaçi and three other prominent political figures. The arrests were made by the Specialist Prosecutor's Office, pursuant to arrest warrants, transfer orders and confirmed indictments issued by a pretrial judge of the Kosovo Specialist Chamber.

## Annex II

### Specialist Chambers and Specialist Prosecutor's Office

During the reporting period, public judicial activity increased significantly with the arrest and transfer to the Specialist Chambers detention facilities of seven accused in September and November 2020. Notwithstanding the coronavirus disease (COVID-19) pandemic, the Specialist Chambers held 18 hearings during the reporting period, which were attended by the parties, both in-person and by way of videoconference. The public judicial proceedings, involving three cases at the pretrial phase, saw the engagement of the Pretrial Judge, who issued more than 120 decisions and orders during the reporting period, as well as a panel of the Court of Appeals. A panel of the Specialist Chamber of the Constitutional Court was also engaged during the reporting period.

On 17 September, the appointing authority, upon recommendation of the independent selection panel, appointed six new judges to the roster of international judges in accordance with article 28 (4) of the Law on Specialist Chambers and Specialist Prosecutor's Office.

On 23 September, the Registrar, in consultation with the President of the Specialist Chambers, adopted the rules of detention and related practice directions, which regulate detainee visits and communications between detainees and their counsel and their families, and include a disciplinary regime and a complaints procedure.

On 24 September, Mr. Salih Mustafa, who is charged with four counts of war crimes, was arrested in Kosovo and transferred to the Specialist Chambers detention facilities. On 28 September, Mr. Mustafa attended his initial appearance before the Pretrial Judge and on 28 October, Mr. Mustafa pleaded not guilty to all charges against him in the indictment.

Mr. Hysni Gucati and Mr. Nasim Haradinaj were arrested on 25 September, and were transferred to the Specialist Chambers detention facilities in The Hague on 25 and 26 September, respectively. Mr. Gucati and Mr. Haradinaj are charged with two counts of criminal offences against the public order and four counts of criminal offences against the administration of justice and public administration. On 18 December, Mr. Gucati and Mr. Haradinaj attended their initial appearance before the Pretrial Judge, during which Mr. Gucati pleaded not guilty to all the charges against him in the indictment. On 8 January 2021, the Pretrial Judge entered a not-guilty plea on behalf of Mr. Haradinaj in accordance with the rules of procedure and evidence, after Mr. Haradinaj failed to enter a plea.

On 29 September, the President of the Specialist Chambers appeared in person before the Political and Security Committee of the Council of the European Union in Brussels, during which she briefed the member States on the judicial activities of the Specialist Chambers, responded to questions posed by States and discussed some of the challenges currently facing the Specialist Chambers.

On 26 October, the Pretrial Judge confirmed the indictment against Mr. Hashim Thaçi, Mr. Kadri Veseli, Mr. Rexhep Selimi and Mr. Jakup Krasniqi, which charges them with 10 counts of war crimes and crimes against humanity. Messrs. Thaçi, Veseli, Selimi and Krasniqi were arrested and transferred to the Specialist Chambers detention facilities on 4 and 5 November. During their initial appearances before the Pretrial Judge on 9, 10 and 11 November, the accused pleaded not guilty to all the charges against them in the indictment. The Specialist Prosecutor's Office effected the arrests and related searches in each case with significant assistance and support

from the European Rule of Law Mission in Kosovo as well as operational support from the Kosovo police.

On 30 October, the appointing authority reappointed Judge Ekaterina Trendafilova as President of the Specialist Chambers for a term of four years in accordance with article 30 (4) of the Law on Specialist Chambers and Specialist Prosecutor's Office, effective 15 December.

In November, the Registrar issued the Specialist Chambers Anti-Fraud Strategy, which reaffirmed the strong commitment of the Specialist Chambers to detect and prevent fraud through abiding by strict ethical standards, fostering a recrimination-free culture for whistle-blowing and maintaining a clear definition and allocation of implementation responsibilities.

On 26 November, a panel of the Specialist Chamber of the Constitutional Court found that amendments to the Constitution, proposed by then President Hashim Thaçi in relation to the mandate of the Specialist Chambers and the Specialist Prosecutor's Office and referred to the Specialist Chamber of the Constitutional Court by the Assembly of Kosovo, diminished the fundamental rights and freedoms guaranteed by chapter II of the Constitution. The panel of the Specialist Chamber of the Constitutional Court further held that an amendment to the legal framework of the Specialist Chambers can only be undertaken following consultations with the European Union, as provided for in the 2014 exchange of letters and article 162 (13) and (14) of the Constitution.

On 9 December, a panel of the Court of Appeals dismissed an appeal by Mr. Gucati regarding his continued detention. On 9 February, a panel of the Court of Appeals denied an appeal by Mr. Haradinaj of the Pretrial Judge's decision on his continued detention. At the time of reporting, a panel of the Court of Appeals is considering the appeals by the four accused in the *Hashim Thaçi et al.* case of the decisions by the Pretrial Judge denying their interim release.

The Specialist Prosecutor's Office continued to interview suspects, victims and witnesses during the reporting period, as well as collect and review other evidence. In order to fulfil its mandate, the Specialist Prosecutor's Office continues to require the engagement and support of the international community, international organizations and individual States.

During the reporting period, the outreach team conducted over a dozen events engaging young people, civil society, law students, journalists and minority representatives throughout Kosovo.

The list of Specialist Counsel eligible to practise before the Specialist Chambers currently contains 203 people, of whom 95 are qualified to represent victims. The application process remains open.

The number of media queries received by the Specialist Chambers has continued to increase since the commencement of public proceedings, and accurate media reporting has increased.

The President, Registrar and Specialist Prosecutor continued their engagement with the host State, European Union member States, contributing States and others. Over the course of two days in December, the Principals hosted online briefings for the Deputy Secretary-General of the European Union, the European Union Rule of Law Mission in Kosovo and the ambassadors of the European Union member States and contributing third States in Kosovo, and for the ambassadors of the European Union member States and contributing third States in The Hague. The President further updated European Union member States in The Hague on 11 February.

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

(as at 15 March 2021)

<i>Country</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Austria	1	–	1
Bulgaria	1	–	1
Czechia	–	1	1
Germany	–	1	1
Russian Federation	1	2	3
Turkey	–	1	1
Ukraine	–	1	1
<b>Total</b>	<b>3</b>	<b>6</b>	<b>9</b>

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

(as at 15 March 2021)

<i>Country</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Czechia	–	2	2
Poland	–	1	1
Republic of Moldova	–	1	1
Romania	–	1	1
Turkey	–	1	1
Ukraine	1	1	2
<b>Total</b>	<b>1</b>	<b>7</b>	<b>8</b>

