



# COMPACT PROGRESS REPORT

JUNE 2014

JOINT RULE OF LAW COORDINATION BOARD

## Foreword

One and a half years after the signing of the Compact between Kosovo, the EUSR/EU Office and EULEX Kosovo, this Compact Progress Report marks an important moment: the end of the current mandate of EULEX Kosovo in June 2014 and the recent agreement, endorsed by the Kosovo Assembly, to extend the Mission's presence in Kosovo until June 2016. The recent conclusion of negotiations on the Stabilisation and Association Agreement is also a significant milestone for Kosovo.

With the decision on EULEX's mandate, Kosovo has underlined its continued full support for the Mission as well as its commitment to strengthen rule of law in Kosovo. In the weeks ahead, important steps will be taken in transitioning EULEX's mandate, for instance all rule of law institutions will be headed by Kosovo officials. While these developments will be important, nothing has changed in our joint Compact commitment: the setup of sustainable, accountable, independent and multi-ethnic rule of law institutions, free from political interference and adhering to international recognised standards and European best practices. These are the goals that we will strive to achieve jointly in the coming years.

The report serves as a baseline for the upcoming two years. During the last months a number of important objectives have been reached. Kosovo institutions are strengthened and more capable in addressing rule of law challenges. In particular, progress in the implementation of various agreements in the framework of the EU-facilitated dialogue has helped to foster institutions. To name a few: a new Kosovo Police Regional Command North has been created, reinforced by former MUP officers integrated into the Kosovo system. Revenue collection has started at the two Crossing Points in northern Kosovo and the parties have agreed on the location of permanent crossing points. A total of 12,391 certified copies of Civil Registry Books have been handed over to Kosovo authorities, which will contribute to the establishment of a reliable civil status system in Kosovo.

We also note that the job is far from being done. A number of our commitments are still to be met. In the Joint Rule of Law Coordination Board we have reviewed progress and agreed on a number of steps to be taken to fulfil our ambitions. We have endorsed roadmaps to improve the capacities of local institutions. These are lagging behind the agreed timeframes, mainly due to a lack of human and financial resources. We commit to addressing these shortfalls in the months to come.

It is time for Kosovo institutions to take on increased responsibility for difficult and sensitive rule of law issues, including addressing political interference in the rule of law. But they are not alone. The EUSR/EU Office and EULEX stand ready to support them throughout this process.

EU Special Representative in Kosovo/  
Head of the European Union in Kosovo,  
**Samuel Žbogar**

EULEX Kosovo,  
Head of Mission,  
**Bernd Borchardt**

Kosovo Deputy Prime Minister/  
Minister of Justice,  
**Hajredin Kuçi**



# Introduction and Background

## THE JOINT RULE OF LAW COORDINATION BOARD CONTINUED TO DRIVE THE COMPACT IMPLEMENTATION

The **Joint Rule of Law Coordination Board (JRCB)**, a body co-chaired by the Kosovo Deputy Prime Minister/Minister of Justice, the EU Special Representative/Head of the EU Office in Kosovo and the EULEX Head of Mission, is the main forum to discuss joint rule of law topics and to oversee the implementation of the Compact signed on 9 November 2012. The Compact supports Kosovo's EU integration processes, which include the Visa Liberalisation Dialogue, the Stabilisation and Association Process Dialogue and the Structured Dialogue on the Rule of Law.



In order to enable the JRCB to take regular stock of progress, an overview of activities and achievements is regularly compiled in form of a **Compact Tracking Mechanism (CTM)** which includes concrete indicators. Based on its findings, the JRCB has been able to identify delays or weaknesses in its implementation. Through the JRCB, Kosovo rule of law institutions have been encouraged to intensify their efforts to ensure bringing the relevant Compact Actions back on track.

The reporting period was marked by a partial slowdown in implementation of the Compact agreement, particularly relating to the agreed **roadmaps**, which remain an important factor to allow EULEX to disengage incrementally from certain areas.

In order to make a second KPA Appeals Panel and the Special Chamber of the Supreme Court (SCSC) on privatisation matters fully operational, both institutions need additional staff. The recruitment process, albeit delayed, is ongoing. Further work will be needed, in particular on agreed steps to enhance the functioning of the SCSC such as hiring of local judges and support staff. This, together with measures already enforced such as the adopted rules for case categorisation and allocation, will eventually contribute to increasing the SCSC clearance rate.

The Mitrovica Detention Centre Prisoner Escort Unit remains understaffed and underequipped. It is expected that delays in the delivery of the allocation of adequate resources (firearms and ammunition), specific training on support for prisoner escorts in north of Kosovo, is expected to be overcome in the near future. The KSC, after an agreement with the Kosovo Police, has expressed its readiness to take over the escort tasks in the north. It is expected that a Memorandum of Understanding on support for prisoner escorts in the north will be signed soon, thus allowing EULEX to phase out its residual executive tasks in this area in the foreseeable future.

Tensions between Serbian-Kosovars and Albanian-Kosovars are more prevalent in the North, in the region of Mitrovica, than in other parts of Kosovo. The KP is currently developing Standard Operating Procedures (SOP) and training activities for reporting on interethnic crimes.

While witness intimidation continues to be a challenge for Kosovo, progress in the area of witness protection is noticeable and the Kosovo Department of Witness Protection is on its way towards full operational capability. Necessary administrative instructions have been prepared and Memoranda of Understandings with relevant state authorities, as well as with some partner countries, have been signed. Further work is ongoing to create the necessary preconditions for the KP WPD to begin taking on cases.

In the sensitive area of war crimes, EULEX and Kosovo have started to work on the establishment of a local war crimes section in SPRK and in the Kosovo Police as well as on the conclusion of agreements with neighbouring countries and international institutions.

Plans for enhancing the performance of the Department of Forensic Medicine have been formulated and agreed upon, encompassing measures such as the hiring of a local forensic anthropologist, the auditing of unfinished forensic reports and the inclusion of the exhumation team in the DFM organisational chart. All foreseen measures hinge on the turning of the Department into an independent Agency, a decision which requires legal changes that the Kosovo Government has expressed readiness to take forward.

In general, the respective rule of law institutions have struggled to secure the necessary financial and human resources to achieve the set goals and meet the timelines agreed in the roadmaps. The JRCB has discussed this in its meetings and taken note of the Kosovo Government's renewed commitment to adequately resource relevant institutions.

