

COMPACT Action

Action Number **COMPACT/1.1**
Title: **Structured support to ensure a fully functioning Financial Intelligence Unit**
Partner(s): Financial Intelligence Unit (FIU)
Rule of Law Area: Police/Justice

1. RATIONALE

The Financial Intelligence Centre (FIC) has transitioned to local structures as the Financial Intelligence Unit (FIU), but the FIU will need support with building a fully functioning and effective institution. A newly established FIU will benefit from a programme of structured support in order to become fully functioning¹.

2. DESCRIPTION

2.1 Objective

EULEX will assist the FIU to become a fully functioning organization that effectively can combat financial crime such as money laundering and the financing of terrorism through the development and implementation of a programme of structured support. This shall include but not be limited to the full implementation of the recommendations of the Financial Action Task Force (FATF).

2.2 Activities

- a) EULEX will monitor the further process of completing institution-building measures. This shall include but not limited to staffing; recruitment; funding; operating procedures and training of staff. EULEX will also monitor that FIU moves towards fulfilling some of the requirements set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap². The monitoring will be guided by a written monitoring-instruction. When required, EULEX will support with mentoring and advising.

¹ Visa Liberalisation with Kosovo, Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of Movement; Block 3: Preventing and combating organized crime, corruption & terrorism, and Strengthen police capacity in financial intelligence and tackling financial crime.

² Block 3 in the Visa Liberalisation with Kosovo, Roadmap, page 10-12.

Within six months of monitoring, the FIU will have recruited all necessary staff to answer to all operational needs³. Within three months of monitoring, new operating procedures, laying down the method of obtaining financial intelligence by EULEX FIC/FIU team to carry out its functions, shall have been worked out between the outgoing FIC Director and the Director of the FIU. Within six months of monitoring, as the newly recruited staff members join the unit, basic trainings, e.g. on how to operate intelligence and analyses software (goAML) will be ensured. In addition, within twelve months of monitoring, advanced Financial Intelligence-Techniques trainings for the newly recruited staff, shall have taken place.⁴ Special focus will be given to the efforts to strengthen the capacity of the FIU to conduct analysis of intelligence related to the suspicion of money laundering and financing of terrorism.

- b) Within 15 months of operations, EULEX will monitor performance measures within the FIU for the organization as well as staff, based on the applicable law, procedures and the criteria set in the Block 3 in the Visa Liberalisation with Kosovo, Roadmap⁵. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising. Within the 15 months of monitoring, the FIU shall, at all times, implement all the requirements of the Law on the Civil Service of the Republic of Kosovo (Law No.03/L –149), specifically the Administrative Instruction No. MPS/ DCSA 2003/08⁶ in relation to performance measures for the staff.⁷

- c) In the level of inter-institutional and inter-agency cooperation, within twelve months of monitoring, the FIU shall have signed specifically a MoU with the Kosovo Police in order to

³ The Director of FIU intends to hire a Law Enforcement Liaison Officer and, pending budgetary approval of MEF, an additional legal officer.

⁴ Training is organized by the Office of the technical Assistance (US Treasury Department).

⁵ Block 3 in the Visa Liberalisation with Kosovo, Roadmap, page 11.

⁶ Job assessment for the local staff is done in accordance with the legislation in force for Civil Servants concretely the Administrative Instruction (AI) No. MPS/ DCSA 2003/08, currently available only in Albanian version.

⁷ The Administrative Instruction requires the following steps and formal review of performance job assessment measures to take place: Step 3(a) provides the following: At the beginning of the performance year or at the beginning of the probationary period, a discussion must take place with each employee to identify the key tasks to be performed, to clarify expectations, discuss monitoring methods and identify development requirements. Step 6(a) provides the following: A formal review of performance must be held at the following times: at the end of the probationary period, the Manager/Head of Unit must ensure all steps listed in the Probation Procedure are followed; at the end of a contract period. The Manager/Head of Unit must ensure all steps listed in the Contract Procedure are followed; at the end of each performance year (31 December) the Manager/Head of Unit must ensure all steps listed below are followed.

introduce safe and quick electronic exchange of information.⁸ In the level of international cooperation, within six months of monitoring, the FIU shall have signed MoUs with Turkey⁹, Austria and Italy¹⁰, including other MoUs as feasible¹¹. Within 15 months of monitoring, the FIU will become a member of EGMONT Group of FIUs. EULEX will be monitoring, mentoring and advising the FIU to achieve the goals.¹² In all of the monitored activities special focus will be given to FIU efforts to improve cooperation, coordination and the exchange of information and criminal intelligence between law enforcement and judicial authorities, to improve the results in investigating financial crime.¹³

- d) Within 15 months of monitoring, the FIU shall ensure continuous and effective implementation of existing and future Financial Action Task Force (FATF) recommendations¹⁴, including other internationally recognized standards in the fight against money laundering and financing of terrorism.¹⁵

2.3 Expected Results

- a) Within six months of EULEX monitoring, the Financial Intelligence Unit (hereinafter the FIU) will have recruited all necessary staff to answer to all operational needs¹⁶. Within three months of EULEX monitoring, new operating procedures, laying down the method of obtaining Financial Intelligence by EULEX FIC/FIU team to carry out its function, will have been worked out between the outgoing FIC Director and the Director of the FIU. Within six months of monitoring, as the newly recruited staff members join the unit, basic trainings, e.g. on how to operate intelligence and analyses software (goAML) will be

⁸ At the time of drafting this MIP, the FIU has signed MoUs with the following local institutions: 1. Tax Administration of Kosovo; 2. Kosovo Customs; 3. Anti-Corruption Agency; 4. Kosovo Cadastral Agency; 5. Central Bank of Kosovo and the 6. Ministry of Public Administration (source: EULEX FIC Director).

⁹ MoU with Turkey has been finalized and is only waiting signature due to practical reasons agreed with Turkish counterpart that the final signature will be done by the new Director of FIU.

¹⁰ This is the intention of the Director of FIU.

¹¹ At the time of drafting this MIP, the FIU has signed MoUs with the following countries: 1. Albania, 2. F.Y.R.O.M., 3. Croatia, 4. Montenegro, 5. Slovenia and 6. San Marino (source: EULEX FIC Director).

¹² Slovenian FIU accepted the invitation by Kosovo FIU to help achieve membership. The first step was made in January 2012 when Slovenian FIU requested observes status for Kosovo from the Secretariat of the EGMONT Group. Membership to EGMONG Group is key for Kosovo FIU to facilitate the information exchange with other countries.

¹³ Block 3 in the Visa Liberalisation with Kosovo, Roadmap, page 12.

¹⁴ Effective implementation of recommendations is a pre-condition for the FIU long term goal to achieve the membership in the EGMONT Group.

¹⁵ Law on the Prevention of Money Laundering and Terrorist Financing (Law No. 03/L-196), is currently being amended.

¹⁶ The Director of FIU intends to hire a Law Enforcement Liaison Officer and – pending budgetary approval of MEF- an additional legal officer.

ensured. In addition, within twelve months of EULEX monitoring, advanced Financial Intelligence-Techniques trainings for the newly recruited staff, will have taken place.¹⁷

- b) Within 15 months of monitoring, the FIU will have implemented all the requirements of the Law on the Civil Service of the Republic of Kosovo (Law No.03/L –149), specifically the Administrative Instruction No. MPS/ DCSA 2003/08¹⁸ in relation to performance measures for the staff¹⁹.
- c) In the level of inter-institutional and inter-agency cooperation, within twelve months of monitoring, the FIU will have signed specifically a MoU with the Kosovo Police in order to introduce safe and quick electronic exchange of information. In the level of international cooperation, within six months of monitoring, the FIU will have signed MoUs with Turkey²⁰, Austria and Italy²¹, including other MoUs as feasible. Within 15 months of monitoring, the FIU will become a member of EGMONT Group of FIUs.²² FIU has improved cooperation, coordination and the exchange of information and criminal intelligence between law enforcement and judicial authorities, thus improving the results in investigating financial crime.
- d) Within 15 months of monitoring, the FIU will have ensured continuous and effective implementation of the existing and future Financial Action Task Force (FATF) recommendations²³, including other internationally recognized standards in the fight against money laundering and financing of terrorism.²⁴

¹⁷ Training is organized by the Office of the technical Assistance (US Treasury Department).

¹⁸ See footnote no. 5.

¹⁹ See footnote no. 6.

²⁰ MoU with Turkey has been finalized and is only waiting signature due to practical reasons agreed with Turkish counterpart that the final signature will be done by the new Director of FIU.

²¹ This is the intention of the Director of FIU.

²² Slovenian FIU accepted the invitation by Kosovo FIU to help achieve membership. The first step was made in January 2012 when Slovenian FIU requested observes status for Kosovo from the Secretariat of the EGMONT Group. Membership to EGMONG Group is key for Kosovo FIU to facilitate the information exchange with other countries.

²³ See footnote no. 12.

²⁴ See footnote no. 13.

COMPACT Action

Action Number **COMPACT/1.2**

Title: Enhancement of the Kosovo Correctional Service

Partner(s): the Kosovo Correctional Service (KCS) and the Internal
 Inspectorate of Ministry of Justice (Internal Inspectorate)

Rule of Law Area: Justice

1. RATIONALE

EULEX has observed that the KCS is in need of a structured system for performance measures based on relevant laws and case management. There is also a need to further assist in the decentralisation process of the KCS and the on-going handover of competences from the Kosovo Ministry of Justice (MoJ) to the KCS. Security policies that include the Security Information Reporting (SIR) need to be fully implemented. Finally, the Mitrovicë/Mitrovica Detention Centre needs support in the fields of prisoner escort, security and staffing issues.

2. DESCRIPTION

2.1 Objective

The senior management level of the KCS shall be provided with support to develop a structured system of performance measures including but not limited to strategic plans to complete the decentralisation process and the handover of competences from the MoJ. In addition there will be a structured system in place to measure performance in the areas of security, strategic management and administration. EULEX will provide the Mitrovicë/Mitrovica Detention Centre with the adequate support to manage its needs in the fields of prisoner escort, security and staffing issues.

2.2 Activities

- a) EULEX will focus on monitoring the design and implementation of an International Standards Audit Programme (ISAP). The programme is designed to enable the KCS and the MoJ Internal Inspectorate (II) to assess current prison standards against recommended norms. In parallel, EULEX will monitor the creation and implementation of an anti-

corruption strategy. The strategy will encompass a number of anti-corruption mechanisms to combat nepotism, political interference and corruption. EULEX will monitor that the II develop and implement a separate inspection function to enable short duration examination of prisons and detention facilities of the KCS. Within six months of monitoring the II and KCS will have started to create an audit programme to enable competent auditing activities to take place. This will be in-conjunction with a proposal and initial implementation of an anti-corruption strategy that is directly linked with the audit process. Within 12 months of monitoring the KCS and II will commence its own audit programme focusing on Dubrava Prison. Within 15 months of monitoring both the II and KCS will have completed six audit procedures within Dubrava Prison. In addition, an audit programme will be designed specifically for the new High Security Prison and other KCS facilities. Between 12-15 months of monitoring two detention centers will have been audited. Within 15 months of monitoring the II will be able to carry out independent inspections and audits of KCS facilities with the ultimate aim to identify the existing prison standards against national and international rules and guidelines and strive towards full compliance. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

b) EULEX will focus on monitoring the decentralization process and transfer of competencies from the MoJ to KCS.¹ Within 12 months of monitoring the KCS shall have full authority to recruit and appoint staff in compliance with applicable laws and several recruitment panels have been monitored. Within the following six months of monitoring a further four panels will be monitored in order to assess transparency. Within six months of monitoring KCS will prepare a plan to decentralize the budget. Within ten months of monitoring all directors and relevant staff are trained and capable to execute the added responsibilities. Within 15 months of monitoring, the budget has been allocated to all individual facilities. Within 12 months of monitoring at least six sampled cases of KCS procurement, budget and human resources shall be found in compliance with relevant rules and regulations. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

c) EULEX will focus on monitoring the implementation of policies and procedures in

¹ See MoJ Strategic Development Plan 2012-2016, Page 10.

relation to security throughout correctional facilities in Kosovo.² This shall include but not be limited to the Security Information Reporting (SIR) system. Within the first 12 months of monitoring the KCS is to ensure that Security Information Reporting (SIR) system is being used and is fully implemented. Within six months of monitoring a minimum of four security assessments shall be carried out to check the compliance with regulations. The findings and recommendations shall then be addressed to improve the situation and followed by an annual plan with all the findings. Within six months of monitoring, the KCS will assure that the internal rules and guidelines pertaining to security are followed to a minimum of 80% in 15 sampled cases that shall include but not be limited to: 1. Contraband; 2. Physical and dynamic security, 3. Security Information Reporting submission, 4. Serious incidents. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

d) EULEX will focus on monitoring the prisoner escort unit at the Mitrovicë/Mitrovica Detention Centre. Within the first three months of monitoring a needs assessment analysis on the KCS Mitrovica Prisoner Escort Unit (PEU) shall be carried out and recommendations to improve the situation will be drafted. This needs assessment shall include but not limited to: 1. Staffing needs, 2. Communication issues, 3. Equipment, 4. Treatment of prisoners. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support the KCS with mentoring and advising.

