



COMPACT PROGRESS REPORT

ASSESSING PROGRESS BETWEEN AUGUST 2015-JUNE 2016



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Foreword

We are honoured to present the fourth Compact Progress Report in which we highlight the achievements in the common endeavours of the Joint Rule of Law Coordination Board, composed of the Ministry of Justice, the Kosovo Judicial Council, the Kosovo Prosecutorial Council, EULEX, and the EU Special Representative in Kosovo/EU Office in Kosovo.

This report covers the period of August 2015 to June 2016 – the final year of EULEX’s 2014-2016 mandate – before the Mission’s engagement with its Kosovo counterparts changed due to its new mandate. The priorities covered in this report were defined in the COMPACT, an agreement between all the Joint Rule of Law Coordination Board stakeholders, which builds upon the foundation of the joint work reflected in this report. This is already the second COMPACT, which is why it was named COMPACT 2. And it is the final report covering COMPACT 2, with the period from July 2016 onwards being covered by a new agreement.

The COMPACT 2 was signed on 14 May 2015 and spells out the commitment of all the Joint Rule of Law Coordination Board stakeholders to jointly work towards improving the main institutional coordination mechanisms in Kosovo and to pursue coordinated EU-reform efforts in the broader field of the rule of law in Kosovo. The signees of this document are the former Kosovo Minister of Justice Hajredin Kuçi, the former Chair of the Kosovo Judicial Council Enver Peci, the former Chair of the Kosovo Prosecutorial Council Aleksandër Lumezi, the former EU Special Representative/Head of EU Office in Kosovo Samuel Žbogar and former EULEX Head of Mission Gabriele Meucci. The authors of this document are the successors of the above mentioned principals, committed to perpetuate the joint work.

As described above, this Compact Progress Report marks an important point in time: the end of the previous EULEX mandate in June 2016 and the beginning of the new one which extends the Mission’s presence in Kosovo until June 2018. The purpose of this Compact Progress Report is therefore twofold: on the one hand, it accentuates and highlights the achievements of the Joint Rule of Law Coordination Board partners up to this point; on the other hand, it points out critical areas where increased efforts need to be made.

It also serves as a baseline for the next two years of the Joint Rule of Law Coordination Board's joint work.

During the reporting period (August 2015 to June 2016), several important objectives were reached and significant progress has been made. Although much work remains to be done, the work of the Kosovo institutions has shown great potential and meaningful improvements have been made. Only strong and sustainable institutions can effectively set rule-of-law standards, and the EU remains committed to continuously support Kosovo in reaching this goal.

We, the undersigned, hope the reader may share our excitement for the opportunities ahead and enjoy reading this Compact Progress Report.

Deputy Prime Minister

Hajredin Kuçi

Chair of the Kosovo Judicial
Council

Nehat Idrizi

Head of the European Rule
of Law Mission to Kosovo

Alexandra Papadopoulou

Minister of Justice of
Kosovo

Dhurata Hoxha

Chair of the Kosovo
Prosecutorial Council

Blerim Isufaj

EU Special Representative
in Kosovo / Head of the EU
Office in Kosovo

Nataliya Apostolova

Executive Summary

This Compact Progress Report marks an important step in the development of Kosovo's rule-of-law sector since the signing of the COMPACT 2 in May 2015. It looks at the improvements, as well as the remaining challenges, in the rule of law in Kosovo in the period of EULEX's previous mandate from August 2015 to June 2016.

It also establishes a baseline for the new Compact Progress Report, which reflects EULEX's new mandate, encouraging an increased responsibility for the Kosovo institutions to implement and further develop the rule of law in Kosovo.

So far, nothing has changed in the joint COMPACT commitment. The joint goal of Kosovo, the EU Special Representative/EU Office in Kosovo and EULEX in the coming years remains the same: rule-of-law institutions that are sustainable, accountable, independent and multi-ethnic, free from political interference and adhering to internationally recognised standards and European best practices.

During the last reporting period a number of important objectives were reached. The Kosovo institutions are increasingly able to address rule-of-law challenges on their own. Kosovo Customs has made remarkable progress, improving its revenue collection as well as its operational capability. The organisational requirements of the Joint Rule of Law Coordination Board Witness Protection roadmap have been fulfilled and the Kosovo Police Witness Protection Directorate is ready to handle its first witnesses.

The Kosovo Police is increasingly being seen as a professional public service that is inclusive of ethnic minorities. The Mitrovica Detention Centre is functioning relatively well and the problems it faced with staff shortages have improved since the last reporting period. Yet cooperation between the Kosovo Police and the State Prosecutor needs further improvement, specifically with inter-operability when investigating serious and organised crime, as well as on issues such as terrorism, hate crime, and sexual and gender-based violence.

Meanwhile, progress in implementing various agreements of the EU-facilitated dialogue has helped foster institutions. The Regional Police Directorate of Mitrovica North with four

police stations, one in each of the northern municipalities is fully operational. EULEX continues to support the Crowd and Riot Control capabilities of Mitrovica North, as well as enhancing cooperation and communication between the Regional Police Directorate of Mitrovica South on Crowd and Riot Control issues. The integration of former MUP (Ministarsvo Unutrasnih Poslova/Serbian Ministry of Internal Affairs) personnel into Kosovo Police structures, and the integration of 483 Civil Protection staff members into various Kosovo institutions have both been completed.

The selection process of Kosovo Serb prosecutors and judges, facilitated by EULEX, has been concluded. Cooperation between Pristina and Belgrade staff working at the Common Crossing Points continues to be positive and the exchange of electronic customs data between the two administrations is now fully functional. But the establishment of a comprehensive and sustainable civil registry in Kosovo still requires work.

The reporting period, however, was also marked by a partial slowdown in implementation of the COMPACT 2 agreement, particularly relating to the capacities of local institutions. This is mainly due to a lack of human and financial resources. The overall staffing and financial situation in Kosovo Correctional Service, and Police Inspectorate of Kosovo remain a concern.

Both the Kosovo Judicial Council and the Kosovo Prosecutorial Council lack the capacities and resources to follow their action plans for drafting sub-legal acts. Generally positive structural reforms and institutional changes in both the Kosovo Judicial Council and the Kosovo Prosecutorial Council have led to an almost complete change of Council members at both councils, which affected the dynamics of their work and requires more efforts towards maintaining the stability, consistency and continuity of these bodies. One of the biggest challenges remaining is the implementation of the new selection process for judges and prosecutors, their training and the redesign of the performance evaluation system.

In order to make a second Kosovo Property Agency Appeals Panel fully operational, the Appeals Panel needs additional staff. Due to local staff shortages, the Appeals Panel risks becoming dysfunctional. Likewise, the Special Chamber of the Supreme Court needs to hire additional local judges and support staff. This is essential for the Special Chamber of the Supreme Court to deal with the high workload of cases.

The Joint Rule of Law Coordination Board has taken note of the Government of Kosovo's renewed commitment to adequately resource relevant institutions. But in order to pave the way for EULEX to disengage from certain areas, noticeable progress needs to be seen.

Nevertheless progress has been made regarding the declaration of assets of public officials, and cooperation between the Anti-Corruption Agency and civil society. However, the new draft Law on Prevention of Conflict of Interest as well as legislation related to the disciplinary system for judges and prosecutors needs to be brought more into line with EU best practises.

Furthermore, the Kosovo Correctional Service has seen little progress since the last reporting period. The EU was highly concerned about a particular case of three high-profile prisoners overstaying their temporary suspension of sentence issued for medical treatment abroad. However, on a positive note, one detention centre which has not met the required EU standards has been closed while another detention centre will be closed as soon as a new facility becomes operational.

The EU Special Representative/EU Office and EULEX will continue to support Kosovo's rule-of-law institutions, including in relation to the Structured Rule of Law Dialogue, the Visa Liberalisation Roadmap, and the Feasibility Study. These crucial processes firmly anchor Kosovo in the EU's policy framework for the Western Balkans.

