



# Security Council

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## 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 in Kosovo (EULEX) continues to be present, 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, the main political developments centred on the formation of a new government in Serbia following parliamentary elections on 16 March and the holding of elections for the Assembly of Kosovo on 8 June. These developments, among other things, resulted in a slowdown in the European Union-facilitated dialogue. While no high-level meetings between representatives of Belgrade and Pristina were convened during the period, the European Union continued to facilitate discussions at the technical level on the implementation of various provisions of the First Agreement of Principles Governing the Normalization of Relations of 19 April 2013. 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 has been formed in Pristina.



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

5. In Pristina, more than two thirds of the members of the Assembly of Kosovo, including a majority of representatives from the Kosovo Serb and other non-majority communities, voted, in an extraordinary session held on 7 May, to dissolve the Assembly, thus triggering an early election 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 5 Kosovo Serb entities, participated in the elections, with 42.63 per cent of eligible voters (766,834 persons) casting ballots, compared with 45.29 per cent in the 2010 general election. Strong encouragement from Belgrade contributed to a voter turnout in the Serb majority municipalities of northern Kosovo comparable to the turnout in those municipalities during the Serbian general election of 16 March. Specifically, 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 of that postponement, some concerns remained, in particular with respect to the accuracy of the list of voters, although an initial review did result in the removal of the names of some 20,000 deceased persons. Nonetheless, the number of eligible voters remains slightly higher than the overall population of Kosovo.

7. As in past elections, 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. OSCE also supported voting by mail for eligible voters residing in Serbia and Montenegro. About 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, 96 members of a European Union election observation mission were deployed throughout Kosovo. The observers assessed the elections to have been transparent and well organized, while noting that the short time frame had had some adverse effects, including on the quality of the complaints and appeals processes and on 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 obtained 30.4 per cent of the vote (earning 37 seats); next came the Democratic League of Kosovo, with 25.2 per cent (30 seats), Vetëvendosje, with 13.6 per cent (16 seats), the Alliance for the Future of Kosovo, with 9.6 per cent (11 seats) and the newly created Initiative for Kosovo, with 5.15 per cent (6 seats). The political entities representing non-majority communities did not secure any

additional seats beyond the 20 guaranteed by the Constitution. Of the 10 seats guaranteed for the Kosovo Serb community, nine were won by the Civic Serb Initiative and one by the Progressive Democratic Party. Of the 10 seats guaranteed for other minority community parties, two were won by the Turkish Democratic Party of Kosovo, for the Kosovo Turkish community; two were won by Coalition Vakaf and one by the New Democratic Party, for the Kosovo Bosniak community; and the Democratic Party of the Ashkali of Kosovo, the Liberal Egyptian Party, the Ashkali Party for Integration, the Coalition for Gora and the Kosovo New Romani Party won one seat each.

10. On 10 June, the Democratic League of Kosovo, the Alliance for the Future of Kosovo and the Initiative for Kosovo signed a coalition declaration in which the leader of the Alliance, Ramush Haradinaj, was proposed as the joint candidate for Prime Minister. The leader of the Democratic Party of Kosovo 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 the President of Kosovo, Atifete 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 that 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 could appoint, after consultations, a candidate from the same party or pre-election coalition or from another party or coalition.

11. On 2 May, the Kosovo authorities and the European Commission finalized the draft text of a stabilization 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 liberalization regime.

12. On 23 April, the Assembly of Kosovo adopted a law on the ratification of the international agreement between Kosovo and the European Union on EULEX, extending that mission's mandate until 14 June 2016, and on the establishment of a specialist court to try cases arising from the findings of the European Union Special Investigative Task Force. The Assembly also passed a law on amending and supplementing the laws related to the mandate of EULEX. The adoption of the 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 a 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 and focusing on strategic leadership-level capacity-building and on the implementation of the European Union-led dialogue on 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. Early in June, the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, paid an official visit to the UNMIK mission area to assess progress made and challenges facing the international entities and authorities present 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 the Ministry of Local Government Administration of Kosovo engaged in protracted discussions over the content of the new municipal statutes. On 15 May, the four municipalities held sessions during 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 the ongoing discussions, held in the framework of the European Union-facilitated dialogue, on the formation of the association or 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 roadblock at the north end of the bridge was removed; several hours later, however, in the presence of the mayors of the four northern municipalities and the Director of the Office for Kosovo and Metohija of the Government of Serbia, the roadblock was replaced with concrete planters 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 injuries to 13 police officers and 12 civilians and damage to Kosovo police, EULEX and UNMIK vehicles. Timely and effective responses by the Kosovo police, EULEX and KFOR helped prevent the further escalation of tensions. 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 an 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 Ibër/Ibar river. In the light of the increasing tensions, the High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton, convened a meeting with Belgrade and Pristina representatives in Brussels on 11 July. Both sides agreed to establish a working group, which would meet on 22 July, to resolve the matter. 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 at the end of the reporting period, no arrests had yet been made in connection with the incident.