The JRCB has also endorsed a **matrix of anti-corruption benchmarks** to track progress in the implementation of existing anti-corruption policies. It has established a joint working group to feed the matrix with concrete data

and update it on a regular basis. The JRCB will continue to review progress in this important area on a regular basis.

On the basis of discussions in the framework of the Structured Rule of Law Dialogue in January 2014, the JRCB started to discuss how to address the challenge of **political interference in the area of rule of law**. This includes tackling inappropriate statements regarding ongoing judicial proceedings, thus putting in question the independence of the judiciary, as well as legislative deficiencies, insufficient ring-fencing of rule of law institutions against potential interference and lack of human or other resources. The JRCB intends to shortly agree on a set of measures to address this issue. Initiatives such as these, paired with the Roadmaps and other rule of law priorities identified within the context of the EU approximation processes, including the Structured Dialogue on Rule of Law, the Visa Liberalisation and Progress Report assessments, will form the backbone of the JRCB's work in the coming two years.

★★★

Based on the findings of the Compact Tracking Mechanism, the following report gives account for the JRCB work for the second time, highlighting the achievements made through the coordinated efforts between Kosovo institutions and the EU family during the reporting period (September 2013 to April 2014). This report aims to contribute to the overall transparency and accountability of the Compact implementation process, providing the public with the main updates of what has been realised insofar, and what remains to be done.

The Compact stipulates 24 Actions, each of them outlining the activities and scope of cooperation between Kosovo and EULEX Kosovo. The next sections will offer a summary overview of the current state of play of the Compact.

This report does not intend to present a full review of the assistance that the EU provides to Kosovo. The EU uses a variety of tools to support Kosovo's journey to the EU, including increasingly, assistance to rule of law institutions via the Instrument for Pre-Accession (IPA) including through a variety of Twinning and TAIEX projects. The combination of such a breadth of EU assistance is designed to maximise Kosovo's prospects of satisfying requirements of the Structured Dialogue on the Rule of Law, the Visa Liberalisation Dialogue and the Stabilisation and Association Process Dialogue. The Compact aims to consolidate these requirements into a set of actionable tasks and Roadmaps that can be followed-up at the technical level by the JRCB.

This report, which focuses on the Compact's implementation, should be read in conjunction with other documents benchmarking the progress of Kosovo's rule of law institutions on their path towards becoming independent, multi-ethnic rule of law institutions that are free from political interference, respect human rights and adhere to internationally recognised standards and European best practices. Further details related to the implementation of the Compact Actions are provided through the Compact Tracking Mechanism, which is regularly updated and can be found on the EULEX website.

# 1. POLICE & CUSTOMS



## Objectives

- To develop a functional Kosovo Police Special Operation Unit (SOU), with a focus on accountability, ethnic minorities safety concerns and effective stakeholder cooperation;
- To ensure the completion of institution-building measures for the Police Inspectorate of Kosovo (PIK), as well as the KP's full compliance with PIK recommendations;
- To further implement the KP Information and Communication Technologies Systems Strategic Plan (ICTSSP);
- To enhance the KP's administrative pillar;
- To strengthen KP's capacities in community policing;
- To facilitate the ability of KP senior management to deal with inter-ethnic crime;
- To improve inter-institutional cooperation between the KP and the Public Prosecutor's Office (PPO);

- To set up a witness protection scheme (WPS) for Kosovo under a Directorate for Witness Protection (DWP);
- To foster partnership between the KP and the Financial Intelligence Unit (FIU) for effectively combatting financial crime;
- To enhance the border management capabilities of Kosovo Customs and Kosovo Border Police;

## Activities and Results

### Kosovo Police Special Operation Unit:

The centralisation process of the Kosovo Police Special Operation Unit (SOU) led to SOU forces located in Pristina and Mitrovica South. This process allowed meeting one of the Compact goals consisting in the full integration of officers from all communities of SOU Mitrovica into the KP SOU centralized operational system. Furthermore, the Quick Response Teams (QRT), as unit between regular police and the SOU, are mandated to deal with medium risk operations and fall under the responsibility of the Regional Directors, in line with the overall decentralisation of KP. These teams can perform several kinds of missions such as patrolling in difficult neighbourhoods, arrests/detentions of dangerous criminals, and minor Crowd and Riot Control (CRC) operations. After the finalization of the recruitment process, the amount of QRT operators across seven regions in Kosovo is planned to be: Pristina 30, Pejë/Peç 23, Gjilan/Gnilane 15, Ferizaj/Urosevac 15, Prizreni/Prizren 23, Mitrovica South 15 and Mitrovica North with 40 operators.



The KP Unit for the Protection of Religious and Cultural Heritages Sites (RCHS) is currently sufficiently staffed, ethnically mixed and fulfilling its tasks according to plans. It has 204 police officers (Albanians 72%, - Serbs 16% - Bosnjaks 7% - Turks 4% and 1% others). The current gender balance is 6% female officers and 94% male officers. KP RCHS ensures the security of 194 religious and cultural heritage sites, among them 24 Orthodox churches, which are under 24/7 static security protection, including the Peč/Peja Patriarchate that was handed over to the KP RCHS protection as of September 2013. KFOR still continues its static presence at Deçan/Dečani Monastery.

### Police Inspectorate of Kosovo:

In order for the Police Inspectorate of Kosovo PIK to reach European standards and to create a flexible structure to better respond to incoming needs, a number of internal changes in the PIK have been implemented, such as: the Administrative Instruction (AI) on Internal Organisation and Structuring is now in place; the regulations of the AI are being implemented by PIK. The directors are now assigned and 10 out of 14 chiefs of divisions were selected in a proper selection process. However, it was not possible to select all the necessary chiefs of divisions due to a lack of personnel fulfilling the job requirements. A performance measurement system is in place, but it will have to be reviewed in line with the new structure of the PIK. The lacking AIs are under review. The SOPs on PIK, including all tasks and responsibilities of the Departments are under process. The PIK does not have an AI on complaint procedures as it is not foreseen in the Law on PIK. This issue will be addressed in the SOPs on PIK which are under preparation.

All the recommendations on criminal investigations were adopted; all officers under investigations were suspended when requested.

