



联合国科索沃临时行政当局特派团

秘书长的报告

一. 导言和特派团优先事项

1. 本报告系依照安全理事会第 1244(1999)号决议提交，安理会在该决议中设立联合国科索沃临时行政当局特派团(科索沃特派团)，并请秘书长定期报告特派团任务执行情况。本报告述及 2023 年 9 月 19 日至 2024 年 3 月 15 日期间科索沃特派团的活动和相关动态。

2. 特派团的优先事项依然是促进科索沃和该区域的安全、稳定和对人权的尊重。为推进其各项目标，科索沃特派团继续与普里什蒂纳和贝尔格莱德、科索沃各族群以及区域和国际行为体进行建设性互动。欧洲安全与合作组织(欧安组织)和驻科索沃部队继续在第 1244(1999)号决议框架内发挥作用。根据 2008 年 11 月 26 日的安全理事会主席声明(S/PRST/2008/44)和 2008 年 11 月 24 日的秘书长报告(S/2008/692)，欧洲联盟驻科索沃法治特派团保持其驻留。联合国各机构、基金和方案与特派团密切合作。

二. 主要政治事态发展，包括欧洲联盟主持的对话

3. 虽然过去六个月在执行欧洲联盟促成的协定方面取得了一些进展，但贝尔格莱德和普里什蒂纳之间的紧张局势加剧，科索沃北部的安全局势仍然脆弱。尽管施加了外交压力，但在建立塞族占多数的城市协会/共同体方面没有取得任何进展。尽管如此，贝尔格莱德和普里什蒂纳在落实能源路线图、登记车辆牌照以及科索沃和塞尔维亚之间车辆对等自由通行方面取得了进展。在其他事态发展中，科索沃塞族人根据科索沃政府提供的新行政指示，发起了罢免四个北部城市市长的请愿。科索沃中央银行的新条例规定，从 2024 年 2 月 1 日起，欧元是科索沃现金交易的唯一货币，这影响了科索沃塞族和其他非多数族裔的经济和社会权利，并使双方之间的关系进一步紧张。



4. 2023年9月24日，在科索沃北部兹韦钱市 Banjska/Banjskë 村附近发生一起严重的安全事件，约30名武装人员设置路障，与科索沃警察对峙。这起事件导致1名警察死亡，另外2名警察受伤，3名武装袭击者死亡。8名科索沃塞族嫌疑人被捕，其他人逃离现场，越过行政边界线进入塞尔维亚。9月26日，科索沃当局因缺乏证据释放了8名被拘留嫌疑人中的4人。随后几天，贝尔格莱德和普里什蒂纳之间紧张局势升级，贝尔格莱德加强了其在行政边界线沿线的军事存在，尔后在国际压力下缩减了军事存在。
5. 袭击发生后，科索沃总理阿尔宾·库尔蒂指责塞尔维亚有系统地鼓励和支持暴力，而科索沃总统维约萨·奥斯马尼也宣布9月25日为悼念去世的科索沃警察哀悼日。塞尔维亚总统亚阿莱克桑达尔·武契奇否认塞尔维亚当局有任何参与，声称这一事件是科索沃塞族人对科索沃政府在科索沃北部政策的反应。武契奇先生宣布塞尔维亚为“三名去世的塞族人和一名被杀害的警察”哀悼一天，而科索沃塞族最大的政党塞族名单党宣布为去世的科索沃塞族人哀悼三天。
6. 欧洲联盟外交与安全政策高级代表何塞普·博雷利谴责这次袭击，称肇事者“必须受到法律制裁”，欧洲联盟成员国“敦促所有行为体努力缓和”局势。美利坚合众国国务卿与欧洲联盟一样谴责这起事件。随后几天，包括驻科索沃部队和负责科索沃问题秘书长特别代表在内的各国际行为体发表了类似声明，呼吁“追究肇事者的责任”。
7. 继 Banjska/Bajskë 事件发生后，北大西洋公约组织(北约)在10月至12月期间临时增派部队加入驻科索沃部队。北约秘书长于11月20日证实，过去十年中，2023年“最大规模地加强了”驻科索沃部队，增加了1000人。此后，撤回了部分增派的部队。
8. Banjska/Bajskë 事件发生后不久，科索沃当局公布了袭击者的录像，其中包括塞族名单党副主席 Milan Radoičić。9月29日，他承认参与了这次行动，声称是以个人身份在贝尔格莱德不知情的情况下采取行动，并宣布辞职。10月3日，他被塞尔维亚当局拘留，次日获释。贝尔格莱德高等法院称，它已提出刑事指控，并下令在审判前有条件释放他。普里什蒂纳和贝尔格莱德都宣布已开始调查 Banjska/Bajskë 事件，目前仍在进行调查。科索沃当局于10月3日对 Radoičić 先生和其他21人发出逮捕令，随后又分别于10月30日和2月16日对另外19人发出逮捕令。截至2024年3月4日，国际刑警组织已对其中29人发布红色通告。塞尔维亚外交部长伊维察·达契奇排除了引渡 Radoičić 先生的可能性。
9. 10月21日，欧洲联盟负责贝尔格莱德-普里什蒂纳对话和其他西巴尔干区域问题的特别代表米罗斯拉夫·莱恰克在法国、德国、意大利和美国官员的陪同下访问了普里什蒂纳和贝尔格莱德。他们提出了关于在科索沃建立塞族占多数的城市协会/共同体的建议草案，“明确期望”各方履行其与对话有关的义务。
10. 10月26日，在欧洲理事会会议期间，法国、德国和意大利领导人在欧洲理事会主席夏尔·米歇尔、博雷利先生和莱恰克先生的陪同下，在布鲁塞尔会晤了库尔蒂先生和武契奇先生。他们呼吁科索沃按照章程草案的规定启动建立塞族占

多数的城市协会/共同体的程序，并呼吁塞尔维亚给予“事实上的”承认。库尔蒂先生表示，他愿意签署 2023 年 2 月 27 日《科索沃和塞尔维亚关系正常化之路协定》以及规约草案，前提是武契奇先生也要签署。武契奇先生承认规约草案是一个“可接受的基础”，并强调塞尔维亚愿意履行承诺，“这些承诺并不意味着事实上或法律上承认科索沃和科索沃在联合国等国际组织中的会员资格”。

11. 科索沃议会在 11 月 3 日举行的特别全体会议期间，为建立协会/共同体就新的规约草案进行了辩论。库尔蒂先生表示，他尚未接受拟议草案，因为尚未签署该文件；一旦签署，将送交科索沃宪法法院审查。

12. 11 月 16 日，莱恰克先生在布鲁塞尔分别会晤首席谈判代表，没有就规约取得进展，但对话的其他方面取得了一些进展。12 月 9 日，莱恰克先生报告说，科索沃配电服务公司与新成立的 Elektrosever 公司签署了一项商业协议，这标志着在执行 2022 年 6 月商定的能源路线图方面迈出了重要一步。2 月 29 日，Elektrosever 公司开始在科索沃北部分发电费账单，这是自 1999 年以来首次向当地居民收取电费。