COMPACT 2, 14 May 2015



JOINT RULE OF LAW COORDINATION BOARD

COMPACT 2

The Kosovo Rule of Law Institutions, the Head of the EU Office in Kosovo/EU Special Representative and EULEX Kosovo,

Acknowledging the achievements reached in the implementation of the Compact signed on 9 November 2012 as overseen by the Joint Rule of Law Coordination Board (JRCB);

Recognising the need for the Kosovo authorities to effectively cooperate with EULEX Kosovo and the EUSR/EU Office so that further progress is made in the rule of law sector to reach the goals of the Compact and to satisfy the requirements of Kosovo's visa liberalisation and EU accession aspirations;

Acknowledging the commitment of the Kosovo rule of law institutions to implement their existing strategies and plans for advancing the rule of law and to work with the EUSR/EU Office and EULEX Kosovo to advance the joint agenda; ensuring the readiness of rule of law stakeholders in Kosovo to deal with challenges beyond the current EULEX mandate.

Acknowledging the renewed commitment of the Kosovo rule of law institutions to make further progress towards sustainability and accountability, and to develop and strengthen an independent multi-ethnic justice system and a multi-ethnic police and

customs service that are free from political interference, corruption, respect human rights and adhere to internationally recognized standards and European best practices;

Reaffirming their joint commitment to work within the overall EU policy framework as defined in the Stabilisation and Association Process with Kosovo, including the Feasibility Study;

Reaffirming the willingness to contribute to a normalization of relations between Pristina and Belgrade and move forward with the implementation of agreements reached so far in the EU facilitated dialogue as well as any other agreement in the rule of law area reached in the future;

Taking due note of the full complementarity of the European Union assistance programmes for Kosovo with the overall objectives, concrete goals and specific activities foreseen under this *Compact*;

have agreed as follows:

1. The Kosovo institutions, assisted by the European Union through *inter alia*, EULEX Kosovo Instrument for Pre-Accession (IPA) projects and associated programmes of support, re-commit themselves to the following overall

Joint Rule of Law Objectives:

- Strengthening police, customs, correctional and judicial institutions across the entire territory of Kosovo, including in the north of Kosovo, for the benefit of all communities;
- Increasing the ability of Kosovo's rule of law institutions to deal with inter-ethnic crime, serious and organized crime and corruption;
- Enhancing the anti-corruption capabilities of Kosovo's institutions, particularly through the criminal justice system;
- Enhancing the accountability of all rule of law institutions by allowing institutions such as the Kosovo Judicial Council, the Kosovo Prosecutorial Council and the

Police Inspectorate of Kosovo as well as relevant internal structures to fully assume their roles in accordance with the law;

- Consolidating the strategic, operational and organizational management capacity of Kosovo's rule of law institutions to advance implementation of relevant legislation, strategies and action plans;
- Fostering a higher degree of ethnic inclusion and gender balance in the Kosovo rule of law institutions;
- Improving the responsiveness of Kosovo's rule of law institutions to concerns frequently raised by minorities in relation to public safety, accessibility and openness;
- Strengthening inter-institutional cooperation between prosecutorial bodies and law enforcement by facilitating a higher degree of communication between these institutions;
- Enhancing the ability of the relevant institutions in addressing outstanding property-related claims;
- Further developing of the Kosovo witness protection system;
- Implement agreements reached in the framework of the EU facilitated dialogue, including the use of the EUSR office to facilitate mutual legal assistance requests.

2. The undersigned endorse the jointly developed new Compact Actions, which set specific activities and concrete goals with measurable benchmarks in line with the stated overall Joint Rule of Law Objectives.

3. In pursuit of these overall Joint Rule of Law Objectives, the Head of the EU Office in Kosovo/EUSR, the Head of Mission of EULEX Kosovo, the Minister of Justice, the Chair of the Kosovo Judicial Council and the Chair of Kosovo Prosecutorial Council hereby pledge to meet regularly in the Joint Rule of Law Coordination Board to examine progress made and agree upon constructive, practical and coordinated action to resolve obstacles and advance technical progress, including in the following priority areas:

- i) Compact Actions implementation;

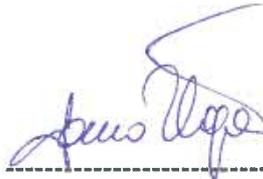
- ii) Rule of law requirements highlighted in the EU Visa Liberalisation Roadmap and the Commission Progress Report;
- iii) Legislation related to the rule of law;
- iv) Continuity in rule of law service delivery beyond the current EULEX mandate;
- iv) Reform priorities enumerated in Kosovo's Justice Sector Review.

4. The Kosovo institutions, the EUSR/EU Office and EULEX Kosovo reiterate their strong commitment to overcoming identified gaps and to allocating the necessary resources and focusing their work so as to reach the overall Joint Rule of Law Objectives as set out in this Compact.

Pristina, the 14 May 2015



Hajredin Kuçi
 Minister of Justice



Samuel Žbogar
 Head of the EU Office in Kosovo
 EU Special Representative



Gabriele Meucci
 Head of Mission
 EULEX Kosovo



Enver Peci
 Chair of the Kosovo Judicial Council



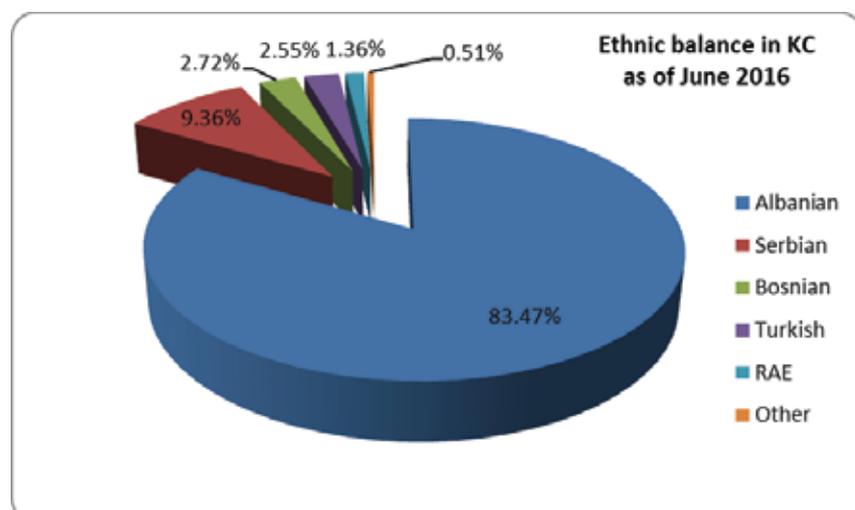
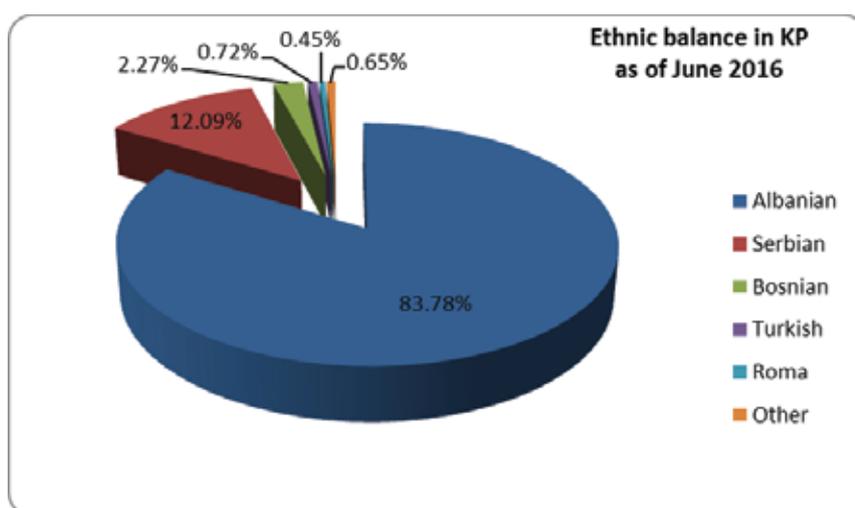
Aleksandër Lumezi
 Chair of the Kosovo Prosecutorial Council

1. POLICE & CUSTOMS

Activities and Results

Ethnic balance in rule-of-law institutions

The Law on Civil Service says that at least 10% of positions in rule-of-law institutions should be reserved for persons belonging to communities that are not a majority in Kosovo and who fulfil specific employment criteria. In the Kosovo Police (KP) 10.70% of civilian staff positions are occupied by non-majority communities. In total, 16.21% of KP's staff belong to non-majority communities, while among officers the total is 16.98%. Similarly, in Kosovo Customs (KC) 16.52% are from non-majority communities, as illustrated in the chart below.