2.3 Expected Results

a) The quality level of the internal audits will have increased within KCS. KCS will have designed and implemented the International Standards Audit Programme (ISAP). In addition, KCS will have created and implemented the anti-corruption strategy. The II will have developed and implemented a separate inspection function that enables short duration examination of prisons and detention facilities of the KCS. Within six months of monitoring the II and KCS will have started to create an audit programme to enable competent auditing activities to take place. This will have been done in-conjunction with a proposal and initial implementation of the anti-corruption strategy. Within 12 months of monitoring the KCS and II will have commenced its own audit programme focusing on Dubrava Prison. Within 15 months of monitoring both the II and KCS will have completed

² See KCS Strategic Development Plan 2011-2015 p. 6, pp.9-10

six audit procedures within Dubrava Prison. In addition, an audit programme will have been designed specifically for the new high security prison and other KCS facilities. Between 12-15 months of monitoring two detention centers will have been audited. Within 15 months of monitoring the II will be able to carry out independent inspections and audits of KCS facilities with the ultimate aim to identify the existing prison standards against national and internationally rules and guidelines and strive towards full compliance.

- b) The decentralisation process will have been completed and all relevant competences have been handed over from the MoJ to the KCS. Within 12 months of monitoring the KCS will have full authority to recruit and appoint staff in compliance with applicable laws and several recruitment panels have been monitored. Within the following six months of monitoring a further four panels will have been monitored in order to assess transparency. Within six months of monitoring KCS will have prepared a plan to decentralize the budget. Within ten months of monitoring all directors and relevant staff will have been trained and are capable to execute the added responsibilities. Within 15 months of monitoring, the budget will have been allocated to all individual facilities. Within 12 months of monitoring at least six sampled cases of KCS procurement, budget and human resources will have been found in compliance with relevant rules and regulations.
- c) Security policies that include the Security Information Reports (SIR) will have been fully implemented. Within the first 12 months of monitoring the KCS will have ensured that Security Information Reporting (SIR) system is being used and is fully implemented. Within six months of monitoring a minimum of four security assessments will have been carried out to check the compliance with regulations. The findings and recommendations will have been addressed to improve the situation and followed by an annual plan with all the findings. Within six months of monitoring, the KCS will have assured that the internal rules and guidelines pertaining to security are followed to a minimum of 80% in 15 sampled cases that include but not are limited to: 1. Contraband; 2. Physical and dynamic security, 3. Security Information Reporting submission, 4. Serious incidents.
- d) The Mitrovicë/Mitrovica Detention Centre has been given support in the fields of prisoner escort, security and staffing issues. Within the first three months of monitoring a needs assessment analysis on the KCS Mitrovica Prisoner Escort Unit (PEU) will be carried out

and recommendations to improve the situation will have been drafted. This needs assessment shall include but not limited to: 1. Staffing needs, 2. Communication issues, 3. Equipment, 4. Treatment of prisoners.

COMPACT Action

Action Number	COMPACT/1.3
Title:	Enhancement of Kosovo Border Management
Partner(s):	Kosovo Border Police (KBP) and Kosovo Customs (KC)
Rule of Law Area:	Border Police and Customs

a) RATIONALE

Against the positive backdrop of substantial progress in Kosovo Customs (KC) and Kosovo Border Police (KBP), EULEX has identified a number of areas which stand to benefit from EULEX monitoring, mentoring and advisory (MMA) support. These, in the main, concern organisational management and quality control, Integrated Border Management (IBM); KC and KBP's role in the fight against organised crime and cooperation with the Public Prosecution Office (PPO).

EULEX will monitor and raise issues that obstruct any progress with the Ministry of Finance, as the responsible line Ministry for KC, and the Ministry of Internal Affairs, as the responsible line Ministry for KBP.

2. DESCRIPTION

2.1 Objective

Support and encourage the KBP and KC to improve performance in the above-mentioned areas and to meet relevant European standards and best practices.

2.2 Activities

- a) EULEX will focus on monitoring, mentoring and advising (MMA) on how performance-measuring of the KC and KBP is conducted and, if needed, facilitate the development of such measures. Within six months of MMA a Management Plan shall be drafted for the KC; to include senior management profiles. Within the following nine months the Management Plan shall be implemented and a periodical staff

performance monitoring system shall be in place, guaranteeing six-monthly and annual appraisal records.

- b) EULEX will focus on monitoring, mentoring and advising (MMA) the implementation of IBM, in line with the new Kosovo National IBM Strategy and Action Plan for 2012-2017¹, the KC Strategic Operating Framework (2001-2013)² and with the conditions relating to IBM as set out in Block 2 of the Visa Liberalisation with Kosovo, Roadmap³. Within 12 months of MMA, KC and KBP will have completed all project planning for the alignment of the major Border Crossing Points (BCPs)⁴ to the standards set in the EU Customs Blueprints⁵ and the EU Schengen Handbook⁶, to include adequate equipment and infrastructure to allow KC and KBP officers to conduct proper, effective and accurate checks.

- c) EULEX will focus on monitoring, mentoring and advising (MMA) the KBP and KC with the implementation for the Kosovo National Organised Crime Strategy (OCS) and Action Plan (AP) (*the KC has as an objective for the full implementation of the Customs OCS and AP*), see the KC Strategic Operating Framework (2011-2013)⁷, as well as the conditions dealing with the fight against organized crime set out in Block 2 of the Visa Liberalisation with Kosovo, Roadmap. Within 12 months of MMA, the KC and KBP shall conduct at least three joint operations/investigations with other participating agencies in the OCS and AP. A structured reporting system on the operations carried out shall also be in place.

- d) EULEX will focus on monitoring, mentoring and advising (MMA) the KBP and KC cooperation with the PPO. Within six months of MMA the KBP and KC shall have organized at least four structured-meetings with regular intervals to coordinate their

¹Government approval of New National IBM Strategy and Action Plan 2012-2017 expected to be finalised by September 2012 and will immediately come into force

² KC Strategic Operating Framework (SOF) 2011-2013, page 13

³The Visa Liberalisation with Kosovo Roadmap, Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of Movement; Block 2 in page 8-9

⁴The five major Border Crossing Points are: Hani i Elezit/Djeneral Jankovic, Vërmicë/Vermica, Gate 3, Gate 1 and Prishtina International Airport

⁵EU Customs Blueprints, pathways to Modern Customs. European Commission 2007

⁶The European Parliament and the Council of the European Union – Schengen Border Code and Practical Handbook for Border Guards – March 2006

⁷ KC Strategic Operating Framework (SOF) 2011-2013, page 13

work with the PPO. Within the following nine months of MMA the KBP and KC shall have organized at least eight structured-meetings in regular intervals with the PPO. The structured-meetings shall have: (1) an agenda and (2) signed minutes that are distributed and archived. The cooperation shall live up to the conditions on inter-agency cooperation set out in Block 2 of the Visa Liberalisation with Kosovo, Roadmap.

- e) EULEX will focus on monitoring the Independent Review Board (IRB) in processing all the KC cases that are pending. Within four months of monitoring (before its abolishment) the IRB shall ensure that cases in relation to KC will be solved in a fair and transparent way. In order to avoid further delays the body shall work at its full composition and in case of absence of the Chairman, or other persons legally entitled to assign the cases to the members, the Chairman's position shall immediately be filled.
- f) EULEX will focus on monitoring, mentoring and advising (MMA) the performance of the KBP and KC Investigation and Law Enforcement areas, to include tactical, legal and administrative requirements, and intelligence gathering, whilst ensuring full cooperation with the Public Prosecutors and other Investigation and Intelligence Units. Within six months of MMA, KC shall conduct at least three joint operations with the Tax Administration of Kosovo (TAK).
- g) EULEX will focus on monitoring, mentoring and advising (MMA) the sustainable introduction/re-introduction and use of KBP and KC Border Crossing Point (BCP) /Station profiles, based on the principles of risk. These profiles will contain national generic and localised specific management topics, and operational risks, and will be in full use throughout Kosovo, at all KBP and KC BCPs / Stations, within twelve months of MMA.
- h) EULEX will focus on monitoring, mentoring and advising (MMA) the performance of Anti-Smuggling Operations and Cross-Border Criminal Investigations, based on intelligence and risk led allocation of resources to highest risk areas. This

performance will be measured against KBP and KC's responsibilities under the Kosovo Organised Crime Strategy. Through MMA this performance will be enhanced by: increasing the number of the profiles and alerts issued by KBP and KC Intelligence to Border Management Officers; increasing the number of Anti-Smuggling Operations and Border Criminal Investigations carried out by KC and KBP; meeting the KBP and KC's responsibilities under the Kosovo Organised Crime Strategy.

- i) EULEX will focus on monitoring, mentoring and advising (MMA) the evaluation of immigration requests (application for permission to enter and stay in Kosovo), requests from third countries on repatriation of people from Kosovo and deportation procedures of Kosovo citizens. EULEX will also focus on the KBP observing the human rights standards of INADS and all aspects of Illegal Migration according to the new Law on Foreigners.
- j) EULEX will focus on monitoring, mentoring and advising (MMA) the KBP in the implementation of an effective border management system, which needs to adopt and address four sets of issues: Document Security; Border/Boundary and Migration Management; Public Order and Security; Fundamental Rights related to the Freedom of Movement and IBM.

2.3 Expected Results

- a) Improved ability to measure the organizational performance of KBP and KC. Within nine months of MMA, the Management Plan for KC, including senior management profiles, shall be implemented and a periodical organization and staff performance-monitoring system will be in place, guaranteeing six-monthly and annual appraisal records.
- b) Increased implementation of the IBM in line with the Kosovo National IBM Strategy and Action Plan for 2012-2017⁸ and with the conditions as set out in Block 2 of the

⁸Government approval of New National IBM Strategy and Action Plan 2012-2017 expected to be finalised by September 2012 and will immediately come into force

Visa Liberalisation with Kosovo, Roadmap⁹. Project planning for the alignment of all major Border Crossing Points (BCPs) to meet the standards set out in the EU Customs Blueprints¹⁰ and the EU Schengen Handbook¹¹ completed; to include equipment and infrastructure to allow KC and KBP officers to conduct proper, effective and accurate checks.

- c) Progress made with both KBP and KC in the implementation of the OCS and AP according to specified timelines, as well as meeting the conditions dealing with the fight against organized crime set out in Block 2 of the Visa Liberalisation with Kosovo, Roadmap. The KBP and KC have carried out three joint operations/investigations with other participating agencies listed in the OCS and AP.
- d) An established, institutionalized and structured cooperation established between the KC, KBP and the PPO through Kosovo. Structured-meetings shall occur in all relevant regions on a monthly basis. The structured-meetings shall have: (1) an agenda and (2) signed minutes that are distributed and archived. The cooperation is making progress in meeting the conditions on inter-agency cooperation set out in Block 2 of the Visa Liberalisation with Kosovo, Roadmap.
- e) Increased handling in the IRB of the pending cases in relation to the KC. Within four months of monitoring the IRB has ensured that cases in relation to KC have been solved in a fair and transparent way.
- f) The KBP and the KC Investigation and Law Enforcement areas, including tactical, legal and administrative requirements and intelligence gathering, have been further developed. Cooperation with Public Prosecutors and other Investigation and

⁹The Visa Liberalisation with Kosovo, Roadmap, Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of Movement; Block 2 in page 8-9

¹⁰ EU Customs Blueprints, pathways to Modern Customs. European Commission 2007

¹¹The European Parliament and the Council of the European Union – Schengen Border Code and Practical Handbook for Border Guards – March 2006

Intelligence Units improved. Within six months of MMA, the KC has conducted at least three successful joint operations with the Tax Administration of Kosovo (TAK).