13. 12 月 13 日，欧洲联盟和西巴尔干国家领导人在布鲁塞尔举行第四次年度峰会，会后发表了布鲁塞尔声明，其中除其他外，敦促双方执行《正常化之路协定》及其《执行附件》。塞尔维亚总理安娜·布尔纳比奇在 12 月 14 日给欧洲联盟的信中指出，欧洲联盟-西巴尔干首脑会议宣言敦促各方执行《关系正常化途径协定》及其《执行附件》，该声明是“一份政治声明和不具法律约束力的文件”，只有在不及对科索沃的任何事实上或法律上的承认的情况下，才被视为可以接受。库尔蒂先生敦促国际行为体处理布尔纳比奇女士的信，称该信阻碍了关系正常化，并重申双方需要正式签署《协定》。在随后于 12 月举行的欧洲理事会会议上，欧洲联盟领导人请欧洲联盟委员会将《协定》及其《执行附件》纳入塞尔维亚与欧洲联盟的谈判框架。1 月 24 日，欧盟对外行动署发言人强调，《协定》被认为具有约束力，仍然是“各自欧洲途径的组成部分”。

14. 12 月 17 日，科索沃合格选民参加了塞尔维亚大选。科索沃政府反对在没有塞尔维亚政府正式请求的情况下在科索沃举行塞尔维亚选举，这与其先前对举行塞尔维亚选举和 2022 年宪法公投的立场一致。欧洲联盟对科索沃政府的立场表示遗憾，指出这不符合“对话精神、保护非多数族群权利的原则以及在科索沃和塞尔维亚之间建立信任”。选举当日，塞尔维亚政府和塞族名单党为来自科索沃的选民安排了前往塞尔维亚中部投票站的交通。除了塞车长龙外，没有报告任何重大问题。

15. 12 月 25 日，塞尔维亚政府宣布，自 2024 年 1 月 1 日起，允许所有悬挂塞尔维亚发放的车牌的车辆在塞尔维亚自由通行。塞尔维亚政府着重强调，这一决定基于 2011 年《行动自由协定》，不是对科索沃独立的承认，不能解释为“贝尔格莱德同意偏离联合国安全理事会第 1244 号决议保障的权利”。1 月 4 日，科索沃政府作出回应，废除了塞尔维亚车牌标签制度。1 月 7 日，博雷利先生对这些决定表示欢迎，认为这是执行《协定》的积极步骤，表明关系正常化有可能取得进展。

16. 12月27日，科索沃中央银行通过了一项关于现金支付的条例，其公开目的是保护科索沃金融系统的完整性，打击洗钱和资助恐怖活动。该条例规定，截至2024年2月1日，科索沃现金交易只允许使用欧元，从而中断了自1999年以来在科索沃塞族占多数的地区使用塞尔维亚第纳尔作为现金和商业交易主要货币的普遍做法。在实施日期之前，科索沃当局对该条例的内容和影响的公开解释有限。该条例的实施中断了对塞尔维亚供资机构雇用的个人和科索沃境内塞尔维亚社会保障制度养老金领取人的付款。此外，还影响到中小型企业以及保健、儿童保育和教育服务。

17. 1月17日，武契奇先生说，他在达沃斯世界经济论坛会议期间与莱恰克先生会晤时提出了对这一货币条例的关切，并警告说这将对“对话构成最严重和最大的威胁”。

18. 1月28日，五国(法国、德国、意大利、大不列颠及北爱尔兰联合王国和美国)代表在科索沃发表联合声明，表示关切中央银行条例对科索沃塞族占多数的社区日常生活的影响。他们呼吁暂停实施该条例，以便有足够长的过渡期。2月6日，负责科索沃问题秘书长特别代表敦促各方保持克制，并进行建设性接触。她强调，应通过欧洲联盟主持的对话讨论未决问题，留出足够的时间，以便事先与受影响社区进行有效沟通和联系。

19. 1月底和2月初，科索沃警察对德拉加什、佩奇、克利纳和伊斯托克市塞族非多数族群使用的设施以及普里什蒂纳的一个族群中心展开了行动。科索沃警察报告说，在所有四个城市没收了各种文件，查封了建筑物，并临时拘留了工作人员，称这些设施涉嫌曾被用于/正被用于进行“非法活动”。2月2日，该地区唯一的科索沃-塞族媒体机构戈拉日德瓦茨电台(佩奇)的一组记者被科索沃警察拦住，他们的车辆被搜查，尽管他们出示了有效的记者证。

20. 2月5日，科索沃政府负责欧洲一体化、发展与对话的第一副总理贝斯尼克·比斯利米致函莱恰克先生，详细说明了科索沃为缓和紧张局势而采取的积极措施，并要求取消欧洲联盟实施的措施。

21. 库尔蒂先生于2月6日宣布，科索沃政府将采取步骤，为实施这一货币条例的过渡期提供便利。中央银行随后于2月12日宣布了一项10点计划，以减轻新规定的任何不利影响，并表示过渡阶段不会超过三个月。

22. 与此同时，在塞尔维亚请求安全理事会召开特别会议讨论新的货币条例后果之后，安理会于2月8日召开了会议。武契奇先生和库尔蒂先生参加了会议，就科索沃局势和该条例的影响作了截然不同的陈述。

23. 2月20日，一组科索沃塞族律师向科索沃宪法法院提出请求，要求评估该条例是否符合宪法，并要求法院作为一项临时措施暂停执行该条例，直至法院就此案作出裁决。法院尚未作出回应。

24. 2月27日，莱恰克先生在布鲁塞尔与塞尔维亚首席谈判代表和科索沃中央银行行长就这一货币条例举行了会议。科索沃首席谈判代表 Bislimi 先生没有参

加会议，他指出“第纳尔问题不是对话的一部分”。莱恰克先生认为，这次会议是为受影响社区找到可持续解决办法的第一步。

三. 科索沃北部

25. 在 Banjska/Banjskë 发生袭击事件后，科索沃警察增加了在科索沃北部的存在，包括沿行政边界线部署特别行动部队。在随后几周内，科索沃警察进行了数次搜查行动，没收了资产、武器和弹药。

26. 科索沃警察从 9 月 24 日起暂时关闭行政边界过境点，限制该地区的通行。31 号门(Brnjak/Bërnjak)关闭至 10 月 4 日，禁止车辆进入；1 号门(Jarinje/Jarinë)关闭至 10 月 18 日，禁止车辆进入。10 月中旬，科索沃警察封锁了行政边界线附近的替代道路，阻碍上班、上学和就医。数周后，重新设置了许多路障，允许小型车辆通过。

27. 科索沃政府自 2023 年 6 月开始对塞尔维亚货物实施限制，持续影响居民和企业家的社会经济权利。10 月 6 日，北米特罗维察临床医院中心主任说，基本医疗用品严重短缺，并将这种情况描述为“人道主义灾害”。科索沃卫生部反驳了这些说法，并重申了为塞族占多数城市的保健机构申请医疗用品的程序。经过外交努力，11 月 9 日从塞尔维亚运送的药品和医疗用品暂时缓解了短缺情况。然而，1 月底和 2 月，科索沃北部的当地药店和医疗机构再次报告药品和用品短缺。

28. 12 月 25 日，数百名居民和企业主聚集在北米特罗维察，抗议限制塞尔维亚货物进口到科索沃，并开始请愿，要求解除 2023 年 6 月实施的限制。2 月 27 日，科索沃西部 Visoki Dečani 修道院院长 Sava Janjić 表示关切这些措施对科索沃塞族社区的社会经济影响。

29. 10 月 12 日，武契奇先生呼吁科索沃塞族人重新参与科索沃的政治生活。次日，塞族名单党宣布准备发起请愿，罢免 2023 年 4 月在科索沃北部特别地方选举中当选的科索沃阿族市长，当时只有 3.47% 的合格选民参加了选举。