19. During the campaign period and the election, no significant security incidents occurred. 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, some 500 people protested in the main square in Pristina against the conviction of several ethnic Albanians in the former Yugoslav Republic of Macedonia. Protesters marched towards the Embassy of the former Yugoslav Republic of Macedonia and burned a Macedonian 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 the town of Ferizaj/Uroševac in support of the ongoing demonstrations in the former Yugoslav Republic of Macedonia; the protests resulted 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, the Chief Prosecutor of the European Union Special Investigative Task Force, Clint Williamson, issued a statement summarizing the Task Force's findings to date concerning its investigation into allegations made in the 2010 report by Council of Europe Rapporteur Dick Marty. The entire statement appears in annex II to the present report. The Chief Prosecutor said that the investigation was "extremely challenging" because of the numbers of people and documents that required attention, the lack of physical evidence and witnesses and the fact that the events had happened some 15 years before. Additionally, a "climate of intimidation" against current and potential witnesses had made the work of the Task Force difficult. Yet, as a result of the 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 that targeted minorities and included the commission of unlawful killings, abductions, enforced disappearances, illegal detentions, sexual violence, forced displacements and the 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 those crimes had been committed in an organized fashion and had been sanctioned at the "top levels" of the leadership of the Kosovo Liberation Army, and that 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". The Chief Prosecutor explained that the evidence secured to date was not, however, sufficient to include charges for such offences in an

indictment. Nonetheless, he also said 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 a specialist court had been 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 Government and Assembly of Kosovo and the European Union to move quickly so that such a court would be in place early in 2015.

23. During the reporting period, UNMIK continued to monitor activities and exercise some responsibilities in the area of the 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 recognize Kosovo. UNMIK also continued to provide document certification services to Kosovo residents and at the request of non-recognizing 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 EULEX, 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 contains clarifications in respect of the number and role of EULEX judges who may hear ongoing 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”, composed of 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 University of Pristina 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. The man was detained on remand on suspicion of committing a number of serious criminal offences, including attacking EULEX personnel and property and endangering United Nations and associated personnel.

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

announced that the Serbian War Crimes Prosecutor had issued a court order for investigations and exhumations to be carried out at two other locations in Rudnica. Excavations at one of the sites were completed without human remains having been discovered.

29. The Assistant Secretary-General for Peacekeeping Operations visited the site during his official visit to the mission area early in June. The members of the United Nations Working Group on Enforced or Involuntary Disappearances also visited Rudnica, following a visit to Kosovo from 24 to 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 tour of the region that included stops in Croatia, Serbia and Montenegro. The Working Group members underscored the urgent need for a renewed commitment at the highest political level and the development of a new national and regional strategy to address the question of enforced disappearances and missing persons in the Western Balkans.

## **VI. Returns and communities**

30. Between April and June, the Office of the United Nations High Commissioner for Refugees registered the voluntary return to Kosovo of 49 displaced persons, 23 of whom were Kosovo Serbs, 15 Kosovo Roma, Kosovo Ashkali and Kosovo Egyptians, 9 Kosovo Bosniaks and 2 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 18 municipalities throughout Kosovo, including in the north, to support community-based initiatives by civil society and other local actors in areas such as youth, sports and education. In particular, projects were aimed at promoting better access by non-majority communities to formal education and at building professional capacities. UNMIK provided equipment and other assistance to an ethnically mixed community youth centre in North Mitrovica. The confidence-building programme was also aimed at promoting projects in multilingualism and access to services and economic opportunities.

32. In May, the Office of Community Affairs in the Office of the Prime Minister of Kosovo 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 in the nomination of new Kosovo representatives owing 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 Office of the European Union and OSCE to discuss the protection of religious and cultural heritage in Kosovo.

34. During the reporting period, 15 incidents targeting religious and cultural heritage sites were recorded. Of those sites, 12 Serbian were Orthodox, one was Islamic and two were Roman Catholic. The incidents included an offensive graffiti painted on a gate of the Visoki Dečani monastery in Deçan/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. On 12 June, the Special Rapporteur on the human Rights of internally displaced persons, Chaloka Beyani, submitted a report on his follow-up mission to Serbia, including Kosovo, which he undertook from 9 to 12 October 2013, to the Human Rights Council at its twenty-sixth session, held in Geneva ([A/HRC/26/33/Add.2](#)). While commending the notable efforts made 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 those persons. The Special Rapporteur also stressed the urgent need for property issues to be resolved.

36. A week devoted to tolerance and reconciliation in Kosovo (23-30 May) started with a three-day annual interfaith conference, the second of its kind. 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 for Foreign Affairs, provided a constructive platform for promoting enhanced dialogue and reconciliation.

37. The President of Kosovo participated in the Global Summit to End Sexual Violence in Conflict, which was held in London from 10 to 13 June. Addressing the Summit, the President 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, in which survivors of sexual violence were included as a separate category of victims of war and were provided with access to reparations. In the first such verdict in Kosovo since 2002, on 24 June the Court of Appeals overturned a judgement of acquittal by the Basic Court of Mitrovica, finding two defendants guilty of war crimes for a rape committed in April 1999. They were sentenced to prison for terms of 12 and 10 years.

38. On 23 June, OSCE published the outcomes of a comprehensive assessment of the implementation, at the municipal level in Kosovo, of the law on the use of languages, which had been adopted in 2007. According to the assessment, the law



remains only partially implemented and implementation is hindered by inadequate resources and misinterpretations 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 a publication entitled “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 institutions, political entities and population of Kosovo for the peaceful and orderly conduct, on 8 June, of elections for the Assembly of Kosovo and for the participation of 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 the reform of the electoral system and the political dialogue with Belgrade.