- g) Within twelve months the sustainable introduction/re-introduction and use of BCP/Station profiles, by KBP and KC, based on the principles of risk, has been achieved.
- h) The performance of Anti-Smuggling Operations and Cross-Border Criminal Investigations, based on intelligence and risk influenced allocation of resources, has been significantly improved.
- i) The evaluation of immigration requests (application for permission to enter and stay in Kosovo), requests from third countries on repatriation of people from Kosovo and deportation procedures of Kosovo citizens, have all been progressed. The KBP's observation of the human rights standards of INADS and all aspects of Illegal Migration according to the new Law on Foreigners, have been markedly improved.
- j) Further and enhanced implementation of an effective border management system by the KBP, including the adoption of four sets of issues: Document Security; Border/Boundary and Migration Management; Public Order and Security; Fundamental Rights related to the Freedom of Movement and IBM.

COMPACT Action

Action Number **COMAPCT/1.4**
Title: **Support for the KP in the north**
Partner(s): *Kosovo Police*
Rule of Law Area: *Police*

1. RATIONALE

EULEX support to KP in the North of Kosovo has hitherto focused on KP integration into the regular chain of command as well as on its gradual inclusion into the programmatic approach and close MMA on politically and ethnically motivated crimes. Initiatives on the enhancing of patrol management and crime reduction have helped to streamline KP operations in the North with standards in use in the rest of Kosovo, and improvements have been registered in the management of ethnically motivated cases. However, efforts insofar invested on KP in the North would fail to ensure sustainable results if not robustly maintained in the next Mission mandate.

2. DESCRIPTION

2.1 Objective

Support and monitor KP activities in the North of Kosovo.

2.2 Activities

- a) Pursue crime reduction: strengthen police strategic approach at KP station level, particularly by introducing and enhancing intelligence led policing and patrol management techniques (to be further defined in coordination with PSD HQ)
- b) Build stakeholders' support for MMA activities with KP North. Ensure that PSD support the PPIO and EULEX Regional Coordinator by informing them of PSD activity which can be viewed as 'good news stories' and successes in the mission achieving its goals and restoring trust in the KP and Criminal Justice System
- c) Deal effectively with politically and ethnically motivated crimes: assess closely and regularly KP relevant performance, mentor and advise on investigations wherever appropriate and in line with reduced PSD capacities in the North.

2.3 Expected results

- a) Crime rates in the interested municipalities to be sensibly reduced, in accordance with KP crime reduction activities
- b) Increased confidence in local communities to report crimes and offences to KP
- c) KP able to adequately classify and deal with ethnically and politically motivated crimes without further external assistance.

COMPACT Action

Action Number **COMPACT/1.5**
Title: **Mitrovicë/a Detention Centre**
Partner(s): *Kosovo Correctional Services*
Rule of Law Area: Justice

1. RATIONALE

A multi-ethnic and gender balanced Detention Centre in the North has always been a priority goal for EULEX, which started to liaise with the Mitrovicë/a Detention Centre (MDC) soon after the deployment of sufficient resources in the North. Progress on this point depended on the general rule of law context in Kosovo: Kosovo Serb representatives consider the multi-ethnic staffing of MDC as subsequent to the reintegration of judges from both communities to the Mitrovicë/a District Court. There are no Kosovo Albanian officers serving at MDC, and the Center is currently in dire need of more staff, with only seven KCS officers on duty per shift). Moreover, EULEX Correctional Services Monitors warned on the need of strengthening minority staff in other detention centres across Kosovo, in order to create condition for similar progress in MDC. The deterioration of MDC infrastructural standards further hampers the achievement of initial plans: MDC refurbishment was abruptly interrupted in June 2011, and the completion of work is an essential prerequisite for any further goal to be achieved in the Mitrovicë/a Detention Centre. Proper premises for visits, medical services, a functional computer room and workshops are to be ensured as soon as possible, this being a precondition for the roll-out of all activities listed in this document.

2. DESCRIPTION

2.1 Objective

Contribute to set up a multi-ethnic Detention Centre in Mitrovicë/a, integrated in the Kosovo Correctional Service.

2.2 Activities

- a) Liaise with MDC staff and help to convey concerns and proposals to the Kosovo Correctional Service management, with an initial specific focus on procurement and infrastructural priorities.
- b) Support the Ministry of Justice in designing and implementing a plan addressing human resources shortage at MDC.
- c) Support local community initiatives aiming at improving living standards for prisoners at MDC, and offering chances for future reintegration establishing
- d) Assist in the implementation of KCS sentence planning at MDC

2.3 Expected Results

- a) Kosovo Correctional Services timely involved in solutions to problems identified in the MDC.
- b) MDC infrastructural deficiencies addressed and solved, creating grounds for the reintegration of staff from all communities in MDC.
- c) Improved living standards and more opportunities for reintegration in society for inmates at MDC
- d) Local community leaders aware of standards in MDC, and informed on extant challenges to be faced by authorities.

COMAPCT Action

Action Number **COMPACT/1.6**
Title: **Kosovo Police Regional Operational Support Unit**
Partner(s): Kosovo Police
Rule of Law Area: Police

1. RATIONALE

EULEX advisors detected an initially low proportion of Kosovo Serb officers in the Mitrovicë/a Operational Support Unit (OSU). EULEX efforts aimed at raising the number of Kosovo Serb officers in the OSU Mitrovicë/a, including command posts. Recruitment figures for the targeted platoon almost matched with expected results in December 2011, also thanks to a recently introduced Standard Operational Procedure (an outcome of the MMA Action Programme) that emphasises the need for full compliance in relation to fairness and equality. EULEX shall now focus on improving OSU Mitrovicë/a field performance, in line with available resources in EULEX PSD (advisors to KP ROSU will cease duty as per June 15th 2012).

2. DESCRIPTION

2.1 Objective

Foster the development of a Kosovo Police Regional Operational Support Unit (OSU) in the North of Kosovo.

2.2 Activities

- a) Support the gathering of political, government and police representatives to ensure public support to OSU Mitrovicë/a, in acknowledgement of the hitherto scant outreaching efforts by OSU
- b) Promote the inclusion of officers from all communities in OSU Mitrovicë/a, as well as a more effective gender balance in the unit (2 female officers currently serving in OSU, out of 74 staff). This activity shall take in account the results of a planned vetting process, aiming at reducing figures in OSU Kosovo wide and transfer dropouts to an envisaged “Regional Response Team”. EULEX will define its plans vis-à-vis the new team in due course

- c) If necessary, review and improve OSU selection and training procedures. Evidence gathered insofar shows that current selection procedures impact on gender balance by not foreseeing differentiated physical testing, and will have to be tested when reassignments will be decided.
- d) Streamline OSU Mitrovicë/a procedures (with particular reference to large scale public disorder) to SOP in use at KP OSU system. Difficulties have emerged with regards to the role and responsibilities of the Regional OSU commander and functions of OSU HQ in Pristina: such issues will need to be dealt with during the roll out of foreseen activities.
- e) Regularly assess OSU Mitrovicë/a working environment.

2.3 Expected Results

- a) Local communities informed of OSU Mitrovicë/a role and functions.
- b) A more ethnically and gender balanced composition of OSU Mitrovicë/a.
- c) OSU Mitrovicë/a fully integrated in the KP OSU system, and able to successfully carry out all requested tasks.

COMPACT Action

Action Number	COMPACT/2.1
Title:	Facilitate the ability of senior management in Kosovo's rule of law institutions to deal with inter-ethnic crime
Partner(s):	The Kosovo Police (KP)
Rule of Law Area:	Police

1. RATIONALE

EULEX will further assist the development and the ability of senior management in the KP to deal with inter-ethnic crime, particularly hate crimes and crimes where minority communities are disproportionately affected. EULEX shall support the senior management of KP in the development and implementation of policies tackling inter-ethnic crime, particularly hate crimes and crimes where minority communities are disproportionately affected.

2. DESCRIPTION

2.1 Objective

The KP shall become more proficient as an organisation to draft and implement policies that will ensure effective handling of inter-ethnic crime, particularly hate crimes and crimes where minority communities are disproportionately affected.

2.2 Activities

- a) EULEX will focus on monitoring the ability to draft and implement policies that will ensure effective handling of inter-ethnic crime, particularly hate crimes and crimes where minority communities are disproportionately affected. EULEX will provide informed guidance on priority areas, monitor the development of policies and offer assistance in the drafting process and monitor implementation. The support provided by EULEX will centre on strengthening the local plans foreseen in the KP Strategic Development Plan (2011-2015)¹ and will also be based on recommendations from the EULEX Assessment Group on Inter-

¹ See page 34, The KP foresees the reduction of interethnic crimes in its Strategic Development Plan (2011-2015), see key performance indicators.

Ethnic Crime (ASG) established for the assessment of information of inter-ethnic crimes and incidents. A gender perspective of inter-ethnic and hate crimes with a special focus on sexual assaults will be included in the monitoring. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising. The monitoring shall include but not be limited to:

1. Crimes, particularly serious crimes, with ethnic minority victims;
2. Crimes that appear to be motivated by ethnic hatred; and
3. Within 12 months of monitoring the SOP on 'Victim Ethnicity – Crime Statistic' is implemented and followed ensuring that the ethnicity of victims is recorded in every case.
4. Within 12 months of monitoring Kosovo will achieve some results towards fulfilling its obligations listed in the provisions of Block 4 in the Visa Liberalisation with Kosovo, Roadmap. When needed EULEX shall provide expert advice that shall include but not be limited to advice on how to improve the SOP on 'Victim Ethnicity – Crime Statistics' to ensure that it lives up to European standards.

b) EULEX will focus on monitoring the level of implementation by the KP of the PIK recommendations. The monitoring will be guided by a monitoring-instruction. When required EULEX will support with mentoring and advising. Within 12 months of monitoring the KP shall have implemented 80% of previously issued and new PIK recommendations in the field of inter-ethnic crime and completed the thematic inspections for the associated PIK recommendations. The monitoring shall include but not be limited to:

1. Monitoring of the meetings between the Minister of Internal Affairs and the General Director of KP to review the recommendations in the inspection reports and to develop a strategy to implement measures to improve police effectiveness and performance.²

² See Article 27.7 of the Law on Police Inspectorate of Kosovo.

2.3 Expected Results

- a) Improved effectiveness in monitoring and tracking of inter-ethnic crime, shall lead to an increase in the number of effectively tackled inter-ethnic crime case. These results shall include but not be limited to:
1. Crimes, particularly serious crimes, with ethnic minority victims are identified and registered;
 2. Crimes that appear to be motivated by ethnic hatred are identified and registered;
 3. The ethnicity of victims is recorded in every case according to the SOP on 'Victim Ethnicity – Crime Statistic';
 4. Kosovo has achieved some results towards fulfilling its obligation to regarding ethnically-motivated incidents according to the provisions of Block 4 in the Visa Liberalisation with Kosovo, Roadmap. The SOP on 'Victim Ethnicity – Crime Statistic' is improved and lives up to European standards; and
- b) More efficient implementation of PIK-recommendations in the KP as well as an increase in the number of implemented recommendations. Within 12 months of monitoring the KP has implemented 80% of all PIK recommendations relating to inter-ethnic crime and completed the thematic inspections for the associated PIK recommendations.

COMPACT Action

Action Number	COMPACT/3.1
Title:	Enhance anti-corruption capabilities in the Criminal Justice System
Partner(s):	Kosovo Police, Kosovo Anti-Corruption Agency (ACA), Kosovo Prosecutorial Council (KPC), Kosovo Judicial Council (KJC) the Office of the Chief State Prosecutor, Kosovo Customs (KC) and Kosovo Correctional Service (KCS).
Rule of Law Area:	Police/Justice/Customs

1. RATIONALE

In order to reach tangible progress in the strengthening of the anti-corruption legal-, institutional- and policy-framework in Kosovo, and in reducing crimes of corruption and its related perception, EULEX will monitor the Criminal Justice System (CJS), as listed under partners, to attain the objectives¹ set in the proposed Anti-Corruption Strategy 2012 – 2016²; more specifically the Specific Action-Plan Objectives contained in the Anti-Corruption Action Plan 2012 – 2016³; and finally the conditions set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap⁴.