30. 10 月 24 日，塞族名单党选举兹拉坦·埃莱克为新主席，取代戈兰·拉基奇。2023 年底，科索沃中央选举委员会注册了两个新政党，即塞尔维亚民族运动和塞尔维亚民主党。

31. 12 月 5 日，北部所有四个城市的居民发起请愿，要求根据行政指示罢免市长。截至 1 月中旬，请愿书发起者报告称已获得四个城市 20% 居民的签名，从而达到了规定的门槛。3 月 8 日，中央选举委员会宣布已核实请愿书，将于 4 月 21 日进行罢免市长的投票。

32. 12 月 19 日，科索沃私有化机构接管了 Banjska/Banjskë 的“Rajska Banja”水疗中心，并将其交给科索沃内政部。这一行动引起当地政界人士和塞尔维亚政府对私有财产不可侵犯性和科索沃塞族人权利作出反应。据科索沃警察报告，9 月 25 日，在水疗中心缴获了与 Banjska/Banjskë 事件有关的武器和弹药。

33. 2023 年 5 月，科索沃塞族抗议者在科索沃北部市政大楼前与驻科索沃部队成员发生冲突。事件发生后，科索沃特派团一直无法完全进入位于科索沃北部莱波萨维奇、祖宾波托克和兹韦钱市政房地内的特派团外地办事处。2023 年夏天，在驻科索沃部队和科索沃警察的协助下，科索沃特派团安全人员得以确保这些办事处的安全，以确保联合国房地和资产不受侵犯。然而，12 月 14 日，科索沃特派团查明，其在莱波萨维奇的办事处被闯入，并被市政雇员占据。12 月 20 日，特派团得以在驻科索沃部队的协助下访问其在祖宾波托克的办事处，并看到这些办事处已被破坏。科索沃特派团工作人员注意到强行进入和严重破坏的迹象，以及丢失的实物资产。12 月 21 日，科索沃特派团试图进入其在兹韦钱市政大楼内的两个办公室，但没有成功，直到 12 月 26 日，经市长批准并在科索沃警察和驻科索沃部队的护送下，才得以进入。其中一个办公室似乎完好无损，但第二个办公室的一些实物资产丢失。特派团向科索沃当局提出了这些问题。

34. 12 月底，科索沃政府宣布将利用 2013 年协定所设科索沃北部城市发展基金的资本，收回高达 1 200 万欧元的电力消费积欠债务。欧洲联盟表示关切，指出这一决定不符合该基金的标准及其发展目标。

35. 12 月 20 日，负责促进公平市场竞争的独立公共机构科索沃竞争管理局援引 2022 年出台的一项法律，对一家在科索沃运营的塞尔维亚私营移动电话公司分公司开出 160 万欧元的罚单。据报道，罚款是因为未提交 2019 年购买另外三家公司 100% 股份的强制性通知请求。塞尔维亚电信公司总经理说，这一决定是“阿尔宾·库尔蒂政府针对该公司的运动”的延续。

36. 12 月 29 日，由大多数科索沃阿族代表组成的新的北米特罗维察市议会将塞尔维亚政府支持的机构目前使用的土地分配给科索沃内政部。塞尔维亚民主党在收集到所需数目的签名后，向市议会提交了一份请愿书，要求撤销这一决定，并要求根据《地方自治法》就此事举行全民投票。2 月 23 日，市议会作出答复，表示不需要就此事进行表决，理由是没有关于公民投票的市政立法。

37. 2 月 7 日，科索沃警察搜查了 Gorazhdec/Goraždevac 的塞尔维亚邮局，没收了文件和设备。此外，2 月 7 日和 14 日，在新的货币条例生效后，科索沃当局在 1 号门(Jarinje/Jarinë)阻止运钞车进入科索沃。

38. 2 月 12 日，来自科索沃各地的数千名科索沃塞族人聚集在北米特罗维察，抗议中央银行新的货币条例。发言者强调了该条例对最弱势群体的影响，要求取消该条例，并呼吁国际社会进行干预。

39. 驻科索沃部队分别于 1 月 12 日和 25 日宣布从莱波萨维奇和兹韦钱的市政大楼撤出人员，并指出将继续在该地区进行定期巡逻。在 2023 年 5 月的暴力抗议活动后，驻科部队被部署到这两座市政大楼。

40. 3 月 13 日，库尔蒂先生宣布，科索沃政府已命令科索沃地籍局执行宪法法院 2016 年关于 Visoki Dečani 修道院财产的裁决。五国和国际社会其他成员称赞这一行动。

41. 3月14日，科索沃基础设施部将科索沃北部道路上的单语塞尔维亚交通标志更换为新的双语标志(先用阿尔巴尼亚语，后用塞尔维亚语拉丁字母)。科索沃语言专员呼吁颠倒标牌上语言的顺序，而且塞尔维亚语应为西里尔文。一些新安装的路标已被破坏。

四. 法治和人权

法治

42. 科索沃特别检察官办公室继续起诉被控在1998-1999年冲突期间犯下战争罪的科索沃塞族人，包括若干项缺席起诉。12月8日，特别检察官办公室报告称，自2016年受权调查战争罪以来，该办公室已对89人提出33项战争罪起诉。该办公室还起诉了另外53人，指控他们参与1999年4月在贾科维察市 Mejë/Meja 村和 Rekë/Reka 村造成370人死亡的事件，使据报因战争罪被起诉的总人数达到142人。

43. 10月，黑山代理司法部长以可能违反《保护人权和基本自由公约》为由，拒绝引渡科索沃当局因起诉战争罪而通缉的两个人。根据科索沃特派团分别于2015年2月和2023年7月发布的国际通缉令，两人都受到国际刑警组织发出的红色通缉。

44. 11月20日，普里什蒂纳初级法院开始对战争罪进行首次缺席审判。检方指出，除了探索所有法律途径确保被告亲自出庭外，检方还等待法律规定的六个月期限过后才提起诉讼。

45. 12月7日，上诉法院审理了一名前科索沃解放军指挥官的上诉，他于2023年6月被普里兹伦初级法院以战争罪判处9年零6个月监禁。此外，已开始对2名科索沃塞族人分别进行战争罪审判，他们曾分别担任科索沃警官和狱警。2024年2月5日，普里什蒂纳初级法院宣布这名前科索沃警官无罪，对他涉嫌参与战争罪的指控不成立。对前狱警的审判目前仍在进行。

46. 驻科索沃的国际社会代表和司法机构促请该政府不要发表有可能破坏司法独立和公众对司法信心的言论。在进行干预之前，科索沃总理和其他政府成员曾发表声明，批评司法机构关于拘留和起诉个人的调查结果和决定。

47. 科索沃检察理事会法第三次修订案已提交通过法律实现民主欧洲委员会(威尼斯委员会)，该委员会于12月18日重申，应采取“适当的保障措施，防止在遴选和选举委员会非专业成员的过程中出现政治化风险”。

48. 2月27日，普里什蒂纳初级法院在一起案件中裁定两名被告有罪，他们被控在2023年5月兹韦钱市抗议活动中“参与群体实施刑事犯罪和流氓行为”。先前认罪的人被判处6个月监禁。随后，一名被告因在还押候审期间服刑期满而获释，另一名被告在监狱服刑26天后，在支付6000欧元替代剩余刑期后获释。