No inspections took place during the reporting period; the annual inspection plan for 2014 is finalized and the inspections will start soon. Plans for the opening of a PIK office in the northern part of Kosovo are being considered.

### KP Information and Communication Technologies Systems Strategic Plan (ICTSSP):

The various components of the ICTSSP, regulating the storage of information on human resources, finance and logistics are currently at different levels of implementation; however it is foreseen to reach full implementation by June 2014.

### KP administrative pillar:

The main focus of the cooperation between KP and EULEX – through monitoring tender processes – to improve KP administrative procedures was to ensure that expenditures, procurement and fleet management adhere to the applicable legal framework. For instance, procedural details, such as correct composition of the committees and proper document management, were scrutinized. Most of these procedures were found to be in compliance with the law, while others are still under discussion.

The non-functional Procurement Review Board (PRB), due to the expiration of the mandate of its members since August 2013, caused extreme delays in the procurement procedures. New members of PRB were appointed at the end of March 2014 and the Board has just started functioning again. As a consequence of the prolonged inactivity of the PRB, a number of tenders had to be cancelled due to expired timelines. This may impact on KP budget consumption and KP operability.

### Community policing:

Municipal Community Safety Councils (MCSC) as consultative bodies foreseen by Administrative Instructions issued by the Ministry of Internal Affairs and the Ministry of Local Government Administration convened 284 times in 2013. KP attended 95% of these meetings. After the local elections at the end of 2013, which brought about changes in the composition of municipal assemblies and mayoral offices, the MSCS activities restarted in 34 municipalities (except Mitrovica North, Leposavić/Leposaviq, Zubin Potok and Zvečan/Zvecan, with the aim of encouraging municipal officers, KP, and the civil society to work together on local security issues in order to increase the level of security and safety in the communities.



### Interethnic crime:

Interethnic crime is among the most sensitive issues in post-conflict Kosovo. As reliable data and a proactive communication strategy are important, especially to reduce fear and ease tensions, the goal of the Compact is to produce mechanisms and regulations that will tackle inter-ethnic crime by ensuring the collection of reliable statistics. KP Standard Operating Procedures and training activities for reporting on interethnic crime are being developed. Definitions currently in use will be evaluated and harmonized to ensure consistent application of terminology for statistical purposes. The Kosovo Police uses analysis of flash reports and the monthly statistical reports for the sampling of cases and statistic information for interethnic cases. Further work on this issue is being taken forward by the JRCB.

### KP-PPO cooperation:

Several workshops on cooperation between the Kosovo Police and the Kosovo Public Prosecution Office (PPO) took place in April 2014 as part of the Twinning Project “Strengthening Criminal Investigation Capacities against Organized Crime and Corruption”. The workshops, attended by KP, the prosecution, PIK, Twinning and EULEX experts, were meant to familiarize participants with the current roles of the Kosovo Police and the prosecution in crime investigations and with modalities for co-operation. Assessments on areas for improvement were conducted. Existing procedures and management structures providing the framework for KP-PPO cooperation were reviewed, leading to conclusions to set-up monthly management meetings at the regional and state levels. A common understanding was found on the need to identify prosecutors for respective cases and enable them to liaise with the corresponding police units at the earliest stages of investigation, particularly in the field of organized crime and corruption. Joint training for KP and parts of the prosecution were also among the suggested measures. The workshops provided opportunities for informal discussions among the involved parties, which will facilitate their cooperation.

Although cooperation on specific topics can be assessed as good or satisfactory, there is further need to implement systemized and practical cooperation between the Prosecution and Kosovo Police at all levels. This applies in particular to the need for specialized prosecutors in certain fields of organised crime, transnational crime, and corruption. Intelligence Led Policing (ILP), including proactive investigation teams (multi-agency task forces) and tasking and coordination meetings with active involvement of prosecutors are a way forward to support enhanced cooperation efforts.

### Witness protection scheme:

The EU-financed project “Witness Protection in the Fight against Serious Crime and Terrorism II” (WINPRO II) is progressing within slightly delayed timelines. EULEX, WINPRO and the KP are in a final stage of completing the revision of the organisational structure of the Kosovo Police Witness Protection Directorate (KPWPD), the job descriptions for KPWPD, the secondary legislation as well as the relevant Standard Operating Procedures. The Administrative Instructions were already approved by the MoIA. Some of the revised SOPs are being processed by the General Director of Kosovo Police. A Regulation on the Witness Protection Committee was concluded and the Committee members were appointed. MoUs between the KP and relevant state authorities were signed.

The Kosovo Police has so far employed 13 trained staff members in the Witness Protection Directorate (WPD). They were trained in some of the Balkan and other European countries. The KP Police Directorate has issued police vehicles to the WPD, other vehicles are expected from WINPRO. General agreements on cooperation and witness protection with several European countries have been concluded. While the Director of the Witness Protection Directorate stated that his unit was ready for the full handling of witnesses by 1 March 2014, KPWPD will still require managerial and technical assistance from EULEX and WINPRO II during the foreseen transition period.

### KP-FIU partnership:

Significant progress was registered towards the expected results. The Memorandum of Understanding (MoU) between Kosovo Police and the Financial Intelligence Unit (FIU) on electronic exchange of information, signed in February 2013, is fully implemented by both parties. To date, Kosovo FIU has signed nine MoUs with partner countries and is in discussions with additional cooperation partners. During April 2014, an on-site assessment visit was conducted at the Kosovo FIU by three supporting member states of the Egmont Group. The Assessment Team was impressed by the Financial Investigative Analysis Department and its work on Anti-Money Laundry/Counter-Terrorist Financing (AML/CTF). The visit led to conclusions that the Kosovo FIU meets Egmont Group's standards, and the Assessment Team recommended that Kosovo FIU should be admitted to the Egmont Group. Progress was made on the recruitment of necessary FIU staff to answer all operational needs. There are currently 17 staff members out of a foreseen total of 20. To achieve full strength, the FIU Director's proposal to the Minister of Finance and Economy to hire 3 more analysts was accepted.