2. DESCRIPTION

2.1 Objective

A structured system of assessment/evaluation for all anti-corruption and oversight agencies in Kosovo shall be implemented, alongside with a proactive CJS strategy to target corrupt officials for investigation and prosecution. A system of regular monitoring of corruption cases referred to

¹ Increasing the level of efficiency of law enforcement, prosecutors and judiciary to prevent, detect and combat corruption - Enhancing professionalism, independence and integrity of law enforcement, prosecution and judicial institutions - Further suppressing of corruption inside law enforcement, prosecution, courts and correctional services (prisons) - Improving and implementing criminal mechanisms for combating corruption in accordance with highest criminal law standards.

² Anti-Corruption Strategy 2012 – 2016, Part 4. Law enforcement, Prosecution, Judiciary, page 26.

³ See part II – Vertical Sectors Priorities, under section IV. Law Enforcement, Prosecution and Judiciary.

⁴ The Visa Liberalisation with Kosovo, Roadmap, Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of Movement; BLOCK 3: Preventing and combating organized crime, corruption & terrorism, page 10-12.

the Kosovo Anti-Corruption Agency (ACA) and/or cases handed over from the ACA to the prosecution shall be implemented.

2.2 Activities

- a) EULEX will focus on monitoring the development/improvement of a structured system of assessment/evaluation for anti-corruption and oversight agencies in Kosovo including indicators to measure performance in the fight against corruption as set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap. Within seven months of monitoring a structured system shall be fully implemented. Thereafter during eight months of monitoring at least ten sampled cases of assessment/evaluation shall be monitored in anti-corruption and oversight agencies. The cases shall comply fully with applicable legislation; applicable human rights instruments; applicable internal regulations; and show progress on meeting the conditions set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

- b) EULEX will focus on monitoring of a proactive CJS strategy to target corrupt officials for investigation and possible prosecution by the CJS lead agencies. The monitoring shall focus on the part IV of the Anti-Corruption Action Plan 2012 – 2016.⁵ Within 15 months of monitoring at least 20 sampled cases from various institutions in the CJS shall be sampled in order to measure the impact of part IV of the Anti-Corruption Action Plan 2012 – 2016 and show progress on meeting the conditions set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

- c) EULEX will focus on monitoring all anti-corruption and oversight agencies in Kosovo. Within 15 months of monitoring at least 30 sampled corruption cases shall be monitored in regard to how they are handled in accordance to applicable laws and regulations. The cases shall consist of cases referred to the ACA and/or cases handed over from the ACA to the prosecution. The cases shall comply to 100% with applicable legislation; applicable human

⁵ See part II – Vertical Sectors Priorities, under section IV. Law Enforcement, Prosecution and Judiciary.

rights instruments; applicable internal regulations; and the conditions set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

2.3 Expected Results

- a) Implemented structured system of assessment/evaluation for anti-corruption and oversight agencies in Kosovo, leading to improved capacity of staff and institutions to successfully prosecute and prevent corruption in Kosovo. Within seven months of monitoring a structured system shall be fully implemented. After eight months of monitoring at least ten sampled cases will have been monitored in anti-corruption and oversight agencies. The cases will have been found to comply fully with applicable legislation; applicable human rights instruments; applicable internal regulations; and progress on meeting the conditions set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap.

- b) A joint CJS strategy to target corrupt officials is implemented, leading to improved capacity of staff and institutions to successfully prosecute and prevent corruption in Kosovo. Within 15 months of monitoring at least 20 sampled cases from various institutions in the CJS will have been sampled in order to measure the impact of part IV of the Anti-Corruption Action Plan 2012 – 2016 and progress on meeting the conditions set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap.

- c) A higher degree of effective case-handling by the ACA leading to a higher rate of successful prosecutions in corruption cases. Within 15 months of monitoring at least 30 sampled corruption cases will have been monitored in regard to how they are handled according to applicable laws and regulations. The monitored cases will have been cases referred to the ACA and/or cases handed over from the ACA to the prosecution. The cases will have been found to comply fully with applicable legislation; applicable human rights instruments; applicable internal regulations; and progress on meeting the conditions set in in Block 3 of the Visa Liberalisation with Kosovo, Roadmap.

COMPACT Action

Action Number **COMPACT/4.1**

Title: **Support to ensure a fully functional Police Inspectorate of Kosovo**

Partner(s): Police Inspectorate of Kosovo (PIK)

Rule of Law Area: Police

1. RATIONALE

EULEX will further assist the development of the PIK in order for PIK to fully mature into the important external oversight control mechanism of the Kosovo Police (KP) it was designed to be.

2. DESCRIPTION

2.1 Objective

The PIK shall, with support by EULEX, draft and implement a programme to ensure the full functionality of the PIK through the implementation of all the administrative instructions that applies to the PIK. EULEX shall support by monitoring the PIK and the KP level of cooperation, particularly in regard to:

1. Prevention, detection, documentation and investigation of the criminal offences committed by KP employees, regardless of rank and position while on duty or off duty;
2. Inspection of the structures and functions of KP to ensure accountability, effectiveness and efficiency in the implementation of applicable laws, sub-legal acts and standard operational procedures that are in force;
3. High profile disciplinary investigations and investigation of all alleged disciplinary offences of KP employees having the highest rank of the senior police management level and senior appointed police positions;
4. To receive all citizens complaints, as well as to review and determine where the complaints will be disseminated for investigation, either to the KP, or PIK.

5. Feedbacks from KP to the PIK-inspections and recommendations, including the work of the Professional Standards Unit within the KP¹; and

2.2 Activities

- a) EULEX will assess and evaluate the level of compliance of the relevant PIK officers with the requirements of the Law on Police Inspectorate of Kosovo (Law No.03/L-231) and related administrative instructions.² This evaluation will be done through use of a compliance checklist, based on the legislation and conducted at frequent intervals. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

- b) EULEX will assess and evaluate the overall performance of the system of recording and resolving complaints against police, both the PIK and KP Professional Standards Directorate functions; it will seek to assess complainant satisfaction with complaint resolution; and it will monitor the quality of PIK investigations and the final decisions in relation to complaints dealt with by PIK.³ The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

¹ Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of Movement; BLOCK 3: Preventing and combating organized crime, corruption & terrorism.

² The Administrative Instructions are: AI no.33/MIA-2010 On the composition of the Commission and the selection procedure of the Chief Executive for the Kosovo Police Inspectorate. Signed on 17 Dec 2010; AI no. 02/MIA - 2011 on Internal Organizational Structure of PIK; AI no. 03/ MIA-2011 on Procedure for Preliminary Investigation conducted by PIK; AI no.04 /MIA- 2011 on type of weapons and other means of use of force by PIK; AI no.05/ MIA- 2011 on identification emblem of PIK; AI no.06/ MIA- 2011 on identification documents of the employees of PIK; AI no 11/2011 – inspections on the Kosovo police; AI no. 12/2011 – Procedures for the employment and working procedures for PIK employees; AI no. 13/2011 – Determination of the breaches, disciplinary measures and disciplinary procedures towards PIK employees; AI on Budget administration of PIK; AI on Procedures for exchanging information between PIK and other state agencies; Drafted sub-legal acts but not yet fully implemented - Conditions and criterion for the use and control of the special fund; Rules and procedures for conducting integrity investigations; Determination of basic salary, salary increases, supplements and other benefits for the PIK employees; The procedure on evidence management; Procedures on the implementation of covert measures and false identity (only covert measures)

³ The Strategic Development Plan of the PIK (2012-2015), strategic objective 5.1, foresees the following: *‘Drafting and implementing methods (e.g. studies, surveys) and meters of performance of PIK by the Team for Improvement of Processes in order to continuously measure the satisfaction of external consumers of PIK (mainly, KP and citizens)’* page 15. Reference to PIK performance development culture is further made under 3.6: Implementation of Strategic Development Plan of PIK, page. 17.

- c) EULEX will assess and evaluate PIK inspections, the quality of the resultant reports, conclusions and recommendations; it will assess and evaluate the action taken by KP in response to PIK recommendations, and whether KP has fully complied with the law in relation to such recommendations. EULEX will also monitor that PIK reports and recommendations describe progress and measure performance of the KP vis-à-vis the specific conditions set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap⁴. This shall include but not be limited to KP efforts in the fight against organised crime, corruption⁵, trafficking in human beings, trafficking in drugs, counter-terrorism, crime prevention and trafficking in weapons. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

2.3 Expected Results

- a.) Within 15 months of monitoring, PIK is found to be compliant in at least 80% of areas assessed in the checklists in each assessment.
- b) Within 15 months of monitoring, PIK achieves at least 60% satisfaction levels in complainant surveys⁶.
- c) Within 12 months of monitoring, PIK conducts at least four to six ordinary inspections taking into the account the desired quality and the unpredictable number of extraordinary inspections that can be done, as foreseen by the Law on Police Inspectorate of Kosovo, in each calendar year and the authorization, planning, carrying out and reporting of each inspection receives a positive rating. In addition the PIK will have described progress and measured performance of the KP vis-à-vis the specific conditions set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap.

⁴ Block 3 in the Visa Liberalisation with Kosovo, Roadmap, page 10-12.

⁵ Since January till June 2012, PIK has arrested 8 police officers and 28 have been suspended after PIK recommendations;

⁶ Ibid.

COMPACT Action

Action Number **COMPACT/4.2**

Title: **Further support to the Kosovo Judicial Council and the Kosovo Prosecutorial Council.**

Partner(s): the Kosovo Judicial Council (KJC), the Kosovo Prosecutorial Council (KPC)

Rule of Law Area: Justice

1. RATIONALE

EULEX will further assist the development of the KJC and the KPC. EULEX has observed that the KJC still lacks adequate resources and organizational capacity to function fully independently and ensure the independence and accountability of the Kosovo judicial system. All too often the KJC is deprived of its role as a decision-making body. The KPC needs to increase its capacity to effectively strengthen the independence of Kosovo Prosecutors to deliver an effective case management, enhanced investigation and prosecution of serious crimes that reach European best practices. The KPC is in need of further support to fully emerge as a self-sustaining institution capable of providing strategic direction and leadership. The Ministry of Justice (MoJ) needs to support the KJC and the KPC in effective institution-building measures for the KJC and the KPC to be able to increase the local judiciary capacity (LJC).¹ EULEX will provide a programme of structured support to further develop LJC and competence, with a specific focus on the KJC and the KPC².

2. DESCRIPTION

2.1 Objective

The KJC and the KPC shall complete institution building measures outlined in their planning documents to become sustainable, fully independent and accountable. Furthermore the case management system shall be developed, ready for implementation and the pilot-phase of the implementation shall have commenced. The capacity to design annual reports that publish performance targets and achievements will be strengthened. Full adherence to the laws, EU

¹ The support provided by the MoJ will be limited to the competences it has under the Constitution, namely in its legislative drafting competence.

² The Visa Liberalisation with Kosovo, Roadmap, Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of Movement; BLOCK 3: Preventing and combating organized crime, corruption & terrorism; Law enforcement co-operation; Judicial Cooperation in criminal matters.

standards and internal regulations governing proceedings and procedures shall be attained. The institutions shall become resistant to political interference and shall develop mechanisms to protect independence within the judicial and prosecutorial systems. Court practices at second level instance shall adhere to the applicable legislation and applicable human rights instruments.