49. 公众继续批评法官和检察官未能认真对待家庭暴力和性别暴力问题。11月29日，据报一名妇女在其丈夫安排下被暗杀，这引发了当地的抗议活动，国际社

会呼吁司法系统优先处理与暴力侵害妇女和女童有关的案件，并使犯罪人受到与罪行严重程度相称的惩罚。

50. 随着 10 000 多名公职人员披露其财产，预防腐败机构报告称，2023 年财富申报登记数量大幅增加。然而，相关法院案件的数量仍然很少。备受关注的案件经常被送重审，定罪后的处罚往往较轻。欧盟委员会在其 2023 年关于科索沃的报告中指出，应对高层腐败案件采取更强有力的刑事司法对策。

51. 科索沃特派团继续提供文件认证服务。特派团共处理了 1 855 份文件，其中 823 份涉及养恤金，1 032 份涉及学位证书以及结婚证、出生证和死亡证。特派团还协助国际刑警组织向科索沃发出 21 份红色通告和 19 项引渡请求。科索沃特派团还根据索取资料的请求，开立了 544 个新的文件案件。共有 1 070 起与科索沃领土或长期居民有关的案件仍未结案。

人权

52. 2 月，科索沃政府着手设立一个工作组，旨在修订《防止歧视法》，通过解决现行法律中的漏洞和执行方面的挑战，加强对弱势群体和非多数族群的保护，使其免受歧视。

53. 科索沃政府与包括科索沃特派团在内的国际社会和民间社会协商，进一步制定了 2024-2026 年科索沃男女同性恋、双性恋、跨性别者和间性者权利行动计划。该计划还寻求提高科索沃司法、检察和监察机构的能力，以处理针对男女同性恋、双性恋、跨性别者和间性者群体成员的仇恨犯罪。

54. 12 月 14 日，科索沃议会通过了关于非政府组织结社自由法修正案。这些修正案引起了人们对公民空间和非政府组织诉诸司法的潜在影响的关切，特别是因为修正案限制诉诸法院、限制非政府组织注册和增加财务负担。

55. 12 月 27 日，科索沃政府批准了 2023-2027 年保护和促进族群及其成员权利战略，其中反映了欧洲委员会《保护少数民族框架公约》咨询委员会第五次意见中的一些建议。

56. 同日，科索沃政府批准了独立媒体委员会法草案，引起记者和民间社会对更严格的登记方式和增加行政罚款的关切。

57. 9 月，欧洲委员会会议专家律师代表团访问了科索沃。随后，欧洲委员会会议政治事务委员会科索沃问题特别报告员于 11 月进行了访问。他们就科索沃法律和人权框架是否符合欧洲委员会的标准与科索沃各机构、民间社会、科索沃特派团和国际伙伴进行了协商。

58. 11 月 7 日，科索沃最高法院维持了上诉法院 2023 年 2 月的判决，该判决以科索沃冲突期间与冲突有关的性暴力罪判处一人 13 年监禁。这是地方法院审理的第一个此类案件。12 月 13 日，普里什蒂纳战争罪特别检察官提出了两份战争罪缺席审判起诉书。3 月 4 日，科索沃警察和科索沃特别检察官办公室联合宣布，一名科索沃塞族人因涉嫌 1999 年在武契特恩犯下与冲突有关的性暴力罪行而被捕。

59. 11月8日，科索沃政府成立了科索沃战争期间所犯罪行研究所。该研究所的任务是记录1998-1999年科索沃冲突期间犯下的罪行，包括严重侵犯人权、战争罪和危害人类罪。

60. 目前仍有1 615名失踪人员(262名女性和1 353名男性)与1998-1999年科索沃事件有关。11月8日，科索沃政府失踪人员委员会表示，将恢复2021年开始的对塞尔维亚Štavalj矿潜在乱葬坑的挖掘工作，这是自2022年5月以来塞尔维亚首次进行此类挖掘。与此同时，12月22日，科索沃政府向公众通报了正在对科索沃各地15个可能的乱葬坑进行评估的情况。

61. 由红十字国际委员会主持的失踪人员问题工作组于2024年1月31日在日内瓦复会，这是2021年以来的第一次。在欧洲联盟的推动下，贝尔格莱德和普里什蒂纳于2023年5月2日核可了关于失踪人员的声明，其中概述了设立联合委员会以加强双方合作的情况，但该声明尚未付诸行动。

62. 科索沃政府负责核查和确认与冲突有关的性暴力幸存者身份委员会给予1 629名申请人(1 540名妇女和89名男子)幸存者身份。委员会拒绝了317份申请(274名女性和43名男性)。

63. 对记者的人身和言语攻击继续引起人们对表达自由和人身安全权的关切。截至2023年12月，科索沃记者协会记录了2023年72起针对记者的袭击事件。由于2023年6月对塞尔维亚货物进口的限制，科索沃供应商无法获得塞尔维亚印刷报纸。2023年11月，科索沃特派团协助联合国促进和保护意见和表达自由权特别报告员与科索沃政府就涉及表达自由权和媒体自由的若干案件进行沟通。

64. 10月20日，科索沃警察以“国家安全”为由驱逐了Devina Vode修道院院长，并禁止他在五年内再次进入科索沃，这引起了人们对宗教自由的关切。当地居民协调收集签名，为他重返修道院请愿。塞尔维亚东正教会称，这一行动是法外之举，并援引现有法律规定，反对任意禁止神职人员进入或留在科索沃。

65. 与财产权有关的关切持续存在。普里什蒂纳初级法院分别于10月23日和12月18日宣布科索沃政府关于莱波萨维奇市和祖宾波托克市地块征用的初步决定无效。在前一案件中，法院认定科索沃政府未提供实现合法公共利益的理由。在后一案件中，法院认定初步决定未阐明征用的确切目的以及如何实现合法的公共目的。

66. 1月15日，科索沃政府在北米特罗维察市政大楼开设了一个区域办事处，负责核查塞尔维亚政府在科索沃开办的教育机构颁发的文凭。科索沃政府还宣布在科索沃南部的格拉查尼察市和拉尼卢格市为同样目的开设另外两个办事处。核查文凭的目的是为这些机构的毕业生，主要是科索沃塞族人，提供在科索沃机构就业的平等机会。

67. 科索沃特派团与机构行为体和民间社会行为体接触，通过拟定协调机制和路线图，帮助为执行《残疾人权利公约》奠定基础。特派团促进失踪人员家属的知

情权，并支持努力消除对与冲突有关的性暴力幸存者的持续污名化。科索沃特派团支持普里什蒂纳大学开办第一个人权硕士学位课程，包括建立一个人权诊所。

五. 其他主要事态发展

68. 10月16日，西巴尔干区域和欧洲联盟的领导人在地拉那举行了柏林进程首脑会议。区域领导人承诺通过区域共同市场协定推进区域经济一体化，加快国内改革，特别是在法治和打击有组织犯罪方面。他们签署了一项相互承认某些专业资格的协定，欢迎2022年11月在柏林签署的三项流动协定对阿尔巴尼亚、科索沃、北马其顿和塞尔维亚生效，并呼吁其他西巴尔干伙伴批准这些协定。