Two training courses for FIU employees were held on using properly the new SOP of Compliance Supervision (14/01/2014) and for effective compliance inspections. Two other training courses were organized on the SOP on Compliance Supervision; three on the goAML system (the electronic application for the FIU analysis); one on the amended Kosovo Criminal Procedure Code; one on Kosovo legislation relevant to the Stabilization Association Agreement; and one seminar on the confiscation of assets under the title 'Follow the money'. Notwithstanding the importance of adequate training for FIU officers, the unit management remains aware of the risk of specialized staff leaving for more profitable jobs, for instance in the banking sector.

The FIU Kosovo amended its SOPs and internal regulations according to the recommendations of the Financial Action Task Force (FATF).

### Kosovo Customs and Kosovo Border Police:

The Kosovo Customs (KC) Strategic Plan for 2013-15, which is the centre piece of KC's overall business strategy, foresaw to include an appraisal system. This system is intended to help the KC Regional Directors manage their stations and staff in a more efficient way. Currently, most of the KC Regional Directors have management profiles in place to help organise their work and carry out assurance checks on staff, with only a few remaining to be finalised in the near future. The Regional Directors are being supported in linking the use of station management profiles to a new initiative to create Regional Directorate development plans.



The KC Post Clearance Audit (PCA) Unit has drafted an Action/Audit Plan for 2014 – as part of the overall Business Strategy of KC, which foresees 12 Objectives<sup>1</sup>. It is envisaged that there will be more joint work with Tax Administration of Kosovo (TAK), as well as better co-operation with other Sectors of KC, Kosovo Police (KP), Kosovo Agency on Medical Products, economic and financial institutions. The completed deployment of investigation officers from TAK to the KC Law Enforcement Sector will enhance the opportunities for joint operations. However, capacity building on Post-Clearance Audit (PCA) requires further improvements hence a number of trainings are foreseen to be carried out by the upcoming Twinning Project.

The Sector for Intellectual and Industrial Property Rights (IIPR) produced an annual report for 2013, outlining achievements, but also problems and challenges to be faced in 2014 (and beyond). One of the main initiatives is to increase public awareness – as well as to inform the general public of the threat to health and safety for counterfeit and sub-standard goods. Risk profiles are constantly being updated on the customs system and KC officers can obtain the list of registered rights holders. Figures supplied by the KC IIPR Sector show clear progress since the Sector's inception in 2010. However, considering that over 200 KC officers have received training and presentations from a number of rights holders, the number of IIPR referrals to the HQ should be much higher. The IPR Unit, which was composed of three staff members, was reduced to two staff members due to the introduction of the automated customs procedures and new IT tools.

A draft Development Plan for the National Centre for Border Management (NCBM) 2014-2019 has been completed by the National Executive Board for Integrated Border Management (IBM). Further to the development plan for NCBM, the KC has re-launched the anti-smuggling/anti-corruption or any other illegal activity hotline, which is directly linked to the NCBM. Since then, the Centre has received 67 calls in April 2014 alone, whereas there were only 80 calls received during the whole of 2013. Similarly, an agreement was reached between

<sup>1</sup>. Among the 12 Objectives the main focus is on the following: evaluation, textiles, electronic goods, vehicle parts, pharmaceuticals and greater Customs to Business campaign.

NCBM and PIA which allows the NCBM direct access to airport security cameras, thus increasing the Centre's surveillance capacity and as a result the security and free movement of citizens.

The border demarcation process with Montenegro, which also foresees the establishment of Joint Border Crossing Points (BCPs), is near completion with 88% of the border delineated. The remaining 9km that were planned to be finalised by the end of April 2014 are delayed due to disagreements on geographically-related documentation. The Former Yugoslav Republic of Macedonia (FYRoM) authorities agreed that an Information Exchange Office at Kosovo/FYRoM CP will be opened.

Kosovo Border Police (KBP) began the execution of the Administrative Instruction on Implementation of Punitive Provisions of the Law on Foreigners. At Pristina International Airport (PIA) KBP issued about 20 fines (from 3,000 to 6,000 euro each) to different airlines for boarding passengers without a valid biometric travel document as foreseen in the new Law on Foreigners. Travellers without biometric travel documents are refused to enter Kosovo and sent back their departure airport.

KC and TAK investigations are successfully merged and operating under the authority of the KC. There is an exchange of information and experiences of the two organizations concerning joint cases. With regard to the proactive approach, it should be noted that as of the beginning of 2014, KC and TAK have changed their approach towards cases with priority thus allowing the investigations to be proactive rather than active. Progress from this is expected to be visible in the second half of the year, mainly due to indictments of suspects and the seizure/confiscation of illegally obtained assets.

Despite these challenges, there was a number of cases detected at different border crossings, including PIA, with a particular increase in narcotics detections. Overall, KC officers tend to focus more on the incoming operations, which may lead to the lack of inspections on the outbound traffic.

Work on the outstanding Customs and Tax appeals within the Independent Review Board (IRB) is progressing well. The IRB is working within its competence trying to process the backlog of cases. By the end of March 2014 the number of outstanding appeals was reduced from 943 (1 January 2014) to 664 – and by the end of May 2014 this figure was reduced to 435 outstanding cases.

The issuing of visas at the BCP is not in line with the Visa Regime for Foreigners and Visa Liberalisation Roadmap (VLR) recommendations. The new Kosovo Law on Foreigners, amended to be in line with *acquis communautaire*, foresees that an entry visa may be issued at certain BCPs in exceptional cases deemed as unforeseeable and imperative reasons for entry, major national interests, and humanitarian reasons. Most of the cases reported, however, do not have exceptional reasons justifying the issuing of a visa at the BCPs. There is continuous lack of clear guidelines and Police SOPs, which affect the daily performance of KBP officers dealing with these issues. Contradictory information is given to the border guards operating at the BCPs, and there is no coordination within different institutions (MoIA and Ministry of Foreign Affairs [MFA]) or internally within the KBP structure.

## 2. JUSTICE



### Objectives

- To enhance the Kosovo Correctional Services (KCS);
- To strengthen the capacity of the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC);
- To complete the mandate of the Kosovo Property Agency (KPA);
- To improve the performance of the Special Chamber of the Supreme Court (SCSC);
- To support the adjudication of property-related civil cases;
- To expand international legal cooperation (ILC).

# Activities and Results

## Kosovo Correctional Service:

After laying the groundwork for the Kosovo Correctional Service (KCS) ability to self-inspect by applying the International Standards Audit Programme (ISAP), the KCS has progressed from the planning phase to the implementation phase, during which all facilities have been self-audited.