2.2 Activities

- a) EULEX will focus on monitoring the completion of institution building measures outlined in the Law on the KJC, the Law on the KPC, the Law on Courts and the Law on State Prosecutor as well as the planning documents of the KJC and KPC. This could for example include: staffing, recruitment, funding, internal regulations, accountability mechanisms and training. The issue with staffing is outlined in the KPC Plan on Implementation of the Law on State Prosecutor³ and the KJC Implementation Plan on the Law on Courts⁴ and in the Strategic Plan for the Kosovo Judiciary 2007-2012⁵. The issue with recruitment is outlined in the KPC Plan on Implementation of the Law on State Prosecutor⁶ and in the Strategic Plan for the Kosovo Judiciary 2007-2012.⁷ The issue with funding for KJC is outlined in the Strategic Plan for the Kosovo Judiciary 2007-2012.⁸ The issue with the drafting and implementation of internal rules for KJC are outlined in Strategic Plan for the Kosovo Judiciary 2007-2012.⁹ The issue with training of staff in the judiciary is outlined in the Strategic Plan for the Kosovo Judiciary 2007-2012.¹⁰ Within 12 month of monitoring the institutions shall have fully completed the institution building measures outlined in these planning documents. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.
- b) EULEX will focus its monitoring on performance standards of the institutions and also the staff. Evaluation of staff within the Judiciary is foreseen in the Strategic Plan for the Kosovo Judiciary 2007-2012.¹¹ Furthermore performance evaluation for every court employee is

³ Operation no 5, page 5.

⁴ Chapter II, page 3 -6.

⁵ Section E, goal 4, page 18.

⁶ Operation no. 2, page 4.

⁷ Section E, goal 2, page 17.

⁸ Section E, goal 3, page 18.

⁹ Section E, goal 7, page 16.

¹⁰ Section E, goal 8, page 22.

¹¹ Section E, for evaluation of judges see goal 2, page.17 and evaluation of non-judicial staff see goal 4, page 19.

foreseen in the Manual on Court Management and Standard Operating Procedures.¹² Within 15 months of monitoring each of 12 sampled cases where the Regulation on the Evaluation of Performance of Judges has been used shall be in 90% compliance with the applicable legislation, internal regulations and EU standards. Within 15 months of monitoring each of 12 sampled cases from the Professional Performance Review Unit (PPRU) of the KPC shall be in 90% compliance with the applicable legislation, internal regulations and EU standards. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

- c) EULEX will focus monitoring on the implementation of a case management system, the pilot phase. Implementation of the case management system is foreseen in the Strategic Plan for the Kosovo Judiciary 2007-2012¹³ and the KJC ICT Strategy for the period 2012-2017¹⁴. Within 15 month of monitoring, the CMIS system shall be fully developed and the pilot phase of the implementation of the CMIS system shall have commenced. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

- d) EULEX will focus monitoring on internal procedures for drafting of annual reports. Within 12 month of monitoring one annual report will be published. The report shall provide the public with a good insight into how the institution works. The report shall include successes and failures as well as the improvements that are envisaged within the institution and how these improvements will be implemented. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

- e) EULEX will focus monitoring on the proceedings and internal regulations of the institutions. During 15 months of monitoring, one sampled case of proceedings each month shall fully comply with applicable legislation, applicable human rights instruments, internal regulations, EU standards and contain no signs of political interference. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

¹² See section 5 page 47.

¹³ Section E, goal 6.

¹⁴ See page 7.

- f) EULEX will monitor court practices at the Court of Appeals in Prishtinë/Priština from 1 January 2013. Within nine months of monitoring the proceedings and procedures shall fully comply in each of three sampled cases every month with the applicable legislation, applicable human rights instruments and EU standards. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

2.3 Expected Results

- a) Within 12 month of monitoring the institutions will have fully completed the institution building measures outlined in the Law on the KJC, the Law on the KPC, the Law on Courts and the Law on State Prosecutor as well as the planning documents of the KJC and KPC.
- b) Within 15 months of monitoring each of 12 sampled cases where the Regulation on the Evaluation of Performance of Judges has been used will have been found in 90% compliance with the applicable legislation, internal regulations and EU standards. Within 15 months of monitoring each of 12 sampled cases from the Professional Performance Review Unit (PPRU) of the KPC will have been found in 90% compliance with the applicable legislation, internal regulations and EU standards.
- c) Within 15 month of monitoring, the CMIS system will have been fully developed and the pilot phase of the implementation of the CMIS system will have commenced
- d) Within 12 months of monitoring one annual report will have been published. The report will provide the public with a good insight into how the institution works. The report will include successes and failures as well as what improvements are envisaged within the institution and how these improvements will be implemented.
- e) During 15 months of monitoring one sampled case every month regarding the proceedings and internal regulations of the institutions will fully comply with the applicable legislation,

applicable human rights instruments, EU standards and contain no signs of political interference.

- f) EULEX will have monitored court practices at the Court of Appeals in Prishtinë/Priština from 1 January 2013. Within nine months of monitoring the proceedings and procedures will have fully complied in each of three sampled cases every month with the applicable legislation, applicable human rights instruments and EU standards.

COMPACT Action

Action Number **COMPACT/5.1**

Title: **KP strategic management development: Support to the implementation of the KP Information and Communication Technologies Systems Strategic Plan (ICTSSP)**

Partner(s): the Kosovo Police (KP)

Rule of Law Area: Police

1. RATIONALE

EULEX will further assist in the strategic management development, with particular emphasis on the implementation of the KP Information and Communication Technologies Systems Strategic Plan (ICTSSP) – 2011 to 2015 and the development of a number of areas within their administrative structure and the specific conditions regarding strengthening the capacity of police set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap¹. EULEX shall with a mobile inspection function monitor the KP throughout Kosovo on specific issues pertaining to the support EULEX will provide to the KP².

2. DESCRIPTION

2.1 Objective

The KP will be able to ensure a strategic management development, with particular emphasis on the further implementation of the KP Information and Communication Technologies Systems Strategic Plan (ICTSSP) – 2011 to 2015 and the specific conditions regarding strengthening the capacity of police set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap.

2.2 Activities

EULEX will focus on monitoring the implementation of the KP Information and Communication Technologies Systems Strategic Plan (ICTSSP) – 2011 to 2015 at the strategic level within the KP and the specific conditions regarding strengthening the capacity of police set

¹ Block 3 in the Visa Liberalisation with Kosovo, Roadmap, page 10-12.

² Visa Liberalisation with Kosovo, Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of Movement; BLOCK 3: Preventing and combating organized crime, corruption & terrorism; Strengthen capacity of police.

in Block 3 of the Visa Liberalisation with Kosovo, Roadmap. Currently the implementation of the ICTSSP is at approximately 20%. The goal is to have the ICTSSP implemented to 50% by the end of 2013. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

2.3 Expected Results

ICTSSP will have been implemented to 50% by the end of 2013.

COMPACT Action

Action Number **COMPACT/5.2**
Title: **KP strategic management development: Enhancement of the
KP administrative pillar**
Partner(s): the Kosovo Police (KP)
Rule of Law Area: Police

1. RATIONALE

EULEX will further assist in strategic management development. EULEX shall support the local institutions to create and implement a programme of structured support in respect of KP Operations and Administration at central and appropriate regional levels. EULEX shall with a mobile inspection function monitor the KP throughout Kosovo on specific issues pertaining to the support EULEX will provide to the KP.

2. DESCRIPTION

2.1 Objective

The KP will be able to ensure a strategic management development. The KP will develop their abilities to ensure that all capital expenditure-, procurement-, and fleet management performance-related issues are conducted in full accordance with applicable legislation and internal regulations.

2.2 Activities

EULEX will focus on monitoring the enhancement of the KP administrative pillar in regard to but not limited to such matters as: capital expenditure, procurement, and fleet management performance at the strategic level within the KP. After 15 months of monitoring the following results should be met:

1. A minimum of 15 sampled cases of KP capital expenditure shall be found 100% compliant with applicable laws and relevant internal rules and regulations of the KP;
 2. A minimum of four tenders followed from start to finish shall be found 100% compliant with applicable laws and relevant internal rules and regulations of the KP;
- and

3. A minimum of ten cases in regard to fleet management shall be found 80% compliant with applicable laws and internal rules and regulations of the KP.

The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

2.3 Expected Results

The KP administrative pillar will have been enhanced in such matters as: capital expenditure, procurement, and fleet management performance at the strategic level within the KP.

1. 15 sampled cases of KP capital expenditure will have been found 100% compliant with applicable laws and relevant internal rules and regulations of the KP;
2. Four tenders followed from start to completion will have been found 100% compliant with applicable laws and relevant internal rules and regulations of the KP; and
3. Ten cases in regard to fleet management will have been found 80% compliant with applicable laws and relevant internal rules and regulations of the KP.

COMPACT Action

Action Number **COMPACT/6.1**

Title: **Higher degree of ethnic inclusion within Kosovo's rule of law institutions.**

Partner(s): the Kosovo Police (KP), the Kosovo Customs (KC), the Kosovo Correctional Service (KCS), the Kosovo Judicial Council (KJC) and the Kosovo Prosecutorial Council (KPC).

Rule of Law Area: Police/Justice/
 Customs

1. RATIONALE

EULEX will further assist the promoting of ethnic balance in recruitment, promotion, inclusion, and meaningful participation in the decision-making process within the senior management in the Kosovo Police (KP), the Kosovo Customs (KC), the Kosovo Correctional Service (KCS), the KJC (for the judges in Kosovo Courts) and the KPC (for the Kosovo Public Prosecutors). EULEX shall support the senior management of rule of law institutions in the development and implementation of policies promoting ethnic balance, recruitment, promotion, inclusion, and meaningful participation in the decision making processes¹.

2. DESCRIPTION

2.1 Objective

The KP, the KC, the KCS, the judges in Kosovo Courts and the Kosovo Public Prosecutors shall attain a level of ethnic balance in recruitment, promotion, inclusion, and meaningful participation in the decision making process, that is line with best European practices, such as but not limited to the thematic recommendations on minority rights issued by the OSCE High

¹ Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of Movement; BLOCK 4: Human rights and respect for and protection of minorities.

Commissionaire on National Minorities, and corresponds to the overall demography of Kosovo. This shall include but not be limited to ensuring that the official languages are respected.

2.2 Activities

a) EULEX will focus on monitoring the level of ethnic balance in recruitment, promotion, inclusion, and meaningful participation in the decision making process. The support provided by EULEX will aim at implementing the local plans foreseen in the Priorities of the Ministry of Justice (2011-2014)², the KJC Strategic Plan (2007-2012) for the Kosovo Judiciary³, the KC Strategic Operating Framework (SOF)⁴, the KP Strategic Development Plan (2011-2015)⁵, the KP Annual Working Plan for 2012⁶, and the KPC Annual Plan (2012)⁷. These efforts shall include but not be limited to the following areas:

1. EULEX will focus on monitoring the ability of the Kosovo Judicial Council to increase the number of judges from minority communities in the Kosovo Supreme Court. Within 12 months of monitoring the number of judges from minority communities shall increase from two judges to three judges;⁸
2. EULEX will focus on monitoring the ability of the Kosovo Judicial Council to guarantee that there are at least 15% but no fewer than ten judges from minority communities at the Court of Appeals. Within 12 months of monitoring, the number of judges from minority communities shall be at least 15% of the total number and no fewer than ten judges from minority communities shall be appointed to the Court of Appeal;⁹
3. The KJC shall uphold its duty to ensure that all Kosovo courts “fully reflect the multi-ethnic nature of Kosovo” but also that it demonstrates that the KJC is giving “preference in the appointment of judges to members of Communities that are

² See page 2, section 3: Functionality and structuring of courts and prosecutors’ offices.

³ See page 19, Strategic Goal 4, point 3 foresees the following: ‘Develop (or revise as necessary) policies and procedures to recruit ethnic minorities and women for positions in the courts, to ensure the integration of all sectors of society into the workforce of the judiciary’.

⁴ See KC Strategic Operating Framework (SOF) 2012-2014, page 7.

⁵ See the KP Strategic Development Plan on pages 14, 20 and 26.

⁶ KP Annual Working Plan for 2012, page 2.

⁷ See KPC Annual Plan (2012) key tasks II, page 4, and Priorities of the Ministry of Justice (2011-2014), section 3.

⁸ Minimum standards prescribed in the Constitution of Kosovo, Article 103.3.

⁹ See the Constitution of Kosovo, Article 103.6.

underrepresented in the judiciary as provided by law” and that the KJC lives up to the legal requirements regarding its composition and European standards in its appointment procedure;¹⁰

4. Demonstrate that the KPC gives preference for appointment as prosecutors to members of underrepresented Communities as provided by law”¹¹ and that the KPC builds on its commitments to recruit members of minority communities during 2012;¹²
5. The KP achieves a level of ethnic representation among middle-and senior management staff that corresponds to the ethnic representation of minority communities in Kosovo; and
6. The KC maintains a level of ethnic representation that corresponds to the ethnic communities in Kosovo.