40. I welcome the formation, on 29 April, of the new government of Serbia, headed by Prime Minister Aleksandar Vučić. I note with appreciation the early reaffirmation by the new government of its commitment to the continuation of the European Union-facilitated high-level dialogue with Pristina and full implementation of the agreements reached in 2013.

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 the path to reconciliation between communities is long and arduous. It also highlights the need for all sides to translate on the ground the progress reached by leaders in Brussels.

42. Taking note that no high-level meetings 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 other outstanding issues through continued high-level engagement by Belgrade and Pristina in the European Union-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 towards the establishment of an association/community of Serb majority municipalities in Kosovo in the future, as envisaged in 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. 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 for combating impunity and ensuring accountability, all of which are 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 that a specialist court is in place by early 2015.

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 missing persons to come forward and help close this painful chapter.

46. The strong commitments by Belgrade and Pristina to make progress along the path to European integration, coupled with continued active engagement by the European Union, have proved to be critical driving forces towards the critical objective of normalizing relations between Belgrade and Pristina. In this respect, I welcome the extensive efforts made by Kosovo and the European Commission, which have resulted in the finalization of the text of a stabilization 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 the 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 covering the period from 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 activities in the area of the 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 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 relating to high-risk and high-profile prisoners and to a number of important events, including the general elections of 8 June and the Vidovdan celebrations. EULEX also continued to facilitate the implementation of the agreements reached within the European Union-facilitated dialogue on the normalization 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, is cause for growing concern. An indication of this is the incident that took place at the end of April, when a EULEX convoy on its way to the crossing point came under gunfire. The elimination of a long-standing roadblock at the main bridge in Mitrovica and the subsequent works on the so-called “peace park” that replaced the roadblock led to violent protests at the end of June.

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

#### **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 the Mitrovica Basic Court started the trial against the “Drenica Group”. The case relates to the alleged torture and mistreatment of hostages at the Kosovo Liberation Army headquarters in Likovc/Likovac (Skënderaj/Srbica municipality) in 1998 and 1999.

On 29 May, a panel of EULEX judges at Mitrovica Basic Court 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 and 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 for rape as a war crime since 2002 was handed down 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 of imprisonment respectively for war crimes against the civilian population committed in April 1999.

### **Organized crime and corruption**

On 21 May, a EULEX prosecutor from the Kosovo Special Prosecution Office filed an indictment at Pristina Basic Court against two suspects for allegedly having accepted an offer of €200,000 from a syndicate of five individuals in return for ensuring that the Privatization Agency of Kosovo had selected their bid in a land privatization process in 2009.

On 22 May, a EULEX judge at Prizren Basic Court sentenced a defendant to four and a half years of 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 organized crime group.

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

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

On 20 June, a EULEX prosecutor and a local prosecutor from the Ferizaj/Uroševac Basic Prosecution Office filed an indictment against three defendants suspected of involvement in organized 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 the Kosovo Special Prosecution Office filed an indictment at Pristina Basic Court against an alleged narcotics kingpin suspected of numerous offences, including involvement in organized crime, aggravated murder and trafficking in narcotics.

### **Other cases**

On 23 April, a EULEX prosecutor from the Kosovo Special Prosecution Office 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 television show on a public broadcasting network in Kosovo.

On 24 April, a EULEX prosecutor from the Kosovo Special Prosecution Office filed an indictment at Pristina Basic Court against a defendant in the high-profile case related to the murder of Kosovo police officer Triumf Riza in 2007. Three other individuals had already been convicted for that murder.

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

On 2 June, a panel of EULEX judges at Mitrovica Basic Court sentenced one defendant to three years and another defendant to two and a half years of 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 Basic Prosecution Office filed an indictment against a defendant for allegedly having thrown stones at a convoy transporting a Serbian delegation on an official visit to Kosovo in April 2012.

### **Special Investigative Task Force**

The investigation of the Special Investigative Task Force into the allegations made 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. The claims of abduction, detention, mistreatment and killings, as well as of organ harvesting and trafficking in Kosovo, contained in the report are being investigated by the Task Force.

The Task Force 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 under way and cooperation with judicial and law enforcement authorities in the region and beyond remains productive. During the reporting period, Chief Prosecutor Clint Williamson and members of his office travelled to Europe and North America to hold talks with governmental agencies on important issues related to the Task Force’s work.

Mr. Williamson continued his engagement with European Union institutions and member States throughout the reporting period in order to ensure ongoing support for the Task Force’s investigation. The Task Force also continued to contribute to efforts led by the European Union for the establishment of a viable, independent and impartial judicial mechanism to receive any indictment arising from the Task Force’s investigation. Lastly, Mr. Williamson made public the Task Force’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 visited the site in June. On 4 July, the excavation was suspended following the completion of exhumations at two of the three sites. To date, 45 sets of human remains and 88 body parts have been recovered.

### **Property rights**

In the area of civil justice, commissioners of the Kosovo Property Claims Commission continued their work. During the reporting period, 874 cases (mainly involving inter-ethnic property claims) were adjudicated. Of the 42,701 claims lodged with the Kosovo Property Agency, in only 624 is a decision still pending.

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

During the reporting period, the Special Chamber of the Supreme Court rendered 119 decisions in trial panel cases. The Special Chamber also closed 481 cases on workers' lists and finalized 62 cases at the appellate panel level.