The Ministry of Justice (MoJ) Internal Inspectorate (II) completed audit operations in all correctional facilities looking into the fulfilment of recommendations made during the audits during 2011-2013. It was found that the most problematic areas were standardisation of procedures and forms, which are expected to be finalized as soon as possible, whereas other issues such as security precautions, transfer of prisoners and granting regular and extraordinary leaves to prisoners need to be further addressed. According to II, resolving most of these deficiencies depends more on willingness and capability of KCS HQ, not so much of individual correctional facilities and their respective Directors/staff.

The II presented recommendations based on their findings to the KCS through MoJ on how to ensure in future that pardon applications are completed in accordance to the law. Moreover, the II initiated a preliminary inspec-

tion of KCS personnel during which it found that many employees had been on acting positions for long time. Furthermore, II also commenced to review and inspect the disciplinary mechanisms of prisoners and staff in KCS at HQ level. With the entry into force of the Law on Execution of Penal Sanctions (LEPS), disciplinary committees for KCS staff have started functioning under the LEPS foreseen with Article 230.

The II drafted its work plan for 2014, where the main focus is on the negative findings from the EC 2013 Progress Report (corruption, nepotism, smuggling, discrimination, extended privileges of certain prisoners, categorization of prisoners and efficiency of the complaints mechanism of prisoners), and is implementing it accordingly. Moreover, specific inspectors were assigned with particular and identifiable tasks deriving from the EC Progress Report. Since the drafting of this plan, the II has conducted 18 inspections. While the II has taken some preparatory actions, it is currently waiting for KCS management's response to create a joint strategy on how to fight against these unwanted phenomena. On a similar note, the Minister of Justice has established a task force as well as professional groups which are working on findings and recommendation to avoid possible gaps. This matter remains a priority topic for the KCS.

The ongoing area of concern is the apparent weaknesses in the control exercised by the KCS at all levels when dealing with a small number of high-profile, politically active prisoners and detainees, many of them facing prosecution resulting from incidents that took place in the 1998-1999 conflict, particularly with regard to constant transfers from custody to extended stays at the University Clinical Centre of Kosovo (UCCK) in Pristina - although all movements done for issue of hospitalization for convicted persons are done with the recommendation of the doctor and for the detainees is notified and taken the approval of the judge who has the case.





The Security Information Reporting (SIR) system has been introduced throughout the correctional and detention facilities. A security monitoring programme on the application of best practices in the field of security has been established. The programme uses a check-list of over 30 security indicators to monitor correctional and detention facilities. Based on audits carried out in a number of correctional and detention facilities, a compliance of 80% was noted; however there is a need to supplement the work to date with additional staff training. Moreover, the KCS has prepared the annual training plan envisaged to be fulfilled in the next year. Intensive support has been given to the KCS to assist them to commission the newly constructed High Security Prison (HSP) in Podujevë/Podujevo. This facility, partly funded by the EU, will give the KCS the opportunity to house prisoners in a modern and secure prison establishment and meet many of the required “Best European Practices” in this area of law and order. The operationalization of the HSP would also alleviate problems in relation to high-risk and high-profile prisoners currently experienced in other prison facilities.

Procurement for the KCS remains a concern. KCS daily operations are effected by unsatisfactory procurement practices. Many important procurement procedures have failed several times (e.g. secure rooms to Pristina Hospital, escort vehicles, maintenance of vehicles). An appropriate and sustainable solution needs to be found urgently to avoid a situation, where operational capability, safety and security are compromised.

### **Kosovo Judicial Council and the Kosovo Prosecutorial Council:**

In order to fully implement the provisions in the Law on Courts and the Kosovo Judicial Council (KJC), the KJC is required to adopt more than 40 regulations and instructions. So far, 13 regulations were adopted and implemented by the KJC. Another 12 regulations still need to be drafted and adopted. The Kosovo Prosecutorial Council (KPC) is required to have around 50 legal instruments (regulations and instructions) in place in order to fully implement the provisions in the Law on the KPC and the Law on the State Prosecutor. The number of legal instruments adopted and published by the KPC so far is 40. The KPC is now shifting focus to regulations that are of crucial importance for the implementation of the reform of the criminal justice system. On the basis of the “Regulation on the Evaluation of Performance of Judges”, the KJC Committee for the Evaluation of the Performance of Judges recommended 75 judges for permanent re-appointment. Only one judge was not recommended as he did not respect court decisions issued against him and thus damaged the reputation of the Kosovo judiciary. On the basis of the “Regulation on the Evaluation of Performance of Prosecutors” published in October 2013, the KPC Committee on Performance Evaluation Process of Prosecutors decided in January 2014 that it would first evaluate the work of 22 prosecutors on their initial mandate and then the work of 35 prosecutors on their permanent mandate. The Prosecutors Performance Review Unit (PPRU) is assisting with all the necessary documents for the KPC Committee to perform its work, which is so far progressing as scheduled.

The KJC is in the process of finalizing the recruitment process for judges at the Supreme Court (2 positions - internal), Court of Appeals (8 positions - internal) in line with its Regulation on Promotion of Judges, adopted by the KJC on 7 April 2014.



In addition, KJC announced vacant positions for Special chamber, KPA, and Basic courts. It should be noted that KJC has amended the Regulation for Appointment of Judges in order to ensure objectivity and transparency of the process and compliance with EU Standards.

The recruitment process for 22 new positions for prosecutors, published in 2013, is in the interview stage. 60 candidates are being examined after having taken the written test on 31 March. There were 23 female candidates but none from non-majority communities. The representation of non-majority communities constitutes a significant problem in the prosecutorial system when compared to other institutions, as the proportion of prosecutors (and supporting staff) from non-majority communities is lower than the average. The recruitment process is scheduled to be completed before September 2014.

On 21 March 2014, the KPC approved the “Regulation on Criteria and Procedures for Selection and Proposal for Appointment of Chief State Prosecutor” and started the selection process for Chief State Prosecutor. Eight candidates fulfilled the criteria and presented self-evaluation forms and concept papers, as foreseen in the regulation, and were interviewed.