The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

b) EULEX will focus on monitoring the level of respect and usage of both official languages. Although the legal framework generally meets the international standards on linguistic rights, the implementation of the Law on the Use of Official Languages remains inadequate.¹³ This shall include but not be limited to that all institutions of the Kosovo Judiciary:

1. Ensure that the provisions in the Law on the Use of Languages¹⁴ (the Law) are fully respected and that every person in Kosovo has the right to communicate with the institution, and to receive available services and public documents, in either of the two official languages Albanian or Serbian and other local official languages as provided by law.¹⁵ There shall be a 100% compliance with the requirements as

¹⁰ See the Constitution of Kosovo, Article 108.

¹¹ See the Constitution of Kosovo, Article 110.2.

¹² See Annual Work Plan of the KPC for 2012, page. 4.

¹³ See EC Kosovo Progress Report 2011, page 20.

¹⁴ Assembly of Kosovo Law No. 02/L-37 On the Use of Languages.

¹⁵ See the Law on the Use of Languages, Article 4.2.

stipulated by the law including but not limited to the translation of documents and translations during meetings, when so required; and

2. Guarantees that the official languages are used on an equal basis in judicial proceedings.¹⁶

The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

2.3 Expected Results

- a) An increased adherence of ethnic balance in recruitment, promotion, inclusion, and meaningful participation in the decision making process. Ensuring a fair, transparent and sustainable staff-recruitment and management as well as policy making in the RoL area.

These results shall include but not be limited to:

1. Minimum one additional judge from a minority community has been recruited and appointed to the Supreme Court;
2. The KJC has guaranteed that there are at least 15% judges from minority communities but no fewer than ten at the Court of Appeal;
3. KJC has adequately demonstrated that it ensures that all Kosovo courts “fully reflect the multi-ethnic nature of Kosovo” but also that it has shown that the KJC are giving “preference in the appointment of judges to members of Communities that are underrepresented in the judiciary as provided by law” and that the KJC has proven it lives up to the legal requirements regarding its composition and European standards in its appointment procedure;
4. The KPC has demonstrated that it has given “preference for appointment as prosecutors to members of underrepresented Communities as provided by law”¹⁷ and that the KPC builds on its commitments to recruit members of minority communities during 2012;

¹⁶ See the Law on the Use of Languages, Article 12.1.

¹⁷ See the Constitution of Kosovo, Article 110.2

5. The KP has reached a level of ethnic representation of minority communities in its middle- and senior management that correspond to the ethnic representation of minority communities in Kosovo; and
 6. The KC has maintained a balanced level of ethnic minority representation in its entire organisation that corresponds to the ethnic diversity of Kosovo.
- b) An increased adherence of the use of the official languages in Kosovo. This shall include but not be limited to that all documents, electronic, hard copy or otherwise are available in the official languages. The Kosovo Judiciary, when applicable according to legislation, is respecting the usage of the official languages in Kosovo. The results will include but not be limited to:
1. The provisions in the Law are fully respected and every person in Kosovo has the right to communicate with the institution, and to receive available services and public documents, in either of the two official languages Albanian or Serbian and other local official languages as provided by Law. There is a 100% compliance with the requirements as stipulated by the law including but not limited to the translation of documents and translations when so needed during meetings; and
 2. Official languages are used on an equal basis in judicial proceedings.

COMPACT Action

Action Number **COMPACT/7.1**
Title: **KP strategic management development: Community policing**
Partner(s): the Kosovo Police (KP)
Rule of Law Area: Police

1. RATIONALE

EULEX will further assist in the strategic management development with a particular focus on community policing all over Kosovo. EULEX shall with a mobile inspection function monitor the KP throughout Kosovo on specific issues pertaining to the support EULEX will provide to the KP.

2. DESCRIPTION

2.1 Objective

The KP will be able to ensure a strategic management development, with particular emphasis on their ability to ensure that they act upon community policing related concerns all over Kosovo in a structured and continuous manner.

2.2 Activities

EULEX will focus on collecting feedback on KP community policing practices by liaising with Municipal Community Safety Councils (MCSC) to monitor if the KP is implementing a number of commitments in the field of Community Policing¹. Currently there is a need for more interaction between the MCSC and the KP. The lack of interaction leads to no substantial amount of public-concerns being regarded by the KP in the operational planning. Within the

¹ See: (a) Community Policing Strategy and its Action Plan (2011-2016); (b) Administrative Instruction 13/2009 of the MoIA, approved by the A/KP DG on 21 April 2010; (c) Article 7 of the Law on Police. Moreover; (d) the National Crime Prevention strategy (2009-2012), see section 3.4 of the strategic objectives, page 12; and (e) the KP Annual Work Plan 2012, see section under Operations Pillar, pages 8, 9 and 10.

first six months of monitoring there should be evidence in each municipality in Kosovo that the KP has acted upon community policing related concerns on at least four occasions in each municipality (if such concerns has been raised by the municipality). Furthermore it shall be evidenced that there is an 80% attendance rate by the KP in all MCSC meetings during the monitoring period. Within the next nine months of monitoring there should be evidence in each municipality in Kosovo that the KP acted upon all relevant community policing related concerns by the municipality. Furthermore it shall be evidenced that there is a 95% attendance rate by the KP in all MCSC meetings during the monitoring period. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

2.3 Expected Results

Within eight months of monitoring there should be evidence in each municipality in Kosovo that the KP have acted upon community policing related concerns on at least four occasions within a six month period. In addition, it is evidenced that there is an 80% attendance rate by the KP in all MCSC meetings during the monitoring period. Within 15 months of monitoring there should be evidence in each municipality in Kosovo that the KP have acted upon all relevant community policing related concerns by the municipality.

COMPACT Action

Action Number **COMPACT/8.1**

Title: **Increased capability for joint team work between the KP and the PPO.**

Partner(s): the Kosovo Police (KP) and the Office of the Chief State Prosecutor

Rule of Law Area: Police/Justice

1. RATIONALE

There is a need in Kosovo to enhance the level of cooperation between the KP and the Public Prosecutor Offices (PPO) throughout Kosovo to maximize the ability to solve and prevent crime, especially serious- and organized-crime. The initiative to enhance the level of cooperation shall include the institutionalization of regular and structure meetings conducted between the KP and the PPO. Furthermore an initiative to transfer more authority from the PPO to KP Crime for less serious crime investigation, thereby freeing PPO resources for more serious crime investigations, shall be undertaken. An increased capability for joint team work between the KP and the PPO is needed to support the creation of a joint CJS crime reduction strategy and a joint CJS annual report.

2. DESCRIPTION

2.1 Objective

The KP and the PPO shall improve inter-institutional cooperation in fighting especially organized crime and corruption. The relevant local institutions shall draft and implement a transfer strategy to transfer more authority to the KP Crime for less serious crime. The increased cooperation between the KP and the PPO is needed to support the creation of a joint CJS crime reduction strategy and a joint CJS annual report and shall move toward fulfilling some of the requirements regarding law-enforcement cooperation and the fight against serious and organised crime set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap¹.

¹ The Visa Liberalisation with Kosovo, Roadmap, Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of

2.2 Activities

- a) EULEX will focus on monitoring the ability to improve coordination and effectiveness of investigations by the KP and the PPO. Within six months of monitoring the KP and the PPO shall have organized at least one structured meeting each calendar month to coordinate their work in each of the six regions of Kosovo. Within the following nine months of monitoring the KP and the PPO shall have organized at least two structured meetings each calendar month to coordinate their work in each of the six regions of Kosovo. The structured meetings shall have: (1) an agenda and (2) signed minutes that are distributed and archived. Within 12 months of monitoring at least one joint training of KP and PPO staff in order to facilitate cooperation shall have taken place in each of the six regions of Kosovo. The cooperation shall move toward fulfilling some of the requirements regarding law-enforcement cooperation set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

- b) EULEX will focus on monitoring the ability of the relevant local institutions to draft and implement the transfer strategy to transfer more authority to the KP Crime for less serious crime investigation, thereby freeing PPO resources for more serious crime investigations. This will require a joint policy document that outlines what type of crimes shall be transferred and how the shift in responsibility will be implemented on the operational level. The transfer of more authority will also demand a revision of the Procedural Code. Within 15 months of monitoring the transfer of more authority from the PPO to the KP Crime for less serious crime investigations shall have been concluded. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

- c) EULEX will monitor what elements of the increased cooperation between the KP and the PPO that will contribute to the creation of a joint CJS crime reduction strategy and a joint

Movement; BLOCK 3: Preventing and combating organized crime, corruption & terrorism; Law enforcement co-operation; Strengthen the capacity of the police to detect and investigate, prosecutors to prosecute and judges to adjudicate, in an impartial and effective manner, complex cases of organized crime, corruption, economic and financial crime and terrorism; establish a track record of investigations and final court rulings in cases concerning organised crime and corruption, including drug trafficking, trafficking in human beings and money laundering, page 10-13.

CJS annual report. The monitoring will be guided by a written monitoring-instruction. When required EULEX will support with mentoring and advising.

- d) EULEX will focus on monitoring specific cases relevant to the identified task (e.g. use of lawful interception capacities). Within six months of monitoring ten sampled cases shall comply to 100% with the applicable legislation and applicable human rights instruments. The cases shall fulfil some of the requirements regarding the fight against serious and organised crime set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap. The monitoring will be guided by a monitoring-instruction. When required EULEX will support with mentoring and advising.

2.3 Expected Results

- a) Within six months of monitoring the KP and the PPO shall have organized at least six structured meetings with regular intervals to coordinate their work in each of the six regions of Kosovo. Within the following nine months of monitoring the KP and the PPO shall have organized at least 18 structured meetings with regular intervals in each of the six regions. The structured meetings shall have: (1) an agenda and (2) signed minutes that are distributed and archived. Within 12 months of the start of the monitoring at least one joint training of KP and PPO staff will be completed in order to facilitate cooperation shall have taken place in each of the six regions of Kosovo. The level of cooperation will have evolved towards meeting some of the specific conditions regarding law-enforcement cooperation set in Block 3 of the Visa Liberalisation with Kosovo, Roadmap.
- b) The transfer of more authority to the KP Crime for less serious crime investigation has taken place.
- c) The increased cooperation between the KP and the PPO has given results that will contribute to the creation of a joint CJS crime reduction strategy and a joint CJS annual report.
- d) Within six months of monitoring the ten sampled cases shall comply to 100% with the applicable legislation and applicable human rights instruments.

COMPACT Action

Action Number **COMPACT/9.1**

Title: **Completion of KPA-related mandate**

Partner(s): KPA, Ministry of Spatial Planning¹,

Rule of Law Area: Justice

1. RATIONALE

EULEX will further assist the development of Kosovo's rule of law capacity to investigate, prosecute and adjudicate cases of war crime, terrorism, and other categories of serious crime as well as property and privatization cases, including, where deemed appropriate and necessary, through deployment of international investigators, prosecutors and judges; whilst ensuring that international support is progressively reduced as and when certain agreed criteria (i.e. legal, structural, staffing and resources) are judged to have been met. More specifically, the relevant EULEX staff will continue to provide an executive function with regard to the Kosovo Property Agency (KPA), Kosovo Property Claims Commission (KPCC) and Supreme Court Kosovo Property Agency (SCKPA)² Appeal Panel.

2. DESCRIPTION

2.1 Objective

The relevant EULEX staff will continue to provide an executive function with regard to the Supreme Court Kosovo Property Agency (SCKPA) Appeal Panel, Kosovo Property Claims Commission (KPCC) and, indirectly, the Kosovo Property Agency (KPA), to the maximum effect in resolving outstanding disputes³.

¹ Limited to Administrative functions.

² EULEX exact involvement is only at KPCC and SCKPA.

³ The KPA is mandated to receive and register and through the KPCC to resolve claims resulting from the armed conflict that occurred between 27 February 1998 and 20 June 1999 in respect of private immovable property, including agricultural and commercial property. Decisions taken by the KPCC are subject to a right of appeal only to the Supreme Court of Kosovo.