### **Strengthening the rule of law**

Following EULEX advice, during May both the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (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 European Union standards in the areas of organizational 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 of the use of official languages in judicial proceedings and court administration and presented its findings to KJC and KPC. EULEX recommended that there be an increase in oral and written translation resources in the court system and that the signage in court buildings be aligned with the language requirements in the law on the use of languages. EULEX has started cooperating with KJC and KPC on translating the recommendations into actions.

EULEX held extensive discussions with the Ministry of Justice and the Kosovo Correctional Service (KCS) on the urgent need to appoint an experienced individual to the post of director of the high-security prison in Podujevë/Podujevo in order to accelerate the opening of that prison. Acting upon the advice of EULEX, KCS redeployed the director of the Dubrava correctional centre as acting director of the high-security prison, which was opened on 31 May and which is expected to gradually improve overcrowding in other prisons and to alleviate problems in relation to high-risk and high-profile prisoners.

The hospitalization of high-profile prisoners continues to be a concern as throughout the reporting period there were a record number of prisoners hospitalized at the University of Pristina clinical centre. An 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 as long as the trial was in session, on the grounds that not doing so could result in delays (for transport and security reasons). The remainder of the time, the defendants were to be detained at the Dubrava correctional centre, 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 University of Pristina clinical centre. The escape, which was allegedly facilitated by KCS, is the subject of a criminal investigation. A small protest accompanied the escape. Protesters barricaded the rooms the escapees had previously occupied and prevented the Kosovo police from establishing the exact whereabouts of the three individuals.

EULEX worked with the Kosovo police 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 the Dubrava correctional centre, superseding the 19 May court order to place them in the Mitrovica detention centre. On 22 May, the three handed themselves over to the police at the University of Pristina clinical centre. They were immediately transferred to the Dubrava correctional centre, in accordance with the terms of the arrest warrant. The actions of the Kosovo police in this context were assessed as adequate.

The KCS Internal Investigation Commission tasked with looking into the incident at the University of Pristina clinical centre presented a report that 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.

EULEX provided support to the Kosovo police at both the strategic and operational levels 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 community and the general elections. EULEX monitored the police's plans for the elections and considered them to be adequate and police resources to be sufficient. During the operation, no major incidents were reported. Monitoring, mentoring and advising teams also provided key support to the police in preparation of the Vidovdan celebrations on 28 June. EULEX assessed that the police demonstrated a community-focused policing style aimed at creating a safe environment during the celebration. The police were well prepared and, according to the EULEX assessment, its reactions were prompt, professional and proportionate.

In June, EULEX also provided advice to the integrated border management 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 the requirements of the European Union visa liberalization road map.

Finally, EULEX monitored the asylum registration procedures for irregular migrants claiming to be of Syrian origin and detained by the police in northern Kosovo. In addition, EULEX provided advice to the Kosovo police and the Kosovo border police on improving the flow of information between them in order to increase the chances of proper identification and due treatment of asylum seekers, including in cases of readmission to third countries.

### **The north**

In northern Kosovo, EULEX continued its monitoring, mentoring and advising activities while exercising its executive functions in a number of judicial proceedings. On 22 April, EULEX and the Kosovo police's Regional Command North cooperated in ensuring the service of 20 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 police officer Enver Zymberi during an attack on a police 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 custody was arrested by the police on 15 May on charges of committing a number of serious criminal offences, including endangering United Nations 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 the crossing point of Bërnjak/Tabalije. The unit was at the forefront of the convoy for the rotation of EULEX staff working at the crossing point. The incident, which resulted in damage to EULEX vehicles and could easily have 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 High Representative of the European Union for Foreign Affairs and Security Policy and the Special Representative of the United Nations Secretary-General in Kosovo. Locally, the Mayor of Zubin Potok characterized the incident as a terrorist attack.

Following EULEX security assessments, there was no physical monitoring, mentoring and advising presence in Zubin Potok. However, monitoring, mentoring and advising activities continue to be carried out by telephone and through regular meetings outside the municipality.

On 2 May, 43 members (36 Kosovo Serbs and 7 Kosovo Albanians) of the Kosovo police's quick-response team in the north concluded a three-week training course at the Kosovo Police Academy and became fully operational on 9 May. Already during the first weeks of duty, the team contributed significantly to an increase in the operational effectiveness of the Kosovo police in the north. EULEX monitored all stages of the training course as well as the first five operations that were undertaken by the team.

Furthermore, EULEX supported Kosovo police in the north by facilitating communication on mounting an operation that targeted organized car theft gangs operating in Kosovo and Serbia. The operation resulted in five arrests and the seizure of assets.

On the evening of 17 June and in the early morning of 18 June, parties unknown removed the rubble and soil barricade at the main bridge in Mitrovica that 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 placed 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 the Kosovo police, which responded by using tear gas. EULEX also fired tear gas and rubber bullets. The demonstration resulted in 13 police officers



sustaining slight injuries while 12 civilians were injured but were released after receiving medical treatment. In addition, several vehicles (of the police, EULEX and the United Nations) were set on fire or vandalized. Ten Kosovo Albanian protesters were arrested during the incident and were later detained on the Prosecutor's order.