As for the judiciary, new regulations introduced several improvements to the recruitment and promotion procedures. EULEX provided support throughout the drafting and implementation of these processes.

As an institution, the KP maintains the highest percentage of officers and civilian staff from non-majority communities. Meanwhile, the Kosovo Prosecutorial Council (KPC) and the Kosovo Judicial Council (KJC) have started recruiting judges, prosecutors and other support staff in northern Kosovo. This process, which is expected to contribute to a better overall ethnic balance, has slowed down however. A total of 483 staff members from the Serbian Civil Protection have been integrated into various Kosovo institutions, mainly in northern Kosovo, in line with the agreement reached in the EU-facilitated dialogue for normalisation of relations between Belgrade and Pristina. Of these, 25 joined the Mitrovica Detention Centre (MDC), which is now fully staffed but continues to be ethnically imbalanced.

The new regulations stemming from the adoption of the package of laws (see chapter 2, KJC and KPC) introduced several changes to the recruitment and promotion procedures, which aim to ensure appropriate minority and gender representation in rule-of-law institutions. As a result, two representatives of non-majority communities (one Kosovo Serb and one Kosovo Bosniak) and three women were elected as new KPC members in December 2015. In March 2016, the KPC launched the first recruitment drive for 22 prosecutors in line with the new legislation; a total of 183 candidates applied, of which 55 were women and 4 were Kosovo Serbs. Moreover, the KPC has followed constitutional provisions on the use of official languages which is reflected in newly adopted sub-legal acts, even including the Regulation on Performance Evaluation of Prosecutors. This will give non-majority community members better access to the promotion process since relevant documents will be translated into their languages.

Inter-ethnic crime

Inter-ethnic crimes are ethnically motivated incidents such as inter-ethnic hate crimes and crimes that have a disproportionate impact on ethnic minority communities. The handling of such crimes requires improvement in all of Kosovo's rule-of-law institutions.

These institutions still need to develop a harmonised data-collection system of inter-ethnic crime. The KP is the only institution with institutional processes in place to register incidents or alleged crimes. Efforts to create and adopt a common-framework definition of 'inter-ethnic crimes' and working practices between the KP, the State Prosecution Offices, the KPC and the KJC are ongoing, with the support of EULEX. A workshop facilitated by EULEX to introduce the concept of a 'common-framework definition' on inter-ethnic crimes took place with the aim to clearly define the obligations of rule-of-law institutions in this area, and to assist in building partnerships. The overall aim of this initiative is to promote the effective recording and analysis of incidents and crimes.

Thus far, the KP is the only rule-of-law institution with Standard Operating Procedures (SOPs) regarding inter-ethnic crimes or incidents. The KP furthermore is the only Kosovo institution that possesses the organisational capacity to record inter-ethnic crimes along with the relevant demographic data. However, the lack of a clear methodology by the KP to map potentially ethnically motivated crimes leads in practice to a low number of recorded cases, which does not correspond to EULEX field monitoring. One reason for the limited number of recorded cases might be that such cases are perceived as a sign of failure. Only substantive indictments on inter-ethnic crimes are recorded, thus simplifying a far more complex reality. Eventually, this has a direct impact on KP's ability to apply a pro-active approach in the fight against inter-ethnic crimes.

Moreover, prosecutors fail to properly classify offences containing inter-ethnic elements, such as aggravated murder (Art. 179 paragraph 1.10 of the Criminal Code), or damage to property (Art. 333 paragraph 4 of the Criminal Code). The courts are not using Article 74 paragraph 2.12 of the Criminal Code, with its provisions on aggravating factors of hate crimes, while sentencing. A common-framework definition document should help to eliminate such inconsistencies, and generally increase the interoperability between police and prosecution concerning inter-ethnic crime investigation.

Police Inspectorate of Kosovo

Although the Police Inspectorate of Kosovo (PIK) is of crucial importance for police accountability, the agency is still not fully operational: it suffers from a shortage of financial and human resources. This means that the newly opened regional offices in Mitrovica North, Gjilan/Gnjilane and Prizren cannot function as full regional investigation offices. Their activities are essentially reduced to simply collecting complaints, which are forwarded for further processing to PIK headquarters in Pristina. The reduction of PIK's budget instead of its regular annual increase remains a major concern for this young institution during its build-up phase. The budget cuts have a serious impact not only on the establishment of the planned six regional-investigation divisions but also on other critical issues such as recruitment, the maintenance and purchase of essential equipment, and the replacement of vehicles. PIK currently has only 80% of its positions filled. Meanwhile, in May 2016, a new CEO was appointed in compliance with all relevant regulations.

Inter-institutional cooperation between PIK, the prosecution and the courts continues to be hampered mainly by the heavy workload of the prosecutors, insufficient resources and inadequate practices. In contrast, cooperation between the KP and PIK continues to be positively assessed. For instance, joint meetings take place regularly to review PIK inspection plans, results and recommendations. Also, in March 2016, the Ministry of Internal Affairs (MoIA) initiated coordination meetings at the Deputy Minister level between the KP and PIK to increase cooperation on sensitive issues and disputes that may arise from PIK investigations.

As regards the Law on PIK, PIK proposed new amendments in line with EULEX's recommendations. The previous Law does not sufficiently define many functions and moreover needs to be harmonised with other legislation, including the Law on Police. PIK's proposal was endorsed by the MoIA Legal Department. A consolidated document will be sent to the Ministry of Justice (MoJ) which will set up working groups with respective stakeholders to provide comments on each article of the codes.

According to PIK's Annual Report of 2015, PIK received 1,237 complaints and information on potential police misconduct (5.4% fewer than in 2014), resulting in 220 KP officers under investigation (2.45% of the total KP workforce). So far, 173 cases have resulted in criminal investigations, 161 cases were sent to the prosecution, while the remaining 12 were carried over to the following year. Criminal indictments were filed in 108 cases, out of which the prosecution proceeded to the competent courts in 24 cases. In total in 2015, the competent courts issued only four verdicts. PIK conducted 23 arrests, issued 39 recommendations for suspension and 11 recommendations for transfer. The most frequently investigated types of cases related to endangering public traffic, misusing an official position, and causing light body injuries. PIK also handled 11 cases of bribery and eight cases of intimidation.

Cooperation between the KP and the State Prosecutor

Cooperation between the KP and the State Prosecutor can be assessed as functional at best. Professional interoperability needs to be further improved.

Increased inter-operability between the KP and the state prosecution is particularly needed with regard to the investigation of corruption, serious and organised crime as well as other serious and sensitive investigations such as terrorism, hate crime, sexual and gender-based violence cases. On a positive note, the implementation of the new case-management system within the State Prosecutor's Office has now been completed. This is a useful IT-based tracking system currently monitoring 33 priority cases – high level organised crime and corruption cases – and a step forward with regard to the co-operation between prosecution and police. Other investigative bodies are also connected to the system and feed into it (tax, customs and courts).

The EU is currently running an "Instrument for Pre-Accession" (IPA) project aimed at reinforcing cooperation between the State Prosecutor and the KP, called 'Strengthening criminal investigation capacities against organised crime and corruption'.