2.2 Activities

2.2.1. KPCC

- a) Continue the adjudication of appeals of KPCC decisions, as per the relevant legislation.
- b) Holding six KPCC sessions per year until the caseload of the total 42,000 claims lodged with the KPA/KPCC is finally adjudicated. The sessions shall take place every 2 months (February, April, June, August, October, December).
- c) Conducting a thorough quality control of all claims, prior to the Commission sessions, submitted by the Executive Secretariat to the Claims Commission to eliminate potential obstacles for the Commission to decide the claims.
- d) Finalizing the cover decision and issuing the individual decisions in a timely manner after the sessions. Issuing Claims Processing Guidelines to the Executive Secretariat after each Commission session and updating the Consolidated Claims Processing Guidelines to facilitate the Secretariat's consistent claims process.

2.2.2 KPA Appeals Panel:

- a) Evaluation and assessment of the appeals, against the decisions of the KPCC, which have been challenged by the parties in the proceedings; and
- b) Deciding on appeals with a final decision, in cases where the Court has established that all required evidence was received.

2.3 Expected results⁴

2.3.1. For the KPCC:

- a) All property disputes within the mandate of the KPCC to be resolved.
- b) Bimonthly reports on performance of the system of resolving property disputes.
- c) Based on the performance reports, a forecast of the further progress of the claims processing by the Secretariat can be provided.
- d) In the case that the agreements of the Technical Dialogue between Belgrade and Pristina in the area of Cadastre are implemented, ensure that implementation is conducted properly (given that it will have an impact on the workload, number of sessions, etc. for the KPCC in line with the second mandate of the KPA).

2.3.2. For the KPA Appeals Panel:

⁴ Baseline:⁴ June 2012 = 42K total claims; 29.7K total decided cases; and 12.3K undecided cases.

a) to adjudicate with a final decision on all pending appeals, lodged against decisions of the KPCC and to adjudicate on all future appeals; and

b) Towards the end of the mandate of the Mission (and in case there are still pending cases) define a structured approach for transferring executive responsibility of the Panel, identifying the necessary preconditions, including amendments to relevant local legislation.

COMPACT Action

Action Number	COMPACT/9.2
Title:	Enhanced performance of Special Chamber of the Supreme Court
Partner(s):	Ministry of Justice/SC
Rule of Law Area:	Justice

1. RATIONALE

EULEX will further assist the development of Kosovo's rule of law capacity to investigate, prosecute and adjudicate cases of war crime, terrorism, and other categories of serious crime as well as property and privatization cases, including, where deemed appropriate and necessary, through deployment of international investigators, prosecutors and judges; whilst ensuring that international support is progressively reduced as and when certain agreed criteria (i.e. legal, structural, staffing and resources) are judged to have been met. More specifically, the relevant EULEX staff will continue to provide an executive function with regard to the adjudicating cases at the Special Chamber of the Supreme Court (SCSC), and foster SCSC technical capacity in view of a possible phasing out.

2. DESCRIPTION

2.1 Objective

To enhance all aspects of the EULEX executive functions in respect of the Special Chamber of the Supreme Court (SCSC), and create the basis for an orderly and sustainable transfer of executive authority.

2.2 Activities

- a) Design and implement a detailed performance evaluation mechanism that tracks the productivity of each step in the appeal process at all levels and all categories. The mechanism should indicate volumes of unresolved cases, human resources allocated to functions, target volumes of cases, and cases actually resolved.
- b) Prepare a detailed Transition Plan that defines a structured system of transferring each area of executive responsibility, identifying the necessary preconditions, including suggested

amendments to relevant local legislation, target dates, and evaluation/assessment mechanisms.

- c) Upon receipt of a complaint from an interested party about a matter relating to the adjudication of a case, EULEX judges will make a written record of the complaint and take such actions as appropriate to resolve the matter in a timely manner. Likewise, EULEX prosecutors will take the same action in respect of any complaint received that relates to the process of civil property-related claims. Records of all complaints and subsequent action taken to resolve them will be conducted in the manner that accords with the approved procedure.

2.3 Expected results¹

- a) A performance evaluation mechanism that tracks the productivity of each stage of the case resolution process and assists the process of enhancing the quality and speed of the processes, and results in monthly performance reports. Performance evaluation mechanism in place and operating by 31/01/13. 15% (monthly) increase in case resolution, compared with same month in previous year, by December 2012; further 15% increase by June 2013.
- b) A detailed Transition Plan that defines a structured system of transferring this area of executive responsibility. Transition Plan finalised by 31/03/13 and commence transition in June 2013.

COMPACT Action

Action Number	Compact/9.3
Title:	Adjudication of property-related civil cases
Partner(s):	Ministry of Justice
Rule of Law Area:	Justice

1. RATIONALE

EULEX will further assist the development of Kosovo's rule of law capacity to investigate, prosecute and adjudicate cases of war crime, terrorism, and other categories of serious crime as well as property and privatization cases, including, where deemed appropriate and necessary, through deployment of international investigators, prosecutors and judges; whilst ensuring that international support is progressively reduced as and when certain agreed criteria (i.e. legal, structural, staffing and resources) are judged to have been met. More specifically, the relevant EULEX staff will continue to adjudicate property-related civil cases¹ in the first instance and appellate court levels.

2. DESCRIPTION

2.1 Objective

To enhance all aspects of the EULEX executive functions in respect of the adjudication of property-related civil cases at first instance and appellate court levels, and create the basis for an orderly and sustainable withdrawal from executive function.

2.2 Activities

- a) Actively engage in the first instance and appeal processes to enhance the effective and timely resolution of sensitive property-related cases.
- b) Design and implement a revised specific procedure for 'taken-over' cases (as per the Law on Jurisdiction), including a system of pre-selection reports and monthly decision for a.

¹ Property-related cases for the purpose of this MIP Action should be considered all cases other than those covered in MIP Action 2.6 related to the completion of the mandate of the Kosovo Property Claims Commission.

- c) Design and implement a detailed performance evaluation mechanism that tracks the productivity of EULEX executive actors and local actors adjudicating property-related civil cases at first instance and appellate court levels, and creates a benchmark from which progress of these executive actors can be measured. The mechanism should result in a clear benchmark from which to measure and demonstrate progress: indicating, inter alia, the volume of unresolved sensitive conflict-related property cases, process maps for resolving cases, human resources allocated to functions, time lines and targets for case resolution, of cases, and cases actually resolved.
- d) Upon receipt of a complaint from an interested party about a matter relating to the adjudication of a case, EULEX judges units will make a written record of the complaint and take such actions as appropriate to resolve the matter in a timely manner. Likewise, EULEX prosecutors will take the same action in respect of any complaint received that relates to the process of resolving a civil property-related claim as deemed appropriate according to the Kosovo Law on Contested Procedure. Records of all complaints and subsequent action taken to resolve them will be conducted in the manner that accords with the approved procedure.

2.3 Expected results

- a) All relevant EULEX staff understand what is required in order to enhance the effective and timely resolution of cases.
- b) A revised specific procedure for 'taken-over' cases (as per the Law on Jurisdiction), including a fully operational system of pre-selection reports and monthly decision for a.
- c) By 30/09/12, provide a detailed analysis of first instance and appellate process of cases, and projection of final resolution of all undecided cases.
- d) A clear benchmark from which to measure progress by EULEX and local actors, as well as monthly performance reports, indicating the volume of resolved/unresolved cases in respect of the EULEX actors' and local actors' executive functions in property-related civil cases at both first instance and appellate court levels.

COMPACT MIP Action

Action Number **COMPACT/10.1**
Title: **Support to the development of a witness protection scheme in Kosovo**
Partner(s): Kosovo Police Directorate for Witness Protection (DWP)
Rule of Law Area: Police/Justice

1. RATIONALE

EULEX shall support relevant local institutions with the creation and implementation of a programme of structured support to help develop a Kosovo witness protection scheme¹.

2. DESCRIPTION

2.1 Objective

To develop a modern and effective witness protection scheme (WPS) for Kosovo that has a functioning Directorate for Witness Protection (DWP), elaborated performance measures; and raise awareness with local judges and prosecutors in regard to witness protection.

2.2 Activities²

- a) EULEX will focus on monitoring the relevant ministries in completing institution-building measures for witness protection. This process is to be guided by the roadmap drafted by EULEX WSD and approved by the competent Kosovo authorities. The roadmap covers issues such as staffing, recruitment procedures, guidelines on funding requirements and management. A structured system of witness protection performance measures, based on relevant primary and secondary legislation, i.e. Kosovo Law on Witness Protection and sub-

¹ The Visa Liberalisation with Kosovo Roadmap, Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of Movement; BLOCK 3: Preventing and combating organized crime, corruption & terrorism; Implement existing legislation on witness protection and strengthen capacity of the police to establish and operate a witness protection programme.

² Due to the sensitivity of witness protection related matters, no explicit reference to relevant highly confidential documents and related specific benchmarks therein can be hereby made. The only two publicly available documents are the Kosovo Law on Witness Protection (04/L-015) and Section VII of the KP 2012 Annual Working Plan on the Directorate for Witness Protection.

legal acts respectively, is to be designed³ and implemented once the KP DWP reaches full operational capability. Meanwhile, sub-legal acts such as administrative instructions and internal standard operations procedures are to be drafted and approved, covering all aspects of the operations of the full witness protection programme. The monitoring will be guided by a written monitoring instruction. When required, EULEX will support with mentoring and advising.

- b) EULEX will focus on monitoring the relevant ministries and agencies and their work to enhance the level of cooperation on witness protection. This is to be achieved through a number of thematic briefing sessions to competent authorities, comprising among others, Ministry of Internal Affairs, Ministry of Finance, Ministry of Education, Science and Technology, Ministry of Health, Ministry of Justice, Kosovo Police Director General. Cooperation between EULEX WSD and the local counterpart is to be conducted within the framework of the Technical Arrangement on the Legal Status of EULEX Witness Security Unit, now renamed Witness Security Department. The monitoring will be guided by a written monitoring instruction. When required, EULEX will support with mentoring and advising.
- c) EULEX will focus on monitoring and, where applicable, co-conducting training and awareness raising activities for local judges and prosecutors about witness protection. Training modules will be developed in close cooperation with local counterparts and the EULEX Justice staff, drawing upon similar training already being performed for EULEX judges and prosecutors. The monitoring will be guided by a written monitoring instruction. When required, EULEX will support with mentoring and advising.

2.3 Expected Results

- a) A more functioning witness protection scheme in Kosovo administrated by a fully functioning and designated Kosovo Police Directorate for Witness Protection that will ensure the development of reliable and functioning witness protection resources and capabilities at local level.
- b) A more elaborated and functioning level of inter-agency and international cooperation/collaboration for witness protection in Kosovo.

³ The drafting of sub-legal acts is currently on-going with the assistance of the IPA project WINPRO I.

c) A higher understanding of witness protection amongst Kosovo judges and prosecutors.

COMPACT Action

Action Number	COMPACT/11.1
Title:	Support to Kosovo International Legal Cooperation
Partner(s):	Department for International Legal Cooperation, Kosovo Ministry of Justice
Rule of Law Area:	Justice

1. RATIONALE

EULEX will further assist the Ministry of Justice (MoJ) Department for International Legal Cooperation (DILC)¹. The DILC is in need of increased organizational capabilities allowing for timely and adequate services such as, for instance, a reliable transmission system for requests. More importantly, Kosovo is still not party to any international convention in the area of mutual legal assistance and thus EULEX plays a key role in providing a programme of structured support to enhance and increase international legal cooperation².

2. DESCRIPTION

2.1 Objective

The staffing system, the funding, the operational framework and the training in DILC shall be strengthened and developed in order to increase the effectiveness of the international legal cooperation in the MoJ. The DILC will strive to establish cooperation with States that have not recognized Kosovo through relevant arrangements with EULEX and will aim at entering into new agreements on international legal cooperation with States that have recognized Kosovo. The international legal cooperation of Kosovo will be brought in compliance with European best practices.

¹ See Ministry of Justice 2012-2016 Strategic Development Plan, Second Strategic Objective - Further Developing of the system of the international legal cooperation, and Ministry of Justice 2011-2014 Priorities – Coordination of justice system.