### **Dialogue implementation**

Within the framework of the European Union-facilitated dialogue between Pristina and Belgrade, the double taxation for travellers with goods transiting Serbia on their way to Kosovo ceased on 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, 30 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 through the Kosovo crossing points of Rudnica/Jainjë and Bërnjak/Tabalije resumed on 21 May. Since then, 109 companies have registered at the two crossing points.

### **Other key issues**

The Joint Rule of Law Coordination Board, co-chaired by the Deputy Prime Minister/Minister of Justice, the European Union Special Representative and Head of the European Union Office in Kosovo and the EULEX Head of Mission met on 28 May. The Board confirmed its continuing commitment to the joint compact signed on 12 November 2012. The meeting served as a reminder of the need to continue efforts to ensure the full implementation of the agreed workplans. The Board continued discussions on Kosovo's particular challenges concerning political interference in the rule of law.

On 11 June, the Board co-chairs jointly presented the "Compact progress report 2014" to the public. The report takes stock of recent developments, including the challenges remaining in the area of the rule of law.

## **3. EULEX mandate**

On the basis of a strategic review of EULEX 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 Security Council resolution [1244 \(1999\)](#).

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 a letter of invitation from the President of Kosovo to the High Representative of the European Union for Foreign Affairs and Security Policy. Its ratification ensures the continuing legality of EULEX activities under domestic legislation until June 2016. Assembly members also said they were committed to the relocation of judicial proceedings for the follow-up to the investigations of the Special Investigative Task Force.

## **Annex II**

### **Statement dated 29 July 2014 of the Chief Prosecutor of the Special Investigative Task Force**

#### **Background**

In September 2011, the Special Investigative Task Force was set up by the European Union to conduct a full-scale criminal investigation into the allegations contained in the report of Council of Europe Rapporteur Dick Marty. I was appointed, as Chief Prosecutor, to lead the Task Force, and took up my post the following month, in October 2011.

Over the past two and a half years, the Task Force has conducted an intense, detailed investigation into the allegations in the Marty report. This investigation has involved interviewing hundreds of witnesses in countries throughout Europe and elsewhere. It has involved the review of thousands of pages of documents compiled by numerous organizations and individuals engaged in Kosovo during and after the period of our investigative focus.

This has been an extremely challenging exercise for the Task Force. We have been looking at events that occurred some 15 years ago and for which little or no physical evidence exists. Many witnesses who we believe had information that would have been relevant to the investigation have since died or become so infirm that they are not in a position to provide testimony. Likewise, a number of other potential witnesses identified by the Task Force have not been interviewed because their current whereabouts could not be ascertained. Finally, we have faced challenges owing to a climate of intimidation that seeks to undermine any investigation of individuals associated with the former Kosovo Liberation Army (KLA).

#### **General findings**

Despite these difficulties, I am convinced that the Task Force has conducted the most comprehensive investigation ever done of crimes perpetrated in the period after the war ended in Kosovo in June 1999. As a result of this investigation, we believe that the Task Force will be in a position to file an indictment against certain senior officials of the former KLA. These individuals bear responsibility for a campaign of persecution that was directed at the ethnic Serb, Roma and other minority populations of Kosovo and towards fellow Kosovo Albanians who they labelled either as collaborators with the Serbs or, more commonly, as having simply been political opponents of the KLA leadership.

Information compiled by the Task Force indicates that certain KLA elements intentionally targeted the minority populations with acts of persecution that included unlawful killings, abductions, enforced disappearances, illegal detentions in camps in Kosovo and Albania, sexual violence, other forms of inhumane treatment, the forced displacement of individuals from their homes and communities, and the desecration and destruction of churches and other religious sites. This effectively resulted in the ethnic cleansing of large portions of the Serb and Roma populations from those areas in Kosovo south of the Ibar river, with the exception of a few

scattered minority enclaves. Additionally, we have found that certain KLA elements engaged in a sustained campaign of violence and intimidation in 1998 and 1999 directed at Kosovo Albanian political opponents, which also included acts of extrajudicial killings, illegal detentions and inhumane treatment.

We believe that the evidence is compelling that these crimes were not the acts of rogue individuals acting on their own accord, but rather that they were conducted in an organized fashion and were sanctioned by certain individuals in the top levels of the KLA leadership. The widespread or systematic nature of these crimes in the period after the war ended in June 1999 justifies a prosecution for crimes against humanity. Accordingly, we anticipate that such charges can be filed in this matter against several senior officials of the former KLA, and that an indictment would also likely include charges for war crimes and certain violations of domestic Kosovo law, including murder.

Some other domestic offences — including torture — cannot be prosecuted because those crimes have prescribed owing to the expiration of the 15-year statute of limitations. With no court in place at this time, and thus with an inability to file an indictment, we were not in a position to interrupt the running of the prescriptive period. That said, I do not believe that this will have a detrimental effect on this case, particularly since many of these criminal acts can probably be charged in the context of international humanitarian law violations, for which there is no statute of limitations.

In regard to the crimes I described above, obviously our focus — as an investigative and prosecutorial body — was to seek and compile evidence of criminal wrongdoing. While it was not our primary responsibility, we have nevertheless also felt a strong obligation to do everything we could to learn about the fate of those people who disappeared in 1998 and 1999 and whose whereabouts are still unknown. Unfortunately, at this point, we have found little additional information that would lead us to the locations of bodies or that would otherwise shed light on the whereabouts of those who disappeared. The pursuit of this information will, needless to say, remain a very high priority for the Task Force, not only for investigative purposes but also because of the compelling humanitarian interest in providing long overdue answers to the families, of all ethnicities, whose loved ones disappeared during this period.