The KJC adopted a National Backlog Reduction Strategy. The Strategy provides a general framework and allows the Basic Courts to develop their individual action plans to tackle the case management taking into consideration the specifics of each court. The KJC still needs to develop simple performance indicators in order to measure progress of the Basic Courts. These should be contained in a unified reporting system that will allow the KJC to gather and analyse information from the Basic Courts.

In April 2014, the KJC approved the Strategic Plan for the judiciary 2014 – 2019 consisting of five strategic pillars: 1) Building Trust and Confidence in the Judicial System; 2) Enhancing the Administration of Justice; 3) Broadening Access to Justice and Service to the Public; 4) Promoting Confidence, Professionalism and Civility; and 5) Improving Court facilities and technology. The Strategic Plan further outlines action plans to ensure that each goal is achieved. The Plan is intended to be an every-day management tool for the KJC and a roadmap to guide the Kosovo Judiciary over the next five years. While the adoption of the Plan is an important achievement, significant efforts are now needed for the practical implementation and achievement of the strategic objectives.

## Completion of Kosovo Property Agency-related Mandate:

The Kosovo Property Claims Commission (KPCC) and the Appeals Panel of the Supreme Court for Kosovo Property Agency (KPA), both comprised of Kosovo and EULEX staff, continued to resolve outstanding private immovable agricultural, commercial and residential property disputes resulting from the 1998-1999 armed conflict. During the reporting period, three KPCC sessions were held and 2,836 claims decided (and 2,879 decisions were issued to the parties), leaving only 898 out of a total 42,701 claims still to be decided. Up to 30 April 2014, the KPA Appeals Panel had resolved 536 appeals against KPCC decisions and 248 appeals have been registered. Out of these 248 appeals, the files for 141 appeals are with the Appeals Panel of the Supreme Court for consideration and the files for 107 appeals are not yet sent to the Supreme Court. In view of the higher complexity of decisions in the last phase of the KPCC work, which will lead to a higher likelihood of appeals, the JRCB agreed in early 2013 to establish a second KPA Appeals Panel. While EULEX provided two more judges by summer 2013, Kosovo is still to appoint the agreed judge and recruit additional support staff. This is mainly due to a lack of financial resources as well as lack of candidates with the right professional qualities and experience. Since March 2014 and foreseen until June 2014, on the basis of a monthly rotating system, a second local judge out of the pool of judges of the Supreme Court of Kosovo, is designated ad interim to the Panel to sit as a panel member when required.

On 11 April, the Kosovo Assembly renewed the mandate of the local commissioner of the KPCC. This was essential for the ability of the KPCC to complete its last sessions. However, the funding of the KPA Secretariat remains an issue of serious concern, as it poses a threat to the finalisation of the KPA mandate.



## Enhanced Performance of the Special Chamber of the Supreme Court:

The total number of pending cases before the SCSC increased to 16,126 cases in April 2014. The backlog of all but one trial panels continued to grow. Particularly panel IV that mainly deals with liquidation issues and panel V that is responsible for Trepča related issues both registered a measurable increase of cases within the recent past. Whereas caseload of panel IV was increased from 762 pending cases in March 2014 to 1,306 cases pending in April 2014 (and thus now remains with a total of 8425 cases), the caseload of panel V increased within the same time period from 132 to 216 cases (thus now remaining with a total of 969 cases pending). The high number of liquidation cases finds its reasoning in the fact that these cases are exceptionally complex, with several hundreds of claimants per case, each of which must be dealt with individually.

The case-clearance-rate at the SCSC remains low at 11.52 %, confirming the continuous increase in the backlog. Clearance rate is unlikely to increase under the current circumstances. Overall, the inadequate quality of the claims and submissions filed with the SCSC contributes to longer processing times. One important reason for increasing backlog is an insufficient number of judges at the SCSC (limited by law to 20 judges in total, of whom eight (8) EULEX and 12 Kosovo) to deal with the huge number of cases filed with the SCSC since January 2012. The vacancies of two Kosovo judges have now increased to three, which further challenged the SCSC's possibility to deal with the caseload. The three positions were advertised and out of 13 applications, the recruitment of three candidates is under process.

Translation also follows a worrying trend, from 2000 pages per month last year to 3500 pages per month in 2014. There is still no functional website for the SCSC. Nevertheless, criteria for the categorization of cases have been adopted, with a good impact on the workload.

The time and resources needed for translations and the unsatisfactory performance of the Court Registry (for which the KJC is responsible for the staff, organization and supervision) meant that the SCSC could not increase its output significantly without risking damaging the quality of its decisions and judgments.



## Adjudication of property-related civil cases:

In its support to the local judiciary in adjudicating property-related civil cases in the first instance and appellate court levels, EULEX Judges completed 73 civil proceedings between June 2012 and March 2014, characterised by their complexity, sensitivity, diversity and territorial dispersion.

In the last six months (September 2013 – March 2014) 16 take over procedures were initiated upon requests of parties, Kosovo judiciary or upon ex officio pre-selection by a EULEX Judge. Out of them, 13 were conducted through rulings for written statements served to the parties and finalised by 12 rulings for assignment and one ruling for non-assignment of civil cases. During September 2013 – March 2014, 41 civil complaints were received by EULEX judges.

## International Legal Cooperation:

The budget for the Kosovo Department for International Legal Cooperation (DILC) has increased in comparison with previous years, following a growing number of requests under the heading international mutual legal assistance. DILC provides international legal cooperation in criminal and civil matters as well as drafts and negotiates bilateral agreements in this area. In order to improve the implementation of these agreements, the KJC and KPC have appointed focal points in each court and prosecution office to address cases related to international legal cooperation in criminal matters. The appointment of focal points has yet to significantly improve the work of the DILC. In February, an additional legal officer was recruited to the DILC. On the basis of the technical arrangement on mutual legal assistance between the Ministry of Justice and EULEX, during the reporting period, EULEX transmitted 93 requests and responses from Kosovo to non-recognising states (excluding Serbia) and 90 requests and responses from non-recognising states (other than Serbia) to Kosovo. In the framework of the EU-facilitated Pristina-Belgrade Dialogue (based on the procedures for mutual legal assistance between Kosovo and Serbia as of 20 March 2013), from September 2013 to mid-May 2014 EULEX transmitted 855 requests and responses from Kosovo to Serbia and 756 requests and responses from Serbia to Kosovo.