KP in northern Kosovo

On 19 April 2013, the Brussels Agreement, aimed at normalising relations between Pristina and Belgrade, was signed. One point of the agreement was that the KP would be the only police force in Kosovo and all police in northern Kosovo should be integrated. With the agreement, the Regional Police Directorate (RPD) Mitrovica North with four police stations, one in each of the northern municipalities, was established. This RPD reflects the ethnic composition of the region, which has a Serb majority. Since March 2014, with the support of EULEX, the RPD Mitrovica North and its four police stations have been operational and able to provide mainly reactive policing.

In the period from August 2015 to June 2016, EULEX continued its support of the Crowd and Riot Control (CRC) capabilities of the Quick Response Teams (QRT) in RPD Mitrovica North. EULEX conducted several joint training exercises with the CRC capabilities of the QRTs in Mitrovica South and Mitrovica North which also served to enhance communication and cooperation between the two RPDs. Despite training and some newly obtained equipment, the CRC capacities of the QRT in Mitrovica North still lack basic equipment.

Some progress has been made in establishing Intelligence-led Policing (ILP), which is a policing model built on the collection and assessment of information that is analysed to enable informed decision-making and risk management for more effective use of resources, and improved operational planning and management. Despite strong support from EULEX to implement the ILP model in northern Kosovo, its effective implementation in everyday policing activities still needs to improve. The Kosovo Police Information System is fully functional in all four northern police stations. However, police officers at station level need additional training on the use of the system. Meanwhile, KP officers received information evaluation training in June 2016.

Relations between KP North and KP South and central level could be further improved. Relations and communication between the RPD in Mitrovica North and the central level have improved but need further attention. The KP Regional Commanders of Mitrovica North and South primarily met based on an ad hoc basis and related to operational needs. For the cooperation to be sustainable, it needs to rely on a system, and be conducted in a pro-active rather than re-active manner. However, over the course of the reporting period, improvements have been observed in this regard. For example, the KP Regional Commanders of Mitrovica North and South cooperated successfully in planning an operation related to the Oliver Ivanović trial, as well as on operational plans related to security aspects ahead of possible demonstrations in the vicinity of the main bridge in Mitrovica. KP North and South also cooperated in preparing their annual work plan in order to set up coherent objectives on both sides, such as ensuring security and freedom of movement within the main bridge area.

Several outreach activities of KP North have been conducted such as press conferences on successful investigations and search operations. However, a communication campaign aimed at restoring trust in the KP and the criminal justice system is still lacking. EULEX trained 14 senior KP officers on communicating with the local population and conducting media relations. Regarding community policing, Local Public Safety Committees (LPSCs), established at the end of 2014 with the help of the OSCE and aimed at enhancing cooperation between KP and the local population, were further developed with the help of EULEX. An assessment of the LPSCs conducted in May 2016 revealed that the committees are not yet functioning as they should.

Altogether, the recognised deficits in their ability to manage resources, respond effectively to calls for service, and maintain a level of accountability that is beyond reproach obstruct further advancement of KP in the north.

Border management

Kosovo Customs has improved its results during the past year. The revenue collected by the KC continues to make up over 70% of all taxes and revenue collected. The end of 2015 saw an increase in revenue collection of 9.25% compared to December 2014. However, the KC revenue target set by the Government of Kosovo for 2016 of over a billion euros represents a challenge for the KC, considering the recent signing of the Stabilisation and Association Agreement (SAA), which entered into force on 1 April and will result in a projected first year decrease in revenue of 2% per year (approximately 25 million euros). Nonetheless, the KC revenue-take for the first five months of 2016 is up by 20% compared with the same period last year. The number of offences detected by the KC in the first six months of 2016 represents an increase of 50% compared to last year.



Border crossing at Hani i Elezit/Đeneral Janković

The success in accomplishing these outstanding results in revenue collection and the other excellent achievements are mainly attributed to the introduction of new reforms, improved procedures and enhanced compliance, together with a number of very important anti-corruption measures that have recently been implemented. These reforms include launching a new and fully electronic customs system promoting increased commercial facilitation, introducing a Central Verification Unit for the clearance of customs goods, reforming customs warehouses, creating a mobile compliance team and establishing a Customs Joint Transit Office between Albania and Kosovo.

Together with progress being made in terms of trade facilitation and customs-to-business relations, these are significant developments in the modernisation process of the KC and also demonstrate increasing transparency with the business community and the public as a whole. Public calls on the KC telephone hotline have increased by 53% this year. In addition, initiatives have been introduced to achieve greater gender equality within the KC administration.

In order to fight corruption, the KC has initiated a number of disciplinary cases during the course of this year, resulting in customs officers being suspended – some of whom were involved in criminal cases. These positive reforms and the overall results in revenue collection demonstrate that the KC is one of the most stable and developed institutions in Kosovo, with a modern customs legislation and well-designed procedures, offering a high degree of security, supported by strong Information Communication Technology.



Merdarë/Merdare crossing point

The Government of Kosovo approved an initial plan for the merging of the KC and Tax Administration of Kosovo, creating a single revenue agency. This represents a major commitment by the Government of Kosovo and therefore needs to be handled very carefully, with technical assistance being provided by international partners, in order to preserve Kosovo's budgetary stability.

After a year-long wait, a new National Integrated Border Management (IBM) Coordinator has now been appointed by the Government of Kosovo and the process of implementing the National IBM Action Plan and the Development Plan for the National Centre for Border Management are now back on the right path.

FRONTEX and the MoIA signed a Working Arrangement for the establishment of operational cooperation. This allows FRONTEX and the Government of Kosovo to cooperate more intensively on a number of issues such as exchanging information, joint operations, training, research and development. The KP Border Department will play a key role in the implementation of the working arrangement.

Green border control



Kosovo Police green border patrol

Kosovo Border Police (KBP), the KC, EULEX and the Serbian counterparts continued meeting regularly at the northern crossing points. In January 2016, the KBP, together with EULEX, started patrolling the green border area in Leposavić/Leposaviq municipality in January, resulting in several arrests related to smuggling, illegal crossing or driving irregular vehicles, as well as illegal transportation of various commodities. Joint patrols also started in Zubin Potok municipality. However, KBP stations in the two municipalities in Leposavić/Leposaviq and Zubin Potok are experiencing shortages of personnel, equipment and adequate premises, which directly affect their ability to operate. For example, patrols were cancelled in January 2016 due to the KBP's lack of properly equipped vehicles.

Nevertheless, two additional vehicles have been assigned to the KBP in the north, as per EULEX's recommendations, which should see more patrols being carried out. Full normalisation between Belgrade and Pristina has not yet been established when it comes to the policies of the Administrative Boundary Line.

Witness protection

Organisational requirements of the Joint Rule of Law Coordination Board (JRCB) Witness Protection roadmap have been fulfilled and the KP Witness Protection Directorate (WPD) is ready to handle its first witnesses. However, witness protection, whilst being an essential tool in the fight against organised crime, is a support function reacting to the needs of the prosecutorial process. In order for the KP to be able to embark on their first operation, making it possible for them to test and examine their own functionality, they must continue to engage with all stakeholders of the Kosovo criminal-justice system. This will ensure improved awareness of their availability within the system and their availability to support the prosecutorial process. In February 2016, the KPC took the initiative to hold a roundtable of all stakeholders on witness protection and to raise awareness of the tools available for witness protection. EULEX stands ready to support the KP WPD in the execution of its first operations.

The EU-funded witness protection programme "Witness Protection in the Fight against Serious Crime and Terrorism" (WINPRO) II was completed in July 2015. Within the framework of this project, training exercises for witness protection units in the Balkans, a conference for Heads of Witness Protection Units, and a general regional conference were held. The WINPRO III for the Western Balkans project started on 1 February 2016 and will continue for the next three years. WINPRO III looks to build on previous years of work in the development of regional cooperation and addressing any identified training needs.