All in all, our investigative findings should come as no surprise to anyone, as they are consistent with what was reported as far back as 1999 by the Organization for Security and Cooperation in Europe in its report *Human Rights in Kosovo: As seen as Told* (Vol. II) and by Human Rights Watch in its report *Abuses against Serbs and Roma in the new Kosovo*. This is the first time, however, that the allegations in those reports, and now those in the Martyr report as well, have been subjected to prosecutorial review in the context of a Kosovo-wide criminal investigation. While any case brought by the Task Force would obviously not replicate those reports in full, the underlying theme presented in those reports of a campaign of persecution led by certain senior individuals in the KLA leadership is consistent with our investigative findings at this point.

## **Organ harvesting and trafficking**

While the Marty report addressed a broad set of allegations, discussing the disappearances, detentions and killings of members of ethnic minorities and of Kosovo Albanian political opponents, the part of the report that garnered the most attention — because of its sensational nature — related to the allegations of murders for the purpose of harvesting and trafficking human organs. As I said, our findings were largely consistent with those in the Marty report, and that also applies to the allegations on this issue. In order to prosecute such offences, however, a level of evidence is required that we have not yet secured. Like Dick Marty did during the course of his investigation, we have encountered significant challenges in obtaining such evidence. This is not to say that this evidence will not emerge, and we certainly continue to vigorously pursue it. So, by no means, have we dismissed the validity of these allegations. While I do not yet feel that there is a strong enough evidentiary basis to conclude that indictments can be brought as to this aspect of the case, I do feel a particular obligation to address this issue, specifically in the light of the attention that has been focused on it.

I can say, at this point, that there are compelling indications 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. This conclusion is consistent with what was stated in the Marty report, namely that a “handful” of individuals were subjected to this crime. The use of the word “handful” by Senator Marty was intentional and it was meant literally. There is no indication at this point that this practice was more widespread than that and certainly no indication that a significant portion of the ethnic minorities who went missing or were killed were victims of this practice. Statements that have been made by some implying that hundreds of people were killed for the purpose of organ trafficking are totally unsupported by the information we have and that Dick Marty had. If even one person was subjected to such a horrific practice, and we believe a small number of people were, that is a terrible tragedy and the fact that it occurred on a limited scale does not diminish the savagery of the crime. But, it likewise serves no purpose to exaggerate the numbers and to create undue pain and anxiety for the families who do not know the fate of their loved ones, leading them to imagine this added dimension of horror.

## **Judicial process**

In regard to those crimes for which the Task Force has prosecutable evidence, the filing of an indictment will not occur until the specialist court designated to hear these cases is established — hopefully early next year. Between now and then, additional evidence may be brought to the fore and that would obviously affect the form of the indictment that is filed. So, this is an unusual — in fact, an unprecedented — situation in international justice, where a special prosecutor’s office has been set up with full investigative authorities and with a mandate to issue indictments, but where no viable court exists in which those indictments can be filed. The statement of findings that I am making today will only serve as a placeholder until a more authoritative indictment can be issued.

In terms of the process, there was recognition from the outset of the European Union taking on this matter that certain extraordinary measures were necessary to

conduct and ensure the integrity of an investigation of this nature. This led to the establishment of the Task Force as an autonomous investigative unit, situated outside Kosovo, in Brussels. The same considerations that were factored into the establishment of the Task Force as a stand-alone investigative and prosecutorial office have also been factored into the creation of a tribunal with certain safeguards that would provide the only means for a fair and secure trial in this matter.

In regard to the court that is envisaged, I want to address a specific concern that has come from some in Kosovo that this will be a special court just for KLA and that it will ignore crimes committed by others. The reality is that the International Tribunal for the Former Yugoslavia had the jurisdiction to address crimes occurring during the period of armed conflict, in other words, until the war ended in mid-June 1999. Pursuant to its jurisdictional mandate, the Tribunal brought a number of prosecutions against senior Serbian officials for crimes against humanity and war crimes during this period, for acts directed at Kosovo Albanian victims. The Tribunal, however, was prevented from prosecuting crimes in the post-war period — the period which has been the primary focus of our investigation — because its jurisdiction did not allow for prosecutions outside armed conflict. In 2000, Tribunal Prosecutor Carla del Ponte actually requested revisions to the statute to allow the Tribunal to investigate and prosecute crimes during this period, but her request was not acted upon. As a result, crimes committed in Kosovo in the pre-war period and during the war itself have largely been dealt with by the Tribunal. The majority of these involved Serb perpetrators. What our investigation has done and what this court will do, is to fill the void left by the Tribunal's jurisdictional limitations. The reality is that the primary perpetrators during the post-war period were certain individuals affiliated with KLA, but this is not singling them out for harsher treatment than others; it is only subjecting them to the same sort of international justice processes that have already been followed in relation to Serb perpetrators.