The DILC would need to increase the number of proposals for bilateral agreements, especially on civil matters where such agreements are completely lacking (except for a possible future one with FYROM which is on the final stages of negotiations). It should be noted that Kosovo has finalised three agreements with Montenegro, and the agreement with Italy on the Transfer of Sentenced persons is expected to be finalized by mid-June.

# 3. NORTH OF KOSOVO

## Objectives

- To restore rule of law in the northern part of Kosovo;
- To enhance KP performance in the region;
- To improve standards in detention centre in Mitrovica;
- To strengthen civil registration services in the area.

## Activities and Results

### The KP in the northern part of Kosovo:

In line with the 19 April dialogue agreement, a new regional Police Directorate was established. Captain Đuric continued to lead as Acting Regional Director, the formal appointment depending on the establishment of the Association of Serb municipalities. Under his leadership, the Regional Police Directorate has developed well. 288 former MUP officers were integrated into the KP.

The north Mitrovica station saw an increase of the case clearance rate over the last four months of nearly 90%.



Specific actions were taken to improve the public perception of KP North and to increase confidence of local communities to report crimes and offenses to KP: All stations have their patrol and deployment areas approved and dictated by the KP policy on sector policing with smaller assigned units for intervention patrolling. This deployment pattern is geared toward fulfilling both Intelligence Led Policing and Community Policing strategies as the sector teams are both able to complete the needed tasks associated with these policing approaches, which primarily require closeness and familiarity with the community in which the teams work.

KP took over the chair of the Community Safety Partnership (CSP) meeting, which was previously co-chaired with EULEX and is a temporary substitute for the foreseen Municipal Community Safety Councils. The recent local elections have given the opportunity for the formation of the Local Security Committees (LSC)<sup>2</sup> in accordance with the law, and work is moving forward to form the committees. KP attendance at security meetings held in the municipality was at a 100% attendance rate. The KP in the north assessed all the reported cases that have elements of politically and ethnically-motivated crimes (PEMC). However, only one case qualified as PEMC (in September 2013) which was properly investigated culminating in a joint EULEX/KP North investigation.

The first steps to create a QRT staff for the north resulted in 43 candidates (out of which five female; seven Kosovo Albanians and 36 Kosovo Serbs) being trained.

### Mitrovica Detention Centre:

The implementation of the roadmap agreed at JRCB level, aimed at enabling the Mitrovica Detention Centre (MDC) to conduct prisoners escorts in and to the north, thus allowing EULEX to phase out its residual executive task of support in this area, has not progressed satisfactorily. KCS is currently not able to allocate agreed resources as they are lacking additional funds and means to fulfil the roadmap obligations despite their best efforts to reach the expected outcomes which will be reinforced by KP support



## 4. DIALOGUE IMPLEMENTATION

### Objectives

- To support Kosovo authorities in implementing several agreements reached in the Dialogue between Pristina and Belgrade, including:
- Civil registry;
- Freedom of movement (FoM);
- Integrated border management (IBM);
- Cadastral disputes.

2. LSCs are generally intended to answer the instances of local communities in the North.

# Activities and Results

## Civil Registry:

The copying and certifying of Civil Registry Books (CRBs) in Serbia, implemented with the support of EULEX and the EU Office, ended successfully on 31 March 2014. In total, 12,391 civil and religious registry books of birth, marriage and death were copied, certified and handed over to the Kosovo Civil Registration Agency (CRA).



In compliance with its responsibilities EULEX, through the Joint Committee meetings on civil registry, was pushing and encouraging the CRA to continue with the second phase of digitalizing the civil registry books. It includes data entry and establishment of full link for feeding up the Central Civil Status System (CCSS) with data from the existing original, duplicate, reconstructed and certified registry books.

Kosovo authorities still have to organise the work of the new Civil Registry Agency in practise and to digitalise the CRBs in order to establish a sustainable and reliable civil status system which is a key factor in the visa liberalisation process and ultimately the rule of law in Kosovo.

The MMA activities of EULEX are geared toward implementing the constant and regular use of certified copies in order to strengthen the civil registry system in Kosovo through the achievement of reliable record keeping and the establishment of correct and secure personal data of citizens. In this regard EULEX has started conducting field visits to the municipalities that have received certified copies of the civil registry books kept in Serbia. These visits will assess the utilization of certified copies in the daily activities of the municipal civil status offices and as outcome of the visits CRA will know the areas requiring strengthening of its policies and procedures.

## Freedom of Movement:

In line with the dialogue agreement on Freedom of Movement (FoM) citizens from Kosovo and Serbia are able to travel freely within or through the territory of the other by carrying only their ID cards, or – for children under 16 – birth certificates.

According to the FoM agreement, only RKS or KS licence plates are allowed to be used by car owners residing in Kosovo. Since 1 November 2011 GoK/MoIA has extended the policy of registering vehicles with KS plates and has promoted a new policy for ex-FRY or Serbian vehicle registrations between 10 June 1999 and 31 October 2011, allowing the owners of these vehicles to register them with KS or RKS plates. However, Interpol verification of these vehicles remains to be done, and temporary registration plates issued pending the verification had to be extended. For vehicles, discussions on a mutual recognition of third party liability insurance are ongoing.

Since 18 December 2011, the MoIA is applying a new policy allowing citizens to replace FRY/Serbian Driving Licences (DLs) issued between 10 June 1999 and 31 October 2011 with a Kosovo DL. The total number of citizens who have applied for new DLs amounts to 10,320. Moreover, the decision allows applicants to add additional categories in their new Kosovo DL, if attained from the Serbian authorities in Kosovo after date 10 June 1999 until 31 October 2011 or legalised by Serbian authority outside the territory of Kosovo. This decision will remain in force until 31 December 2014, which is the deadline for the applications.

## Integrated Border/Boundary Management:

In line with the agreement on the IBM (Integrated Border Management), the six temporary crossing points continue to be operated without major problems. The Border Management System (BMS) is fully functional at the CPs. The exchange of information between the two Customs Administrations, using the Systematic Electronic Exchange of Data (SEED) system, started in November 2013. The Directorate General for Enlargement of the European Commission pledged to continue support to the SEED project will beyond the end of the current maintenance contract in June 2014. This will ensure the sustainability of the SEED link between the two Customs Services of Kosovo and Serbia. An agreement was reached on the geographic locations of the six permanent CPs.