69. 11月8日，欧盟委员会通过了一项新的“西巴尔干国家增长计划”，包括2024-2027年期间的60亿欧元。该计划的目的是在加入之前将成员资格的一些好处扩大到该区域，促进经济增长并加快社会经济融合，前提是西巴尔干国家伙伴实施必要的根本性改革，深化区域合作。贝尔格莱德和普里什蒂纳只有在欧洲联盟主持的关系正常化对话取得进展的情况下才能获得这些资金。

70. 欧洲联盟关于科索沃签证自由化的决定于2024年1月1日生效，允许科索沃旅行证件持有人免签前往申根地区旅行90天。塞尔维亚内政部协调局签发的护照持有人前往欧洲联盟仍然需要签证。科索沃已要求欧洲联盟成员国驳回欧洲联盟委员会允许这些护照持有人免签前往欧洲联盟的提议，因为这将直接与主权原则、法律完整性和正在进行的正常化努力相抵触。

六. 回返、和解、文化遗产和族群关系

71. 根据联合国难民事务高级专员公署(难民署)的记录，84名曾在科索沃境内和境外流离失所的非多数族群成员自愿回返。回返者包括39名妇女和45名男子：62名科索沃塞族人、13名科索沃罗姆族人、7名科索沃埃及族人和2名科索沃阿什卡利亚族人。这使2000年以来在科索沃找到持久解决办法的非多数族群流离失所者总数达到29405人。其中包括14431名妇女和14974名男子(12824名科索沃塞族人、7779名科索沃埃及族人和科索沃阿什卡利亚族人、4090名科索沃罗姆族人、1879名科索沃波什尼亚克族人、1464名科索沃戈兰尼族、1325名科索沃阿尔巴尼亚族人、21名科索沃黑山族人、19名科索沃土耳其族和4名科索沃克罗地亚族人)。科索沃境内仍有15641名流离失所者(7201名妇女和8440名男子)，而在西巴尔干国家约200000名科索沃流离失所者当中，仍有69627人有流离失所相关需求，其中大部分居住在塞尔维亚。

72. 难民署向科索沃阿什卡利族、科索沃埃及族和科索沃罗姆族的57人(38名妇女和19名男子)提供了法律援助，帮助他们办理公民身份登记，并为获得权利和服务提供便利。

73. 向当局提交了74份庇护申请(71名男子和3名妇女)。难民署确保所有寻求庇护者获得免费的法律援助、社会心理支持和口译服务。

74. 国际移民组织(移民组织)为 12 名回返者(7 名妇女和 5 名男子)建造和重建了 3 所房屋, 协助为回返创造安全条件。

75. 地区警察局登记了 235 名抵达的移民(231 名男性和 4 名女性), 他们被安置在临时接待中心, 该中心在移民组织的支持下提供注重保护的服务。移民组织开发的流离失所跟踪信息总库方法使科索沃政府能够确定移民趋势。

76. 9 月至 1 月, 科索沃特派团记录了一些影响非多数族群居住区的塞尔维亚东正教场所的事件。其中包括 11 月 28 日一名自称来自阿尔巴尼亚的东正教僧侣和几名科索沃阿尔巴尼亚族人强行闯入波杜耶沃市 Rakinicë/Rakinica 村附近的 Saint Archangel Michael 塞尔维亚东正教堂行窃以进行“礼拜仪式”。12 月 6 日, Visoki Dečani 修道院院长表示, 科索沃警察两次拒绝登记入室盗窃和亵渎的刑事申诉。伊斯托克市 Osojan/Osojane 镇和普里什蒂纳市 Devet Jugovica/Bardhosh 村的塞尔维亚东正教教堂发生两起盗窃案。

77. 涉及非多数族群宗教场所的其他案件包括佩奇地区 Zllakuqan/Zlokuqane 村的 Shën Gjon Pagëzorit 天主教堂被盗 3 000 欧元, 以及 2023 年 11 月和 12 月, 普里兹伦一个多宗教墓地的墓碑两次被砸坏。在其他几个宗教场所, 包括塞尔维亚东正教教堂、清真寺和穆斯林墓地也发生了盗窃事件。

78. 其他事件包括 2023 年 9 月在北米特罗维察市、兹韦钱市和祖宾波托克市的几个地点喷涂写有“Kad se vojska na Kosovo vrati”(“当[塞尔维亚]军队返回科索沃时”)的涂鸦。9 月 30 日, 科索沃警察在南米特罗维察拆下一条横幅, 上面画着一座东正教教堂、一个墓地和挂在树上的男子, 日期是 2023 年 9 月 24 日。11 月 13 日, 在奥拉霍瓦茨的 Hoçë e Madhe/Velika Hoça 村, 1998-1999 年冲突失踪人员纪念碑上的一面塞尔维亚国旗被发现部分烧毁。12 月和 1 月, 北米特罗维察的一些科索沃阿尔巴尼亚族人房屋墙壁上被喷上了“俄罗斯”和“Z”字样的涂鸦, 以及带有“CCCC”字母的十字(译为“只有团结才能拯救塞族人”的短语首字母)。

79. 其他例子包括 12 月在新布尔多市的 Draganac 修道院信息板上喷涂“UÇK”(“科索沃解放军”)字样的涂鸦。10 月和 11 月, 道路工程分别损坏了北米特罗维察和费里扎伊/乌罗舍瓦茨市塞尔维亚东正教墓地的几个坟墓。1 月, 科索沃考古研究所在伊斯托克的 Hvosno 修道院特别保护区周围竖起了围栏。塞尔维亚东正教会抱怨普里什蒂纳在围栏和修复工程方面缺乏沟通。

80. 北米特罗维察大学学位核查独立委员会于 2022 年 12 月重组后, 该委员会举行了 22 次会议, 登记了 96 份文凭, 其中 75 份已得到核实。2023 年 10 月 27 日, 族群和回返事务部长宣布, 科索沃政府决定将科索沃境内塞尔维亚机构颁发的高中文凭纳入核查程序, 并已起草规则修正案, 以反映其任务范围的扩大。

81. 为筹备预计于 2024 年 4 月举行的人口普查, 科索沃统计局开始征聘近 4 400 名工作人员(3 500 多名登记员和近 900 名监督员), 其中近 500 个职位保留给非多数族群成员。

七. 建立信任、伙伴关系与合作

82. 继 5 月成功举办首次 2023 年建立信任活动之后，科索沃特派团于 11 月在希腊塞萨洛尼基主办了联合国科索沃建立信任论坛：支持团结共创更美好未来。该活动旨在支持努力弥合分歧，解决科索沃信任缺失问题。各族群 190 人参加了论坛，其中包括民间社会、媒体、科索沃机构和国际伙伴的代表。特邀发言者以及当地和区域小组成员的发言为参加者的辩论提供了信息。六个多族裔工作组在增强经济权能、环境保护、语言权利、媒体和错误信息、加强参与和包容以及法治领域提出了建议和行动要点。

83. 科索沃特派团继续支持 Barabar 中心，这是普里什蒂纳的一个多族裔中心。自 2023 年 5 月成立以来，该中心举办了约 60 场活动，将各族群聚集在一起，包括为科索沃特派团组织的联合国科索沃建立信任论坛举行筹备协商会议。

84. 科索沃特派团进一步推动在科索沃北部建立一个多族裔艺术中心，作为其通过艺术和文化活动支持建立信任工作的一部分。科索沃特派团继续支持在南米特罗维察为性别暴力受害者建造一个可持续的庇护所，定于 2024 年完工。