A number of steps have been taken to establish this specialist court and, while I am disappointed that this is not in place already, I understand that this has been a complex process and has involved navigating through uncharted territory. Moving through the bureaucracy of the various European Union institutions, reaching consensus among the 28 member States, securing a commitment from a host State and addressing its concerns and, lastly, completing the legal and procedural steps in Kosovo necessary to create this court, has been an incredibly complicated, time-consuming process. While most of these steps have been completed, and the Kosovo Government and Assembly have formally committed to establishing a court with the necessary safeguards, the statute of the court and certain changes in Kosovo law must be enacted before the court can commence its work. These procedural steps can only take place when a new Assembly is constituted in Kosovo pursuant to the recent elections. It is only at the point that the court is set up and judges are in place that the Task Force can file an indictment in this matter. Until this occurs, the specifics of the Task Force's findings and the supporting evidence will remain under seal and further details on the investigation will not be made public. In the meantime, the Task Force will continue its investigative work to buttress its findings and to further strengthen the case. I strongly urge the Kosovo Government and Assembly and the European Union to move quickly to finalize this process and to have a court in place early next year.

## **Witness intimidation**

As I indicated above, the Task Force has faced significant challenges in the conduct of this investigation, and we recognize that these challenges will continue to be a factor as work progresses. While I feel strongly that evidence will be sufficient to bring an indictment when the procedural vehicles are in place to allow for filing, I must acknowledge that, as with any criminal investigation, things can change and that it is impossible to offer absolute guarantees of specific results. In this regard, the issue that concerns me the most is one that I noted at the outset of my remarks and that is the climate of witness intimidation. As this investigation has progressed, there have been active efforts to undermine it by interfering with witnesses; these efforts are still ongoing. We have taken steps to counter the impact of witness intimidation and we will continue to do so. We will actively investigate these activities and will prosecute any individual found to have been involved. There is probably no greater threat to the rule of law in Kosovo and to its progress towards a European future than this pervasive practice. As long as a few powerful people continue to thwart investigations into their own criminality, the people of Kosovo as a whole pay the price, as this leaves a dark cloud over the country. Those who engage in violence or the threat of violence against witnesses or those in political positions or the media who attack witnesses for daring to speak out are not the ones defending Kosovo. They are the people betraying Kosovo's future.

## **Chief Prosecutor**

I would hereby like to take this opportunity to announce that my service as Chief Prosecutor of the Task Force will conclude on 23 August. When I was asked to take this position in mid-2011, I agreed to serve for a maximum term of three years and to see this process through the primary investigative phase. As both of those benchmarks are now approaching, I think this is the appropriate time for me to depart so as to facilitate the continuity of my successor through the pretrial and trial phases of this case.

As I prepare to finish my work with the Task Force I want to acknowledge the tremendous work of the men and women who have been my colleagues and to express my appreciation to them. This group of incredible professionals — prosecutors, investigators, legal officers, analysts and other specialists from 18 European Union countries, Canada and the United States — has worked against daunting odds to conduct this investigation. It is their commitment, their professionalism and their diligence which have brought us to this point and I am confident that they will continue to pursue this investigation until an indictment can be filed.

I would also be remiss if I did not acknowledge the contributions of other partners. Senior officials in the Government of Kosovo deserve significant credit for taking actions that facilitated this investigation — something which was obviously not easy for them to do. From the outset, President Jahjaga has been very supportive, recognizing that a resolution of these issues and a strong commitment to the rule of law were in the interest of Kosovo. Likewise, the Governments in neighbouring States, such as Montenegro and Albania, were extremely helpful and responsive to our requests for full cooperation. The Government of Serbia, led by Prime Minister Vučić and, previously, by Prime Minister Dačić, has done everything

it could to assist us in this process, but has also gone to great lengths to avoid interfering in the independence of our process. Our primary operational interlocutor in the Serbian Government has been Chief War Crimes Prosecutor, Vladimir Vukčević. Both he and his office have been incredibly helpful, while also fully respecting our independence.

We have worked equally well with organizations of victims, survivors and missing persons, and their willingness to assist us after the passage of so much time has been a significant asset to our work. Also, a number of other national Governments, various components of international organizations and non-governmental organizations have all provided information and have made relevant people available for witness interviews. While we have benefitted from the information already obtained and from access to potential witnesses, there will be an ongoing need for this cooperation as the investigative and prosecutorial process continues. I want to encourage them, and any other organizations or individuals with relevant information, to find the means to share it with the Task Force. Additionally, a number of States have offered assistance in regard to witness protection matters. We are grateful for the commitments that have already been made, but here too there will be a continuing need as the investigation and trial progress.

Finally, the member States of the European Union, the European External Action Service and the United States Government have provided invaluable support and have ensured that this process has successfully gone forward. As an American diplomat and prosecutor who has led this European Union initiative for the past three years, I can say unequivocally that it represents an outstanding example of what can be achieved through United States-European Union operational cooperation.

## **Conclusion**

In closing, I want to make an important point. Some, in order to protect themselves, have tried to portray this investigation as an attack on Kosovo's fight for freedom or on KLA as an organization. Many Kosovars joined KLA with the best of intentions and they rejected the rampant criminality that transpired after the war. Some of them have shown great courage and integrity by coming forward as witnesses and telling what they know about those who took a different path — those in leadership positions who embraced criminality and wanted to use KLA to further their own personal objectives. So, it should be clear that this investigation and any charges that result from it, are directed at the criminal actions of individuals within distinct groups, not at KLA as a whole.