2. JUSTICE



Palace of Justice Pristina

Activities and Results

Kosovo Correctional Service

The KCS has seen little progress since the last reporting period. However, on a positive note, one detention centre in Pristina which did not meet the required EU standards has been closed and one detention centre in Gjilan/Gnjilane will be closed as soon as the new facility in Gjilan/Gnjilane becomes operational.

The Internal Inspectorate of the MoJ assessed the security-related issues in the EU-financed High Security Prison (HSP) and concluded that security, anti-contraband measures and incident management are at a satisfactory level. The HSP has also improved the sports-activity programmes for inmates. Moreover, the objectives and actions related to prisoner treatment, staff development and infrastructure of the KCS strategy have been finalised; this includes the procedures for keeping records of inmates' phone calls.

The EU family was highly concerned about a particular case of three high-profile prisoners overstaying their temporary suspension of sentence issued for medical treatment abroad, and who did so with no official decision on extension of the suspension while their return was not actively enforced by the Government of Kosovo either.

Two such cases occurred in October 2015 and one in March 2016. This unlawful situation continued for several months, thus showing the remaining fragility within Kosovo's chain of criminal justice.

In regard to the abuse of hospitalisations in KCS, the HSP drafted a procedure on guarding and supervising prisoners during hospitalisations. However, hospitalisation abuses have continued along with a number of other irregularities such as unauthorised visits to high-profile prisoners, political interference, housing of pre-trial detainees and those convicted for minor offences together with long-term prisoners, as well as corruption and contraband. The latter is particularly visible in the Dubrava Correctional Centre where it is estimated that 20 mobile phones are discovered each month. EULEX believes that the number of smuggled mobile phones is likely higher than this and has therefore advised the KCS to take strong anti-contraband measures immediately.



The Dubrava Correctional Centre

The overall staffing situation in KCS remains a concern with no new recruitment foreseen for 2016 due to budgetary constraints. Staff shortages also pose a threat for the operational stability of the HSP. As the current staffing situation stands, the HSP is not able to house more inmates. Overall, HSP requires 130 additional staff members to be able to conduct its operations properly. Procurement-related issues remain to be solved, as illustrated by the cancellation of a number of important tenders such as acquisition of food products, maintenance of CCTV cameras for the HSP, and secure hospital accommodation.

Considerable and urgent improvements are required concerning procurement practices, which currently lead to both the inmates and KCS staff facing serious difficulties.



Inmates in Dubrava Correctional Centre

There is a need for staff training; however there seems to be a lack of will to organise such training courses. Likewise, sentence planning for prisoners and the identification of meaningful employment opportunities for prisoners have also seen only limited progress. Prisoners who work are engaged primarily in cleaning and maintenance, whereas the existing possibilities and facilities for organising productive and rehabilitative as well as vocational work such as welding and carpentry for prisoners have hardly been used due to a lack of raw materials.

The EU is currently running one IPA project under the title “Support to Upgrade Kosovo Probation Service Database”. The project aims to modify, expand and upgrade the current database of the Kosovo Probation Services in order to provide more efficient and effective services.

Mitrovica Detention Centre

The MDC is operating relatively well. The problems with staff shortages has improved mainly due to the successful integration of 25 staff members coming from the former Serbian Civil Protection as agreed in the EU-facilitated dialogue. They started working in the MDC in November 2015 and are performing their jobs in a professional manner. The newly recruited officers, however, are all men, which leads to a gender imbalance within the MDC that therefore needs to be addressed.



Mitrovica Detention Centre

Lack of training and equipment remain important challenges as well, which result in the MDC being unable to assign new officers for prisoner-escort tasks. The situation may improve considering that the purchase of security equipment (including ammunition) has been approved by the Office of the Prime Minister, and the servicing of vehicles has been regulated after the signing of maintenance contracts. Moreover, the EU Office is financing the construction of a tunnel between the MDC and the Mitrovica Basic Court, which should alleviate prisoner-escort problems in the near future.



Mitrovica Basic Court

The long-standing lack of multi-ethnicity within MDC remains a concern: after the declaration of independence in February 2008, the Kosovo Albanian KCS staff left because of security concerns and were re-employed elsewhere throughout the KCS. Since then, Kosovo Albanian

staff members have so far not been reinstated in the MDC. EULEX has continuously advised the KCS on this matter, however, the issue remains unresolved due to the sensitivity of the situation in Kosovo.

Kosovo Judicial Council and Kosovo Prosecutorial Council

On 15 June 2015, amendments to the package of laws related to the judiciary, including the Law on Courts, Law on Kosovo Judicial Council, Law on State Prosecutor and Law on Kosovo Prosecutorial Council, entered into force. Following that, on 24 February 2016 the Constitution of Kosovo was amended with regard to the composition of the KJC. These amendments address the recommendations of the Visa Liberalisation Roadmap related to the appointment, evaluation and dismissal of judges and prosecutors as well as the independence of the judiciary. Subsequently, a number of sub-legal acts are pending adoption. These should have been adopted by the KJC and KPC within a period of six months. However, despite the deadline of 15 January 2016 to complete the drafting and adoption of the sub-legal acts stemming from amendments to the law, the process is still not complete. Meanwhile, important sub-legal acts are still in a draft form. For the KJC, these concern the Regulation on Assignment and Transfer of Judges, the Regulation of Lay Judges, and the Regulation on Policies and Standards on the Training of Judges, Lay Judges and other Judicial Staff. For the KPC, it concerns the Regulation on Organizational Structure and Functioning of the KPC Secretariat.

The serious delay in drafting the sub-legal acts indicates that both Councils lack sufficient capacities and resources to follow their action plans for the drafting of regulations. It also illustrates that the Normative Committees of the councils lack adequately qualified staff to independently draft regulations of sufficient quality stemming from the laws.

Generally positive structural reforms and institutional changes at both the KJC and the KPC coincided with the amendments to the package of laws introduced in mid-2015 and contributed to the relatively low performance of the KJC and the KPC. These reforms led to an almost complete change of council members at both the KJC and the KPC, which affected the dynamics of their work and require more efforts towards maintaining the stability, consistency and continuity of both Councils.

The KPC in its new composition began functioning in January 2016, with the selection of three members from the quota of the Kosovo Assembly still pending. The regulation on the organisation and functioning of the KPC Secretariat still needs to be adopted: this would legally establish the Secretariat. The recruitment of 22 new prosecutors at the Basic Prosecution Offices throughout Kosovo is ongoing, a process that the KPC has so far conducted smoothly and professionally.

In addition to the above, it is to be noted that the KJC has a new chair and new council members from the Supreme Court and Basic Courts. Furthermore, one council member was selected from the deputies of the Assembly, holding reserved or guaranteed seats for the Kosovo Serb community. Twelve out of thirteen positions have been filled. Both the KPC and the KJC can be credited for managing the changes in their composition and leadership within legal deadlines and respecting the applicable legislation. To date, both have maintained the necessary quorum to be functional.

One of the biggest challenges for the KJC remains the implementation of the new selection process for judges, which, amongst others, includes administering complex written exams, designing the initial and continuous training of judges, and redesigning the system of performance evaluation.

Concerning judicial oversight and accountability mechanisms, progress has been made with the recent amendments to the Law on KJC and Law on KPC. However, a proper legal framework for the Office of the Disciplinary Counsel still needs to be developed, the respective sub-legal acts need to be finalised and the existing accountability mechanisms enforced.

Moreover, the introduction of a Case Management Information System (CMIS) and thus, the possibility to collect reliable data is still pending the complete functionalisation of CMIS, which will be operational from 2018 onwards, as foreseen by their action plan. While the new Law on Minor Offences will reduce the backlog of cases, it will not solve the problem altogether. The whole process is still equally challenging. Addressing the significant backlog of cases within Kosovo's judicial system remains a challenge.