85. 科索沃特派团持续向科索沃法律研究所法律援助中心提供支持，该中心向 205 名弱势个人(78 名妇女和 127 名男子)提供免费法律援助。科索沃特派团向 12 名科索沃塞族青年律师(7 名妇女和 5 名男子)提供培训，以提高他们的法律专业知识，并赞助一个由 20 名法律专业学生组成的族裔间小组与一个法律诊所合作。

86. 科索沃特派团与联合国开发计划署(开发署)和当地非政府组织合作，协助向普里什蒂纳和米特罗维察的初级法院提供语文支助，确保翻译 1 170 份法庭案件卷宗，并在开庭期间提供口译服务。科索沃特派团和开发署与科索沃司法委员会一道，通过登记 200 多万起案件，帮助改进了 7 个初级法院的档案系统。特派团支持科索沃司法委员会在网上公布 1 200 份翻译成塞尔维亚文的法院判决书。开发署继续与总理办公室密切合作，支持在反腐败法律和政策方面取得进展。资产申报在线平台开通后，2023 年 4 000 多名公职人员申报了资产和收入。

87. 科索沃特派团和欧洲委员会与语言专员合作，为市政反歧视官员提供了加强语言权利的培训。特派团还与监察员机构和科索沃统计局合作，制定人权指标，以便将人权纳入数据收集和储存的主流。

88. 科索沃特派团协助科索沃阿族和科索沃塞族媒体组织培训年轻记者，以减轻错误信息和虚假信息对族裔间关系的影响。特派团支持将“假新闻和仇恨言论纲领”从阿尔巴尼亚语翻译成塞尔维亚语。特派团还支持巴尔干调查报道网络针对数百名高中生开办媒体素养班，帮助他们识别假新闻。

89. 特派团资助了 20 多个小规模建立信任项目，重点是族群间、族裔间和城市间合作，以及增强妇女、青年、残疾人和有特殊需要儿童的权能，让他们积极参与能力建设活动。

90. 9月，联合国毒品和犯罪问题办公室与区域反腐败举措一道，召集来自西巴尔干国家的40多名反腐败从业人员开会，讨论区域反腐败和非法融资路线图。此次活动的重点是加强对腐败和经济犯罪的刑事司法对策。

八. 妇女与和平与安全

91. 2023年11月，科索沃特派团与司法部合作开展了“消除性别暴力16天运动”年度全球活动，组织了80多个提高认识活动。此外，该部还设立了一个家庭暴力问题部际协调小组，并承担协调员的作用。此前，2023年10月颁布了关于防止和保护免遭家庭暴力、暴力侵害妇女行为和性别暴力的法律。联合国促进性别平等和增强妇女权能署(妇女署)组织了各种活动，包括支持启动第一个性别平等行动计划，以及举办妇女署制止暴力侵害妇女和女童行为区域方案的闭幕活动。此外，妇女署与欧洲联盟合作，协助司法部推出查明家庭暴力案件的新模块。

92. 2023年12月，科索沃政府实施了多项促进性别平等和增强妇女权能的政策和措施，包括每月向家庭提供育儿津贴；将家庭暴力和性别暴力庇护所的资金增加一倍；启动一项治疗犯罪者方案；为受雇6个月的幸存者提供70%的工资补贴。

九. 青年与和平与安全

93. 2023年12月，科索沃政府核可新的2024-2032年青年战略和青年法。科索沃特派团通过促进非多数族群青年参与协商，支持起草工作。

94. 该战略设想在八个部委下对青年政策采取跨部门办法。该战略还设立了青年委员会，作为最高协调机制，由总理担任主席。新成立的文化、青年和体育部青年发展局负责监督该战略的执行。该战略使“青年”的定义与联合国的标准相符，年龄范围在15至24岁之间，并核准了与青年相关活动的具体预算项目。

95. 2023年12月至2024年2月，来自不同社区的320名年轻人参加了科索沃特派团支持的项目的第一阶段，该项目由一个名为“联合青年工作队”的科索沃青年和平建设者多族裔网络实施。活动包括举办非多数族群儿童和平教育创意讲习班、人权教育和打击仇恨言论培训班以及汇集不同族裔社会企业的人道主义博览会。科索沃特派团还支持代际学习，为20名不同族裔的年轻人组织了一次对失踪人员资源中心的考察访问。

96. 在建设和平基金的支持下，由开发署、联合国人口基金(人口基金)、联合国教育、科学及文化组织和妇女署等实施的一个以青年为重点的区域项目组织实施了若干项举措。开发署和人口基金与科索沃特殊奥林匹克组织合作，让残疾青年参与促进包容和平等。该举措惠及1500多名青年参与者。这些活动旨在提高对冲突遗留问题的认识，促进建设性言论，并促进两性平等。

意见

97. 我欢迎到2023年底在执行欧洲联盟推动的各项协定方面取得的进展，包括执行2022年能源路线图、关税协定以及使科索沃和塞尔维亚之间车辆能够相互

自由通行。为确保继续执行这些协定而进行的持续建设性接触对于防止紧张局势和冲突死灰复燃仍然不可或缺。

98. 我强烈谴责 9 月 24 日在 Banjska/Banjskë 发生的严重安全事件，该事件导致生命损失的悲剧，并呼吁完成调查，毫不拖延地将犯罪人绳之以法。

99. 我对现金交易新货币条例的实施感到关切，这影响到非多数族群、特别是最弱势群体的经济和社会权利。我呼吁在欧洲联盟主持的对话框架内紧急讨论未决问题，以确保所有受影响族群和最弱势群体的权利得到尊重和保护。

100. 我促请双方重申对欧洲联盟主持的对话的承诺，并充分执行现有所有协定。双方应保持开放和包容的态度。我再次呼吁妇女代表更多、更切实地参与对话。

101. 我注意到在科索沃北部四个城市提交了罢免市长的请愿书，着重强调必须迅速在这些城市举行有科索沃塞族人参加的早期地方选举，以缓解紧张局势，向前迈进。选举的包容性以及在一个安全和有保障的环境中进行选举对于建立代表地方族群的市政机构至关重要。

102. 我重申，联合国房地产和资产不应受到干涉，促请科索沃有关当局支持科索沃特派团重新全面、畅通无阻地进入其在科索沃北部的房地。

103. 我欢迎科索沃政府决定执行 2016 年宪法法院关于 Visoki Dečani 修道院财产的裁决，这是朝着促进科索沃所有族群间信任迈出的一步。

104. 我鼓励所有各方采取保障和促进尊重人权的措施。应严格按照科索沃法律框架和国际标准实施法治，包括采取与征用土地有关的行动。科索沃记者需要更多的保护和安全的。

105. 我欢迎失踪人员问题工作组于 1 月 31 日举行自 2021 年以来的首次会议，并敦促双方继续接触，根据双方认可的由欧洲联盟促成的失踪人员声明，在这一重要问题上取得进展。

106. 我鼓励政府机构进一步努力加强处理性别暴力的法律和政策框架，并确保其有效实施。

107. 我再次呼吁向联合国信托基金提供自愿捐款，以加强对科索沃境内科索沃罗姆人、科索沃阿什卡利人和科索沃埃及人族群的支持，这些族群仍属于科索沃境内最弱势的群体。