The collection of customs revenue by KC was successfully introduced at CP Jarinjë/Rudnica and CP Bërnjak/Tabalije, as of 14 December 2013. As a result, all goods from Serbia can enter Kosovo through any of the CPs that are open to commercial traffic.

Local and regional level meetings take place at weekly and respectively monthly intervals. The first Central Level meeting took place on 15 May 2014.

## Cadastral Disputes:

The implementation of the cadastre agreement, aimed at protecting the rights of people with legitimate claims to property, depends largely on the approval of the law for the establishment of the Kosovo Property Comparison and Verification Agency (KPCVA) as a successor to KPA. On 27 March, the Kosovo Assembly approved the first reading of the draft law on the KPCVA, which encompasses the old mandate on conflict-related property claims of the KPA and a new mandate for the KCVA to deal with disputes related with cadastral records. When this law will be in place, adequate funding for the KPCVA can be ensured. The new law needs to be submitted to the Functional Committee and Permanent Committee of the Assembly for their review after the elections in June.



## Migration

EULEX will continue to monitor and support the implementation of the Law on foreigners (Law No. 04/L-219). MoIA/DCAM is the responsible governmental agency dealing with all types of foreigners, this also includes monitoring and supporting the implementation of the current visa regime which started on 1 July 2013 and still is in the pilot phase. Migration, the regular and irregular, is a very important field for all Member States when focusing on protection and security of EU external borders. Such a vital need is explicitly expressed in the visa roadmap, block 2.

## List of Acronyms and Abbreviations

<b>AI</b>	Administrative Instruction
<b>AML</b>	Anti-Money Laundry
<b>AP</b>	Action Plan
<b>ASYCUDA</b>	Automated Customs Data System
<b>BCP</b>	Border Crossing Point
<b>BMS</b>	Border Management System
<b>CA</b>	Compact Actions
<b>CP</b>	Crossing Point
<b>CRA</b>	Civil Registry Agency
<b>CRB</b>	Civil Registry Books
<b>CRC</b>	Crowd and Riot Control
<b>CTM</b>	Compact Tracking Mechanism
<b>CTF</b>	Counter Terrorist Financing
<b>DG</b>	Director General
<b>DFM</b>	Department of Forensic Medicine
<b>DILC</b>	Department for International Legal Cooperation
<b>DL</b>	Driving Licence
<b>DWP</b>	Directorate for Witness Protection
<b>EC</b>	European Commission
<b>EU</b>	European Union
<b>EULEX</b>	European Union Rule of Law Mission
<b>EUSR</b>	European Union Special Representative
<b>FATF</b>	Financial Action Task Force
<b>FIU</b>	Financial Intelligence Unit
<b>FoM</b>	Freedom of Movement
<b>FYRoM</b>	Former Yugoslav Republic of Macedonia


<b>IBM</b>	Integrated Border Management	<b>MUP</b>	Ministarstvo Unutrasnjih Poslova (Ministry of Internal Affairs [of Serbia])
<b>ICTSSP</b>	Information and Communication Technologies Systems Strategic Plan	<b>NCBM</b>	National Centre for Border Management
<b>II</b>	Internal Inspectorate	<b>PEMC</b>	Politically and Ethnically Motivated Crimes
<b>IIPR</b>	Intellectual and Industrial Property Rights	<b>PEU</b>	Prisoner Escort Unit
<b>ILC</b>	International Legal cooperation	<b>PCA</b>	Post Clearance Audit
<b>ILP</b>	Intelligence Led Policing	<b>PIA</b>	Pristina International Airport
<b>IRB</b>	Independent Review Board	<b>PIK</b>	Police Inspectorate of Kosovo
<b>ISAP</b>	International Standards Audit Programme	<b>PPRU</b>	Prosecutors Performance Review Unit
<b>JRCB</b>	Joint Rule of Law Coordination Board	<b>PPO</b>	Public Prosecution Office
<b>KBP</b>	Kosovo Border Police	<b>PRB</b>	Procurement Review Board
<b>KC</b>	Kosovo Customs	<b>QRT</b>	Quick Response Team
<b>KCS</b>	Kosovo Correctional Services	<b>RCHS</b>	Religious and Cultural Heritages Sites
<b>KFOR</b>	Kosovo Force	<b>RoL</b>	Rule of Law
<b>KJC</b>	Kosovo Judicial Council	<b>SCSC</b>	Special Chamber of the Supreme Court
<b>KJI</b>	Kosovo Judicial Institute	<b>SEED</b>	Systematic Electronic Exchange of Data
<b>KP</b>	Kosovo Police	<b>SIR</b>	Security Information Reporting
<b>KPA</b>	Kosovo Property Agency	<b>SOP</b>	Standard Operating Procedure
<b>KPC</b>	Kosovo Prosecutorial Council	<b>SOU</b>	Special Operation Unit
<b>KPCC</b>	Kosovo Property Claims Commission	<b>SPRK</b>	Special Prosecution of Kosovo
<b>KPCVA</b>	Kosovo Property Comparison and Verification Agency	<b>TAK</b>	Tax Administration of Kosovo
<b>KPWPD</b>	Kosovo Police Witness Protection Directorate	<b>VLR</b>	Visa Liberalisation Roadmap
<b>LPSC</b>	Local Public Safety Committees	<b>WINPRO</b>	Witness Protection in the Fight against Serious Crime and Terrorism
<b>MCSC</b>	Municipal Community Safety Councils	<b>WPS</b>	Witness Protection Scheme
<b>MDC</b>	Mitrovica Detention Centre		
<b>MFA</b>	Ministry of Foreign Affairs		
<b>MMA</b>	Monitoring Mentoring and Advising		
<b>MoIA</b>	Ministry of Internal Affairs		
<b>MoJ</b>	Ministry of Justice		
<b>MoU</b>	Memorandum of Understanding		

# European Union Rule of Law Mission

*Partnership for Justice*

 [www.twitter.com/eulexkosovo](https://www.twitter.com/eulexkosovo)

 [www.facebook.com/eulexkosovo](https://www.facebook.com/eulexkosovo)

 [www.youtube.com/eulexkosovo](https://www.youtube.com/eulexkosovo)