Anti-corruption

Although the system of declaration of assets requires an in-depth revision, some progress has been made with regard to the declaration of assets through the development of two important anti-corruption tools, namely a TV infomercial which notifies all senior public officials about the deadline for declaration of assets, and a letter of notification drafted jointly by the OSCE and EULEX which will serve as evidence that senior public officials had knowledge about their obligation to declare assets. It is expected that these actions will support the system of declaration of assets implemented by the Anti-Corruption Agency (ACA).

There has been some progress with regard to cooperation and coordination between the ACA and civil society. An NGO analysis showed that the ACA has initiated ex officio preliminary investigation procedures regarding the appointment of a large number of Boards of Directors in public enterprises contrary to the provisions of the Law on Public Enterprises. The ACA issued an opinion addressed to the Office of Prime Minister regarding this issue. The ACA's stand was strongly backed by the EU.

The regime of tackling conflict of interest remains largely ineffective. The Government of Kosovo withdrew the draft Law on Prevention of Conflict of Interest from the Assembly of Kosovo and is currently working on a new draft. This, however, still includes weaknesses, such as allowing officials to hold more than two jobs at the same time, and needs to be further aligned with EU best practices.

Similarly, legislation related to the disciplinary system for judges and prosecutors has not been entirely brought into line with international standards yet, nor has the Law on the Office of the Disciplinary Counsel/Prosecutor been finalised. In addition, the performance of the Office of the Disciplinary Counsel/Prosecutor (ODC/P) has deteriorated and the overall quantity and quality of disciplinary investigations conducted by the ODC/P has been low.

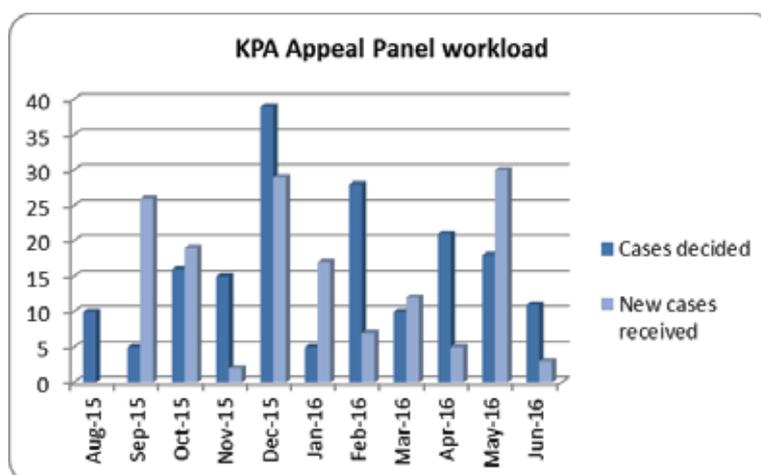
The EU-sponsored Legislative Review Mechanism provided comments on the draft Law on Public Procurement from an anti-corruption perspective and presented them officially in a Consolidated Legal Opinion presented to the Kosovo authorities.

These comments addressed the appointment, suspension and removal of the Procurement Review Body as well as the Public Procurement Regulatory Commission board members in light of the transparency and integrity of the process. The majority of EU comments have been incorporated into the new Law, which was adopted by the Assembly of Kosovo in February 2016.

Kosovo Property Agency

By the end of December 2014, the Kosovo Property Claims Commission (KPCC) had finalised a total of 42,749 claims hereby marking the successful completion of its work. However, as of June 2016, 648 KPCC decisions have not yet been delivered to the parties. Many of those cases might be appealed at the Kosovo Property Agency (KPA) Appeals Panel.

The KPA Appeals Panel adjudicates the appeals filed against KPCC decisions on property claims brought before the KPA. Since August 2015, the KPA Appeals Panel has received 150 new appeals and issued 178 judgments. As of June, the KPA still has 417 cases to review.



The KPA Appeals Panel started working with two parallel panels (with two EULEX judges and one Kosovo judge in each) in November 2015, and consequently increased the number of adjudicated cases (as indicated in the chart above). However, according to the Law on Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo, and the agreement on civil cases, ongoing cases received after 30 May 2014 shall be adjudicated by a panel composed of a majority of local judges. This makes only one panel operational as both local judges are required to be on the same panel. On 16 December 2015, the KJC adopted a decision whereby it rejected EULEX's general request for the KPA Appeals Panel to be composed of a majority of EULEX judges for cases registered after 30 May 2014, and stipulated that EULEX will have to request a majority composition in each case.

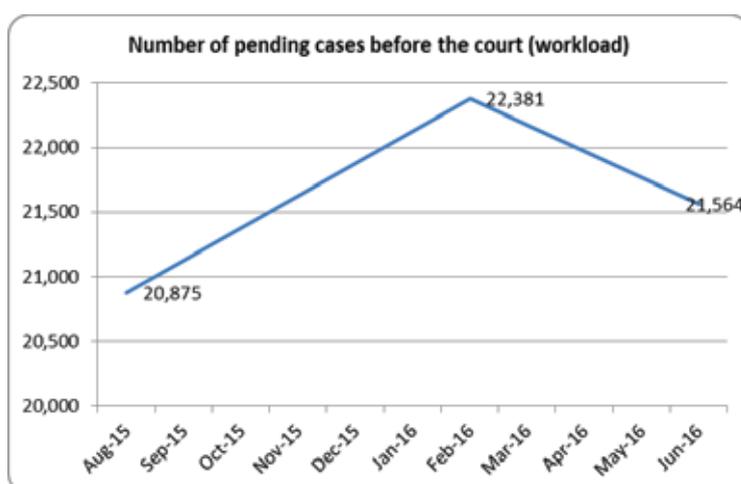
Considering that most claimants at the KPA Appeals Panel are of non-Albanian ethnicity and the majority of cases involve a sensitive inter-ethnic aspect, EULEX submitted requests in 82 cases to the KJC requesting to allow the KPA Appeals Panel to be composed of a majority of EULEX judges in cases received after 30 May 2014, and the KJC approved the requests in 34 cases.

The KPA Appeals Panel is now – for the vast majority of cases in which a EULEX majority is not possible – back to working in one panel. The KPA Appeals Panel risks becoming dysfunctional due to local staff shortages, especially since one of the two local judges will retire next year.

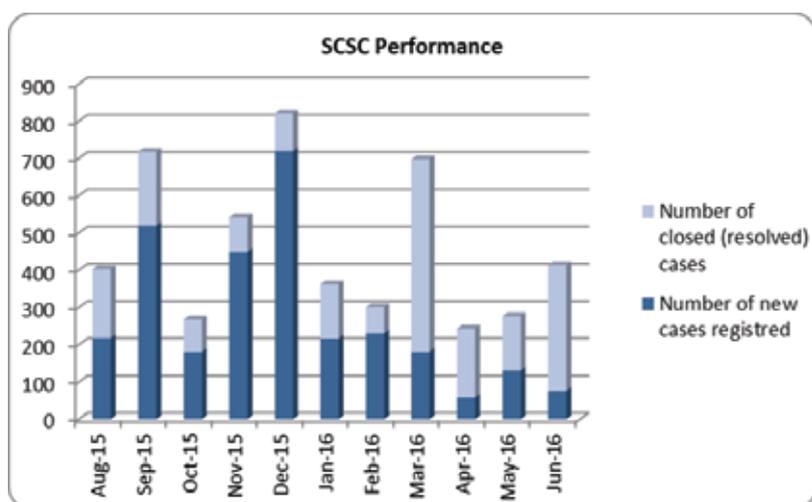
Since the KPA has not yet delivered 648 KPCC decisions to the parties and 2,555 claims thus far were only delivered through publication in the media and could still be delivered to the claimants upon their request, there is a probability that parties to those claims will make use of their right to appeal. In order to serve those appeals, the Law on Kosovo Property Comparison and Verification Agency, which is currently pending in the Assembly, will transfer the competences of the KPA to the Kosovo Property Comparison and Verification Agency. This means that the new agency will be responsible for arranging the retrial before the Property Claims Commission in case the Supreme Court orders a re-trial of a case.