108. 我感谢我的特别代表卡罗琳·齐亚德的英明领导，并感谢科索沃特派团全体工作人员的不懈努力。我赞扬特派团在本报告所述紧张局势加剧的情况下，优先重视建立信任和族群间接触，以加强社会凝聚力。我欢迎特派团与联合国科索沃工作队之间正在进行的至关重要的合作。我还要感谢欧洲联盟、驻科索沃部队、欧安组织和其他国际伙伴继续与科索沃特派团密切协作，并为缓解紧张局势和保持和平作出各自的努力。

Annex I

Report of the High Representative of the Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 18 September 2023 to 15 March 2024

Summary

The reporting period saw a further worsening of relations between Belgrade and Pristina and a deterioration of the already fragile security situation in the north of Kosovo. On 24 September 2023, the Kosovo Police (KP) encountered a large group of heavily armed Kosovo Serbs led by the then vice-president of Kosovo-Serb political party Srpska Lista, Milan Radoičić, in the vicinity of the village of Banjska/Banjskë in the north of Kosovo. During the ensuing shoot-out between this group and the KP one KP officer and three assailants were killed. After the gunfight, the KP arrested eight suspects, three of whom currently remain under investigation, and seized a large quantity of vehicles, weaponry and other military-grade equipment. President Osmani-Sadriu labelled the violent events in Banjska/Banjskë as ‘state-sponsored terrorism’. Serbia, on the other hand, denied it had been involved in any way.

The enhanced presence of KP, and notably KP Special Operations Units (SOU), in the north of Kosovo and the numerous search and seizure operations following the violent events in Banjska/Banjskë further contributed to widening the gap and deepening mistrust between Kosovo Serbs and Kosovo Albanians. While the dispute over vehicle registration plates was resolved at the end of 2023, pending issues including expropriations of land plots owned by Kosovo Serbs and evictions of Serbian ‘parallel structures’ from premises in the north of Kosovo, exacerbated the fragile security situation, feeding anxiety among Kosovo Serbs. The situation further deteriorated in the beginning of 2024 following intensified activity by Pristina to dismantle the Serbian ‘parallel structures’ both north and south of the Ibar/Ibër river, and by the latest regulation by the Central Bank of Kosovo (CBK) on cash operations and the ban on imports of Serbian dinars, effective as of 1 February 2024.

EULEX responded to the many challenges on the ground by deploying its capacities to the fullest extent, maintaining an increased number of situational awareness patrols and adopting a more assertive posture when conducting its robust monitoring activities. During the KP operations and subsequent investigations related to the Banjska/Banjskë incident, EULEX was present in a monitoring capacity, including at the interviews with civilians in theatre and the examination of the crime scene and all other KP activities, including searches of private properties, the detention of suspects as well as the judicial follow-up. On 26 September, EULEX monitored the autopsies of the three members of the armed group killed in Banjska/Banjskë. Moreover, EULEX continued its monitoring of selected cases and trials, with a specific focus on cases related to developments in the north of Kosovo.

On the operational side, along with an enhanced presence and visibility in the northern municipalities, the Mission continued to perform its other operational tasks, notably police cooperation, forensic medicine and support to the Kosovo Specialist Chambers and Specialist Prosecutor’s Office. In the second half of 2023, an additional 25 police officers (20 from Lithuania and five from France) reinforced the EULEX Reserve Formed Police Unit (RFPU), and, in November, a specialised team of six Police Advisors was temporarily deployed across police stations in the four northern municipalities, paving the way for a more sustainable reinforcement of EULEX’s Police Advisors North (PAN).

EULEX maintained its good cooperation with KFOR and stood ready to take on its role as second security-responder, as defined in the Kosovo security setup, according to which the KP is the first, EULEX the second and KFOR the third security responder. Cooperation with KP improved in the wake of the Banjska/Banjskë incident.

On 21 September 2023, the Assembly of Kosovo adopted the new *Law on Domestic Violence, Gender-based Violence and Violence Against Women*. The Mission has since been engaged in assisting the Government of Kosovo (GoK) with drafting nine by-laws foreseen in the Law. In November 2023, the Mission marked the *16 Days of Activism Against Gender-based Violence* by organising several activities, including one high-level roundtable on psychological well-being of victims of sexual violence, and two field outreach events with municipal officers and school students.

Monitoring

Given the developments in the north of Kosovo, special attention was given to cases involving Kosovo Serbs along the entire justice chain including by monitoring the conditions of those arrested and held in detention facilities during this period. EULEX continued its regular monitoring of selected cases, including former EULEX cases, war-crime cases, high-profile cases (involving prominent public figures or influential persons), as well as *ad hoc* cases. The Mission assessed that the concerning trend of acquittals or lenient sentences in high-profile cases continued during the reporting period. On 20 September, after seven years of court proceedings, 36 doctors accused in the case known as ‘Stenta II’ were acquitted of all charges of bribery and misuse of official position or authority by the Basic Court of Pristina. In October, the 15 defendants in the former EULEX ‘Grande II’ case (including the son of former President of Kosovo, Ibrahim Rugova) were all acquitted of the charges of organised crime and smuggling of migrants, whereas three were convicted of illegal possession of weapons.

Continuing its monitoring of expropriation of land plots owned by Kosovo Serbs in the north of Kosovo, the Mission provided substantial input to a *White Paper* outlining serious concerns of the international community in this regard. EULEX, together with the EUSR, the EU Special Representative for the Belgrade-Pristina Dialogue and other Western Balkan Regional Issues (EUSR DWB), the OSCE and the US Embassy presented this paper to the GoK in September. EULEX also followed up on complaints by affected citizens against decisions on expropriation issued by the GoK as well as on the adjudication of these cases at the Basic Court of Pristina.

In October and November, the Mission followed several developments liable to impacting inter-community relations. These included the KP closure of more than 30 informal crossing points over the Administrative Border/Boundary Line (ABL) with Serbia. While the KP stated that this action was executed to stop illegal activities, Kosovo Serbs complained that it affected their freedom of movement. Additionally, the Mission closely followed the case of a monk of the Serbian Orthodox Church who was deported from Kosovo on 20 October. He is a national of North Macedonia who had been residing in a monastery in the north of Kosovo for the past 13 years. The Mission also followed up on reports about the desecration of a Serbian Orthodox cemetery in the municipality of Rahovec/Orahovac in December.

On the day of the parliamentary elections in Serbia, 17 December, the Mission deployed patrols and monitoring teams to observe the security situation in the Kosovo Serb-majority settlements across Kosovo, at Common Crossing Points (CCP) with Serbia and along the roads leading towards them. Special attention was given to assembly points where Kosovo Serbs boarded busses to travel across the ABL to cast their votes. EULEX kept its quick-response force on standby, deployed liaison

officers to the KP command structures and maintained regular contacts with KFOR. No incidents were recorded.

On 25 December, Serbia announced that it allowed the use on its territory of “RKS” plates issued by Kosovo authorities without stickers covering Kosovo’s state symbols. This decision was reciprocated by the GoK on 4 January, marking a positive development in freedom of movement for all communities in Kosovo. The re-registration of vehicles from plates issued by the Serbian ‘parallel structures’ to RKS vehicle plates surged in the north of Kosovo towards the end of November, following a decision by the GoK to introduce fines and other measures towards vehicles with such plates. Several thousand vehicles were re-registered within a short period. The Mission extended its regular monitoring patrols to the vehicle registration centres and assessed that the procedure was carried out smoothly and without incidents.

The Mission furthermore followed up and closely monitored the procedure to recall the mayors in the four municipalities in the north of Kosovo. This matter is still pending.