Nor, is this an attempt to re-write history, as some have tried to present it. I was in Kosovo in 1998 and 1999 and I supervised the subsequent investigation by the international Tribunal for the Former Yugoslavia of Serb-perpetrated crimes during that period, co-authoring the initial indictment against Slobodan Milošević and others for the crimes directed against Kosovo Albanian victims. I had a leading role in the exhumation of mass graves that occurred in the summer of 1999, when the bodies of thousands of Kosovo Albanian victims were recovered. I went to numerous crime scenes throughout Kosovo and I spent many hours speaking with victims and with family members of those missing or killed. From my own very

direct involvement, I understand clearly what happened in Kosovo in the years leading up to the war in 1999 and during the war itself.

No matter the circumstances that led to that conflict, though, nothing justifies the intentional targeting of innocent individuals. What happened in the aftermath of the conflict was not about defending Kosovo or fighting for freedom. Rather, it was a brutal attack on significant portions of the civilian population. It was directed at almost all of the Serbs who wanted to stay in Kosovo, many of whom were elderly or infirm; at the Roma and other ethnic minorities; and at those Kosovo Albanians who opposed a small group within the KLA having a monopoly on power. In the end, this was solely about certain individuals in the KLA leadership using elements of that organization to perpetrate violence in order to obtain political power and personal wealth for themselves, not about a larger cause. And it is as individuals that they must bear responsibility for their crimes.



## Annex III

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

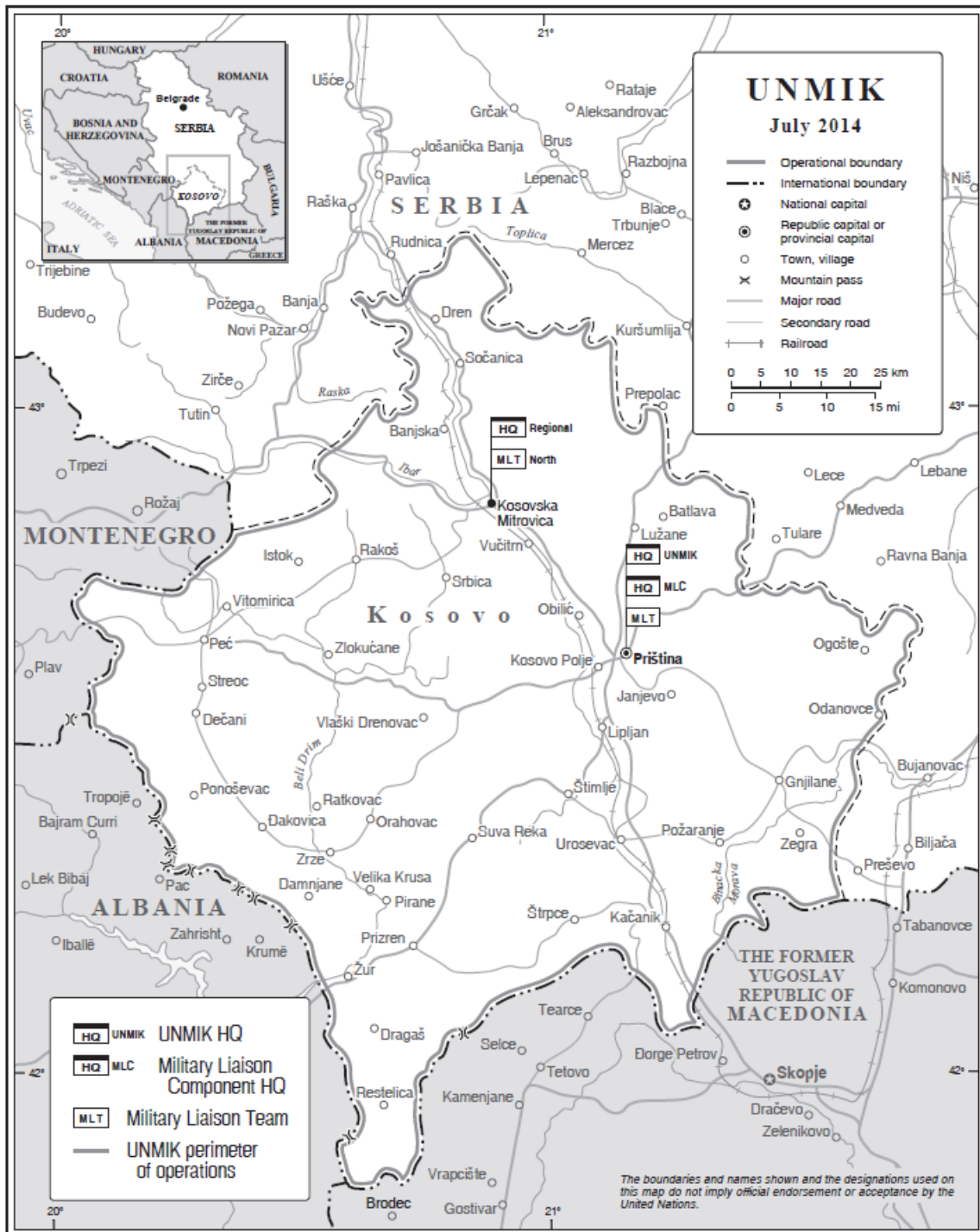
(as at 15 July 2014)

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

### 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
<b>Total</b>	<b>8</b>



Map No. 4133 Rev. 59 UNITED NATIONS  
July 2014

Department of Field Support  
Cartographic Section