Special Chamber of the Supreme Court

Local judges and EULEX judges have continued adjudicating cases in mixed panels with local judges in the majority. The total number of pending cases before the Special Chamber of the Supreme Court (SCSC) increased to 21,564– or increased by 5.81% – from August 2015 to June 2016 as the chart illustrates.



The increased number of closed cases (as the chart below illustrates) is a result of EULEX' efforts to improve communication among the KJC staff to enhance the general workflow and introduce standard procedures in handling the case files. Furthermore, the KJC succeeded in filling two vacancies for local judges who now contribute to the output of the SCSC.



The SCSC continued to work well despite a number of challenges, which include prolonged processing times due to inadequate quality of the claims filed and the lengthy service of court submissions (as a result of the interruption in mutual legal

assistance) to parties residing outside of Kosovo, particularly in Serbia. Furthermore, the total number of 20 judges, as foreseen in the Law on SCSC, is insufficient to deal with the high number of incoming and pending cases. The SCSC translation unit reports a workload of 31,087 pages as of June 2016. The workload is therefore expected to increase further; however, as a mitigation measure, the SCSC is currently improving the workflow in the registry and consolidating its adjudication. The panels are focused on economising procedures (such as using the possibility to decide without hearing in appropriate cases; identifying cases with similar parties or subject matters and dealing with them simultaneously; developing and using appropriate templates), and making use of support staff and other resources for effective results. The regular participation of SCSC judges in juridical discussions in the General Sessions of the Supreme Court could not yet be established, as required by law, due to a lack of communication between the President of the Supreme Court and the President of the Special Chamber. This indirectly affects the clearance rate of cases, as SCSC judges cannot discuss their issues in the General Sessions. Progress, however, has taken place regarding the JRCB benchmarks: the selection and appointment of two local judges and one local legal advisor has been completed.

Two EULEX projects have been implemented to provide a case digest with a collection of leading cases in the field to local counterparts, as well as a commentary on the Special Chamber Law containing guidance on case adjudication. The first edition of the case digest encompassing 25 decisions/judgements was published in Albanian, Serbian and English at the end of May 2016. The aim of both projects is to foster effectiveness and quality of proceedings and to consolidate the adjudication of cases at the SCSC.



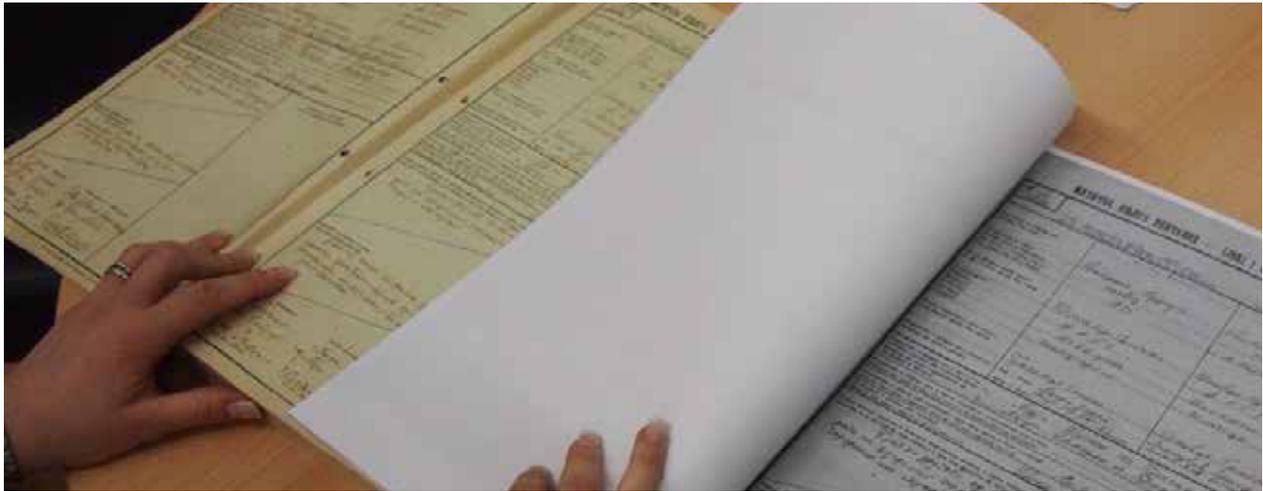
Ongoing trial session

3. DIALOGUE IMPLEMENTATION

Activities and Results

Civil registry

While the establishment of a comprehensive and sustainable civil registry in Kosovo in line with the Dialogue Agreement on the Civil Registry Books (CRBs) still requires work, municipalities still use the Certified Copies (CCs) in an incoherent way, indicating the need for a common approach and instructions on the use of the CCs in compliance with the administrative instruction.



Coping of Kosovo Civil Registry Books, Niš Serbia.

The main focus is now on the digitalisation of all civil status registers, including certified copies, and the creation of an electronic archive. Ideally, this should create a fully searchable, unified civil status registration system in Kosovo, containing all data and constantly updated, accurate records of all events, such as births, marriages and deaths. Such a digital civil registration system will serve not only the population, but also other institutions, such as law-enforcement bodies, prosecutorial entities, and the Central Election Commission, for example. To ensure the integration of all data, all actors should aim for an all-encompassing approach with a long-term perspective.

Regarding the digitalisation, the MoIA is currently amending the Administrative Instruction No. 09/2015 on Defining the Procedure for Digitalization of Scanned Basic Civil Status Registers. As recommended by EULEX, the amendments now include and cover the process of data-matching and linking for different purposes and for verification. Thereby, the existing SOP will be provided with the necessary legal basis.

In April/May 2016, EULEX re-assessed the functionality of Cooperation Agreements between the CRA and law-enforcement institutions and the progress made on both sides in terms of the technical preparations for enabling the exchange of information via web services or other online solutions. It found that the links were not established or fully functional as stipulated in the agreements and SOPs. Consequently, this will negatively affect the CRA and law-enforcement institutions in their ability to prevent criminal activities, since crucial information on name changes, passports and vehicles may not be exchanged in time.

In northern Kosovo, there is a fundamental need for establishing a proper civil status and registration as well as vehicle registration services. Even though Kosovo Serbs increasingly apply for Kosovo civil status documents, the northern municipalities are still not using Kosovo documentation, including vehicle registration plates. Improvements here heavily depend on further progress in the EU-facilitated dialogue on the CRBs and the Freedom of Movement (FoM) agreement.

In February 2016, the selection panels began integrating 77 former MUP administrative staff in the Kosovo civil status and civil registration services. Pristina proposed that 32 individuals be integrated into the CRA, namely the Centre for the Issuance of Documents (ID cards, passports and driving licences) and the Centre for Vehicle Registration, and 45 into the municipal civil status offices. The integration process into the CRA/MoIA has been completed: the 32 ex-MUP administrative staff members have signed their contracts and received appropriate professional training. In contrast, the integration of the second group of now only 39 ex-MUP administrative staff (initially they were 45 but three were above the age limit of 65 and three declined the appointment) with the municipal authorities under the civil-status services was still ongoing in June.

Freedom of Movement

The signing of the Memorandum of Understanding on Motor Third Party Liability has had positive consequences for the implementation of the Freedom of Movement (FoM) agreement. According to the agreement, users of motor vehicles registered in the territory of one Party who are in possession of valid insurance for the territory of the other Party may freely enter and travel in that jurisdiction. As a consequence, Kosovo residents do not have to pay extra fees when travelling to Serbia. Since its entry into force on 12 August 2015, the implementation went smoothly without any major incidents.