² The Visa Liberalisation with Kosovo Roadmap, Section II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order & Security; and Fundamental Rights related to Freedom of Movement; BLOCK 3: Preventing and combating organized crime, corruption & terrorism; Judicial cooperation in criminal matters.

2.2 Activities

- a) EULEX will focus on monitoring the allocation of adequate funding to ensure the effective functioning of the DILC through the implementation of policies for staff training and recruitment.³ The monitoring will be guided by a monitoring instruction. When required, EULEX will support with mentoring and advising.

- b) EULEX will focus on monitoring Kosovo's capacity for international legal cooperation. Kosovo's efforts in this regard should inter alia include :
 1. Strengthen international legal cooperation with States that have recognized Kosovo, for instance, through the signing of new bilateral arrangements⁴;
 2. Establish and develop international legal cooperation with States that have not recognized Kosovo through formal or informal mechanisms with EULEX facilitation⁵;
 3. Take the necessary steps in order to achieve Kosovo membership to relevant multilateral agreements within the field of international legal cooperation; and
 4. Increase cooperation with other relevant Kosovo authorities, including courts, public prosecution offices, police and the Ministry of Foreign Affairs, in matters related to international legal cooperation, e.g. swift and efficient handling of requests for mutual legal assistance.

The monitoring will be guided by a monitoring instruction. When required, EULEX will support with mentoring and advising.

³ This activity will be carried out through the Advisory Unit on Justice Matters in close cooperation with the Legal Cooperation Unit.

⁴ The Kosovo Ministry of Justice started in 2009 an initiative on international legal assistance to finalize bilateral agreements with several countries. Thus far Kosovo has signed nine bilateral agreements with five states. Fourteen additional bilateral agreements are currently being negotiated with seven countries. Moreover, Kosovo agreed with five states the continuation of nine international agreements concluded by these states in the past with the Kingdom of Serbia and the Socialist Federal Republic of Yugoslavia, as appropriate.

⁵ In 2011 EULEX has signed a Technical Arrangement (TA) with the Kosovo Ministry of Justice on Mutual Legal Assistance regarding legal and judicial cooperation with non-recognizing States. The implementation of the TA depends on the willingness of non-recognizing States to engage. To date, the TA mechanism has been accepted by Greece and the Slovak Republic.

- c) EULEX will focus on monitoring the DILC's operational efficiency. This could, for example, include the revision and update of the existing UNMIK manual for the issuing and handling of requests, or the drafting and adoption of an administrative instruction related to the implementation of the Law on International Legal Cooperation in Criminal Matters (04/L-031). The monitoring will be guided by a monitoring instruction. When required, EULEX will support with mentoring and advising.

2.3 Expected Results

- a) The MoJ has allocated adequate funding to ensure the effective functioning of the DILC and implemented the policies for staff training and recruitment. The regulations and policies for DILC staffing, recruitment and training are adopted and implemented.
- b) DILC has increased international legal cooperation in number and quality with recognizing States, including consolidated legal drafting capacities, and established sustainable legal cooperation mechanisms with non-recognizing States relying on EULEX facilitation role.
- c) DILC has achieved a high level of cooperation with the Kosovo Ministry of Foreign Affairs, courts, prosecution offices, police within the field of international legal cooperation and made progress in preparing the ground for Kosovo's membership to relevant multilateral agreements within the field of international legal cooperation.

COMPACT Action

Action Number: **COMPACT/12.1**
Title: **Civil Registry**
Partner(s): MoIA, EUSR in Kosovo
Rule of Law Area: Home Affairs
 (Justice)

1. RATIONALE

Support to the normalisation between Belgrade-Pristina and, in particular, to the dedicated Dialogue is one of the objectives of EULEX. This means that within its mandate, the Mission will offer support to the normalisation process leading to a settlement between Belgrade and Pristina and in particular the implementation of the conclusions of the EU facilitated Belgrade-Pristina dialogue. EULEX is in an ideal position to offer guidance, expertise and verification oversight to the issues relating to the certification of civil registry books. This will further facilitate the progress of the Belgrade Pristina Dialogue, and is one of the measures preparing for visa-liberalisation.

2. DESCRIPTION

2.1 Objective

To steer the work of the Joint Committee on Civil Registry, to make certain that the copying of the civil registry books proceeds in a timely manner in the small scale pilot project, to act in line with the Dialogue Agreement during the main phase of the copying project, as well as, upon request, EULEX will be ready to provide specific information from Kosovo.

2.2 Activities

- a) Continue to chair and facilitate the work of the Joint Committee on Civil Registry.
- b) Regarding the implementation of the dialogue agreement EULEX will certify the copies of the original civil registry books from Kosovo, municipality by municipality. In the first instance, this will include completing the small scale pilot project in Niš, Serbia proper, regarding the municipality of Lipjan/Lipljan.
- c) EULEX is to assist with the processing the certified copies in order to facilitate the MoIA, Kosovo in establishing fully reliable, comprehensive and sustainable civil registry in Kosovo.

Upon request by parties, EULEX will stand ready for providing specific information.

2.3 Expected results

Establishment of a fully reliable and comprehensive civil registry in Kosovo

- a) Successful chairing of the Joint Committee on Civil Registry.
- b) Conclusion of the small scale pilot project.
- c) EULEX to monitor, mentor, advise and co-operate with the EUSR and the contracted Danish Refugee Council to ensure the full capacity of the main phase of the project beyond the pilot phase.
- d) Completion of the processing work of the certified registry documents.

COMPACT Action

Action Number: **COMPACT/12.2**
Title: **The Freedom of Movement Agreement in the Context of the Dialogue**
Partner(s): Kosovo Police, MoIA, EUSR in Kosovo
Rule of Law Area: Police

1. RATIONALE

Support to the Dialogue is one of the objectives of EULEX. This means that within the mandate of the Mission it will offer support to the normalisation process between Belgrade and Pristina and in particular intends to facilitate the local institutions implementing of the conclusions of the EU facilitated Dialogue. The operational conclusions on the Freedom of Movement (FoM)¹ are some of the key conclusions agreed upon in the Dialogue.

2. DESCRIPTION

2.1 Objective

To support, facilitate and monitor the Kosovo authorities in their implementation of the conclusions on the Freedom of Movement.

2.2 Activities

- a) Design and carry out a programme that offers structured support to the implementation of the freedom of movement agreement.
- b) Conduct a continuous review of the status of implementation of the FoM agreement, with monthly reporting.
- c) Monitor and encourage adherence to the applicable law and international standards.
- d) Monitor and encourage adherence to the agreement on the license plate issue. Border and Boundary Police will address this at the crossing points. Strengthening Department will monitor this issue and advice at station level.
- e) Enhance inter-agency and cross-border cooperation, including through the working groups.

¹ EULEX is mentioned in item 7 of the agreement reached.

- f) Strengthening Department through Advisory Unit on Internal Matters will monitor and provide support on any issues concerning the use of Personal Identification Documents.

2.3 Expected results

The mission can assess whether that the Dialogue conclusions on Freedom of Movement are carried out as agreed.

COMAPCT Action

Action Number: **COMPACT/12.3**
Title: **IBM Agreement in the Context of the Dialogue**
Partner(s): Kosovo Customs, Kosovo Police, Kosovo Veterinary and Food Agency, EUSR in Kosovo
Rule of Law Area: Police, Customs, Justice

1. RATIONALE

Support to the Dialogue is one of the objectives of EULEX. This means that within the mandate of the Mission it will offer support to the normalisation process between Belgrade and Pristina and in particular the implementation of the conclusions of the EU facilitated Dialogue. The operational conclusions on the integrated management of crossing-points (IBM) are some of the key conclusions agreed upon in the Dialogue. As detailed in the IBM agreed conclusions EULEX has an official role to play and EULEX presence is required at the agreed-upon crossing points.

2. DESCRIPTION

2.1 Objective

To support and assist the Kosovo authorities in implementing the conclusions on IBM.

2.2 Activities

- a) Continue to engage in the Implementation Group on IBM and build a programme of structured MMA, and carry out executive action within the mandate of the Mission and in accordance with the agreement on IBM. This would include maintaining EULEX presence and MMA activities at the agreed upon crossing points of Jarinjë/Rudnice, Tabavice/Bërnjak, dheu I Bardhë/Konqul, Merdare/Merdarë, Mutivodë/Mutivode, and Depce/Muçibabë - in line with the dialogue agreements.
- b) Advise the planning phase of the Strategy and Action Plan, and participate in the Executive Board and other related meetings.
- c) Offer guidance on the development on the action plan for the strategy implementation of the new Kosovo Strategy and Action Plan on IBM 2012-2017.

- d) Monitor and encourage adherence to the applicable law and international standards.
- e) Enhance intra-service, inter-agency and international cooperation, including through working groups.
- f) Participate in meetings and working groups concerning the IBM Crossing Points.

2.3 Expected results

The mission can verify that the Dialogue conclusions on IBM are carried out as agreed.

- a) EULEX maintains presence and activities at the above mentioned key crossing points.
- b) Kosovo authorities have a finalised and approved Strategy on IBM 2012-2017.
- c) Kosovo authorities have a full action plan in place for the implementation of the Kosovo Strategy and Action Plan on IBM 2012-2017.
- d) Kosovo Police, Kosovo Customs and Kosovo Veterinary and Food Agency adhere to the applicable law and international standards regarding IBM.

Compact Action

Action Number: **Compact/12.4**
Title: **Cadastral disputes**
Partner(s): Kosovo Property Agency, Kosovo Cadastral Agency, Kosovo
 Property Rights Coordinator, EUSR in Kosovo
Rule of Law Area: Justice

1. RATIONALE

Support to the dedicated Dialogue is one of the objectives of EULEX. This means that within the mandate of the Mission it will offer support to the implementation of the conclusions of the EU facilitated Dialogue and in this way contribute to a normalisation process leading to a comprehensive settlement between Belgrade and Pristina. The tripartite technical implementation group will monitor the work of the Technical Agency¹ that will compare all copies of the original pre-1999 private property cadastral records² with the reconstructed Kosovo cadastre. The Technical Agency will transfer cases to an adjudication mechanism in Kosovo where the comparison shows the records not to be the same. This adjudication mechanism will make a final determination as to which cadastral record is correct. The first instance in the adjudication mechanism will be undertaken by a Commission consisting of international and cadastral and property experts from Kosovo. The majority of the experts will be appointed by the EUSR, taking into account the interests of all communities concerned. The Kosovo Supreme Court will act as the second, appeal, instance of this adjudication mechanism. Decisions by the Kosovo Supreme Court will be taken by a panel in which international judges will hold the majority and will be final and enforceable and not subject to challenge. Decisions resulting from above adjudication mechanism will be notified to all stakeholders concerned, including the tripartite technical implementation group. The Kosovo Cadastre Agency will implement the final decision resulting from above adjudication mechanism by effecting the necessary changes in the Kosovo cadastre.

¹ The Kosovo Property Agency (KPA) may become the institution assigned with this task under a new mandate.

² This will include private property, private commercial property and private church property cadastral records.

2. DESCRIPTION

2.1 Objective

To establish a fully reliable cadastre in Kosovo.

2.2 Activities

- a) The Kosovo Prime Minister's Legal Office is currently preparing the draft legislation outlining the mandate of the institution to undertake the cadastral verification process. KPA will be consulted in accordance with the relevant legislative procedure. EULEX should also be consulted as appropriate.
- b) Engage in the implementation of the relevant conclusions relating to cadastral disputes contingent upon the respective design of the mandate of the institution to undertake cadastral verification process:
 - Creation of a new dispute resolving Commission,
 - Amending the current claims resolution setup to the mandate requirements,
 - Creation of claims processing rules, and
 - Establishment of an effective and efficient dispute resolution process in accordance with the respective mandate.
- c) Continuing to provide a mechanism of adjudication of property disputes, to contribute to the safeguarding of property rights.

2.3 Expected results

Cleared and exclusively valid cadastral records after discrepancies in the currently dissenting records are resolved efficiently, fairly and without bias.

- a) After a review of the adjudicatory needs of the program, that EULEX arranges for the necessary functions in place to deal with the cadastral disputes.
- b) Kosovo government maintains their commitment to the process of dealing with cadastral disputes.
- c) In case KPCC will be involved in the cadastral record verification process that it is adequately staffed and equipped to be able to manage its additional caseload.