IBM - crossing point Rudnica/Jarinjë

Integrated Border Management

The IBM continues to show progress. Cooperation between Pristina and Belgrade working at the Common Crossing Points continues to be positive. The 'real-time' electronic exchange of customs data using the Systematic Electronic Exchange of Data (SEED) system between the two Customs administrations was successfully negotiated under the framework of the EU-facilitated dialogue process and is now fully functional. This is the only electronic exchange of information between Pristina and Belgrade.



IBM - crossing point Rudnica/Jarinjë

The issue with Belgrade's non-recognition of Kosovo ADR1 certificates required for the transport of dangerous goods has been resolved with both parties agreeing on unhindered passage of such goods in April 2016.

Furthermore, the first-ever bilateral meetings between the two border authorities (police, customs, and phytosanitary and veterinary inspectorates) took place, both in Pristina and Belgrade. These meetings included the largest joint meeting between the KBP and Serbian police since the signing of the IBM Technical Protocol on 23 February 2012.

Contracts have been signed between the EU and United Nations Office for Project Services (UNOPS) in Belgrade and Pristina for the construction of six permanent crossing points (CPs). Whilst all the procedures have been put in place by Pristina, and the start of construction for the three CPs hosted by Pristina is foreseen before the end of 2016, Belgrade's progress was delayed until a government decision on establishing a new institution responsible for all the CPs (the Administration for Joint Services of the Republic Bodies) had been taken – this was finally done on 27 April 2016.

¹ European Agreement on the International Carriage of Dangerous Goods by Road

A number of IBM issues, however, remain unresolved, including long-standing infrastructure problems at CP Jarinjë/Rudnica, and Belgrade's continued use of parallel customs stamps.

Integration of security structures

The First Agreement from 2013 had foreseen the integration of "Serbian security structures", with a further agreement from March 2015 elaborating specifically the integration of the former Serbian Civil Protection. The integration was completed in 2016, despite several challenges such as the coordination of over 20 Kosovo institutions involved in the process.

The agreement foresaw the integration of 483 former Civil Protection personnel into various Kosovo institutions and ministries. After a selection process, all former Civil Protection personnel had signed contracts with Kosovo institutions by January 2016, with 50 former Civil Protection officers being integrated into a Contingency Fund signing a formal declaration. These 50 officers will be assigned to permanent posts by the end of 2016. The timely payment of salaries proved challenging, as the Law on Budget for 2016 needed to be adopted beforehand. The Kosovo institutions receiving new staff in the four northern municipalities will establish new offices in northern Kosovo. A working group under the leadership of the Ministry of Public Administration is looking into solutions for finding office space for the integrated former Civil Protection staff.

To ensure the smooth integration of former Civil Protection personnel into the Kosovo institutions, induction training and further specialised training courses were held. The main stakeholder in this regard was the OSCE, who organised one-week induction courses at the Kosovo Academy for Public Safety in Vushtrri/Vučitrn. By mid-March 2016, after the induction training was completed, specialised training courses took place. The EUSR/EU Office took on the task of conducting this specialised and tailored training, along with the translation of relevant legislation and regulations, in cooperation with the Kosovo Institute of Public Administration. Integrated personnel have already made positive contributions to Kosovo institutions, in particular the MDC, the Agency for Emergency Management, the KC and the Food and Veterinary Agency.

All signs of a Civil Protection presence in the north have now been dismantled. Surveillance cameras and observation posts have been removed. Civil Protection official jackets and vehicles have also been discarded.

Justice

Major achievements have been made related to point 10 of the First Agreement that covers the integration of the Serbia-run judiciary into the Kosovo legal system.

The Jugobanka building in Mitrovica South that is supposed to host the civil department of the Mitrovica Basic Court was renovated by summer 2015. A new site that is intended to host the Basic Prosecution Office in Mitrovica North was identified in October 2015 and is currently being renovated and refurbished, after the budget for this renovation was released by the KPC.

EULEX has facilitated the selection process for Kosovo Serb judges, prosecutors and support staff in close cooperation with the KJC and KPC. 34 judges and 11 prosecutors were selected in 2015 and another 20 positions (14 for judges, six for prosecutors) were advertised in 2016. From this selection process, 11 judges and three prosecutors were selected. In June 2016, all selected judges' and prosecutors' judicial staff had yet to be appointed.



The vacancy announcements for the 149 support-staff positions (115 for the courts and 34 for the prosecution offices Kosovo-wide) were published on 29 March 2016. In June 2016 the recruitment process was still ongoing. All involved parties aim to complete the whole integration process in autumn 2016.

KP Religious and Cultural Heritage Unit

The overall number of incidents in Kosovo has remained almost the same compared to the last reporting period of the Compact Progress Report (July 2014-July 2015) with only one more incident reported. In total, 40 cases of theft or damage to religious sites (39 during the last reporting period) were registered over the past months: 27 targeting Muslim, seven targeting Orthodox and four targeting Catholic sites (and two targeting other sites). Most cases concern 'theft' (25 cases), suggesting that the perpetrators' motives are to obtain material benefits rather than 'damage' (14 cases), the latter of which would presumably point to 'hatred, religious or ethnic motives' and indicate security threats against religious sites. There is a continued need to secure all locations, particularly in rural areas where the level of incidents is higher, and to perform effective police patrols. However, the number of incidents has continuously decreased with a total of 11 cases reported in January and only 3 cases reported in June 2016. It is noteworthy that most cases happened in religious sites that are not under the scope of the Religious and Cultural Heritage Unit (RCHU). The RCHU provides security only to 24 religious cultural sites of the Serbian Orthodox Church with a 24/7 presence of police officers at static points. KFOR is still in charge of security for Deçan/Dečani monastery, which is a frequent target.

In April 2016, the risk assessment for Orthodox religious sites by the KP was again delayed and requires updating. According to the "Operation Order on Safeguarding and Protection of Serbian Orthodox Heritage Sites" such assessments are required every six months. Moreover, KP needs to develop a new risk assessment methodology in line with European standards. Due to the identified needs, EULEX has established a task force dedicated to develop and implement a new risk assessment methodology, in line with European Standards.

Overall, RCHU is meeting its performance criteria both in terms of diverse staff composition, applied reporting procedures, inspection level and inter-agency collaboration. It established good collaboration with the religious communities (Islamic community and Serbian Orthodox Church), the KP, the municipalities and the United Nations Development Programme (UNDP).

List of Acronyms and Abbreviations

ACA	Anti-Corruption Agency
CCs	Certified Copies
CMIS	Case Management Information System
CPs	Crossing Points
CRA	Civil Registration Agency
CRBs	Civil Registry Books
CRC	Crowd and Riot Control
EUSR	European Union Special Representative
FoM	Freedom of Movement
HSP	High Security Prison
IBM	Integrated Border Management
ILP	Intelligence-Led Policing
IPA	Instrument for Pre-Accession
JRCB	Joint Rule of Law Coordination Board
KBP	Kosovo Border Police
KC	Kosovo Customs
KCS	Kosovo Correctional Service
KJC	Kosovo Judicial Council
KP	Kosovo Police
KPA	Kosovo Property Agency
KPC	Kosovo Prosecutorial Council
KPCC	Kosovo Property Claims Commission
LPSC	Local Public Safety Committee

MDC	Mitrovica Detention Centre
MoIA	Ministry of Internal Affairs
MoJ	Ministry of Justice
MUP	Serbian Ministry of Internal Affairs / Ministarstvo Unutrašnjih Poslova
ODC/P	Office of the Disciplinary Counsel/Prosecutor
PIK	Police Inspectorate Kosovo
QRT	Quick Response Team
RCHU	Religious and Cultural Heritage Unit
RPD	Regional Police Directorate
SCSC	Special Chamber of the Supreme Court
SEED	Systematic Electronic Exchange of Data
SOP	Standard Operational Procedure
UNDP	United Nations Development Programme
UNOPS	United Nations Office for Project Services
WPD	Witness Protection Directorate

European Union Rule of Law Mission

Partnership for Justice



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