As of the beginning of February, the Mission has been monitoring the activities of the KP against several institutions of the Serbian ‘parallel structures’ and the developments connected with the new Regulation of the CBK on cash operations and the ban on imports of Serbian dinars, including the seizure by the KP of cash transfers from Serbia to unlicensed Serbian bank branches in Kosovo.

In addition to the abovementioned monitoring of detained Kosovo Serbs, EULEX continued its support of the Kosovo Correctional Service (KCS), focusing, *inter alia*, on the monitoring of KCS recruitment processes; contributing to the drafting of a large number of new by-laws and regulations; training of KCS staff; as well as assisting in improving the Kosovo Probation Service (KPS) setup and working methods. Limited progress was recorded in the permanent staffing of KCS management positions, including with regard to gender balance. After four failed recruitment rounds stretching over more than two years, the GoK announced, on 27 October, the appointment of a permanent Director-General of the KCS. Further senior appointments within the KCS remain pending.

Reacting to the observations presented in the EULEX Monitoring Report on *The Application of Conditional Release in Kosovo*, launched in May 2023, the Kosovo Judicial Council (KJC) and the Kosovo Conditional Release Panel requested the Mission to support the working group amending the *KJC Regulation for the Organisation and Function of the Conditional Release Panel*. On 4 January, the KJC published a revised regulation on the Conditional Release Panel, which included almost all the recommendations outlined in the Mission’s report.

Operations

The Mission’s Formed Police Unit (FPU) and the Reserve FPU (RFPU) conducted regular patrolling activities to assess the security situation in the north of Kosovo, notably around municipal buildings, CCP with Serbia, KP checkpoints, mixed-community neighbourhoods, cultural heritage sites and locations in which specific incidents were reported. The FPU monitored selected KP search and seizure operations. As the monitoring of such operations is new to the Mission, dedicated guidelines were developed to facilitate assessment of compliance with relevant provisions of the Kosovo Criminal Procedure Code and international human-rights standards. The monitoring of the search and seizure operations was supported by the specialised team of Police Advisors. As a matter of fact, an important objective for the Specialised Team deployment was to enhance the Mission’s capacity to advise the

Kosovo Police on how to better deliver regular police activities in full compliance with their human-rights obligations, and thus to increase the population's confidence.

The RFPU patrolled Kosovo Serb settlements south of the Ibër/Ibar river. In September, 20 additional police officers from Lithuania were deployed to reinforce the RFPU, in addition to the contingent of Italian Carabinieri consisting of 24 personnel. From 16 December 2023 until 15 February 2024 the RFPU was further reinforced by a *Specialized Element* (RFPU SE) consisting of five French gendarmes, strengthening information-gathering, reporting and situational awareness in line with Mission priorities. The RFPU SE primarily operated in the Kosovo Serb settlements south of the Ibër/Ibar river. The redeployment of the entire RFPU took place on 15 February 2024.

EULEX maintained its good cooperation with KFOR and stood ready to take on its role as second security-responder, as defined in the Kosovo security setup, according to which the KP is the first, while EULEX and KFOR are the second and third security responders, respectively. Cooperation with KP proved less smooth due to the insufficient level and timeliness of information sharing with EULEX, which hindered EULEX in its monitoring activities. The Mission flagged the issue on several occasions. Since the beginning of November, some improvement was noted in the timeliness of notices prior to search and seizure operations and the quality of the information provided to EULEX. This positive development was further reflected in the successful cooperation in preparing regular joint KP-EULEX security assessments, as foreseen in the 'Bratislava Agreement'. However, issues related to timely and comprehensive information sharing remain to be addressed.

The Mission continued to support the KP in international police cooperation. This included the facilitation of exchange of information between the KP and the National Central Bureaus of INTERPOL under the umbrella of UNMIK, as well as the exchange between KP and Europol on serious crime investigations through the Mission's Swedish Europol liaison desk. Additionally, the Mission continued to facilitate the exchange of information between the KP and the Serbian authorities, in accordance with the relevant protocol between EULEX and the Serbian Ministry of Interior (MoI) and maintained its efforts to improve the swiftness and quality of information exchange between the KP and the Serbian MoI, including in sensitive cases.

The Mission's Forensic Medicine Team (FMT) supported the Kosovo Institute of Forensic Medicine (IFM) and the KP War Crime Investigation Unit in carrying out 42 field operations. Of these, operations at seven locations resulted in the exhumation of 19 sets of human remains, in addition to several remains of at least seven individuals from a primary mass grave site in Bishtazhin/Bištražin (municipality of Jakovë/Đakovica). One of the recently searched locations is within the Jashari Memorial Complex (in Prekaz, the municipality of Skenderaj/Srbica). Seven persons are still reported missing in connection with the massacre that took place at this location in March 1998. In addition to this support, the Mission continued to assist the IFM in the examination of recently exhumed remains, as well as in the review of the remains stored at the Institute's morgue. All in all, examinations conducted during the reporting period resulted in the collection of 37 samples which were submitted for DNA analysis and the submission of two presumptive identification requests to the DNA laboratory of the International Commission on Missing Persons. During this period, the IFM received 31 DNA reports, which returned ten new identifications. The Mission's forensic experts also assisted the IFM in the review and preparation of three cases for handover of identified remains to their families.

The Mission continued to provide logistical and operational support to the Specialist Chambers and Specialist Prosecutor's Office in line with relevant legislation and the Mission's mandate.

Annex II

Specialist Chambers and Specialist Prosecutor's Office

The Specialist Chambers (SC) and the Specialist Prosecutor's Office (SPO) reached a number of milestones during the reporting period, including the arrest of four individuals charged with offences against the administration of justice.

On 5 October 2023, the SPO arrested Mr Ismet Bahtijari and Mr Sabit Januzi in Kosovo pursuant to arrest warrants, transfer orders and a confirmed indictment issued by a Pre-Trial Judge of the SC. Mr Bahtijari and Mr Januzi were transferred the following day to the SC Detention Facilities in The Hague. They made their initial appearance before the Pre-Trial Judge on 9 October, during which they pleaded not guilty to the charges of obstructing official persons in performing official duties and intimidation during criminal proceedings. The SPO filed its pre-trial brief in this case on 2 February 2024.

On 11 December 2023, the SPO arrested Mr Haxhi Shala in Kosovo pursuant to an arrest warrant, transfer order and a confirmed indictment by the Pre-Trial Judge of the SC. He was transferred to The Hague on 12 December 2023 and made his initial appearance on 13 December 2023. At a further appearance on 15 December 2023 he pleaded not guilty to the charges of obstructing official persons in performing official duties and intimidation during criminal proceedings.

On 8 February 2024, the Pre-Trial Judge approved the SPO request to join the cases against Mr Bahtijari, Mr Januzi, and Mr Haxhi Shala. The first status conference in this case was held on 13 February 2024.

On 2 November 2023, the SPO arrested Mr Isni Kilaj in Kosovo pursuant to an arrest order issued by the Specialist Prosecutor for offences against the administration of justice, including obstructing official persons in performing official duties. Mr Kilaj was transferred to the SC Detention Facilities on 3 November 2023 and made his first appearance before the Single Judge on 4 November 2023.

Furthermore, there were developments regarding the case against Mr Dritan Goxhaj, who was arrested in Albania on 31 July 2023 pursuant to a warrant of arrest of the SC for offences against the administration of justice. The arrest was executed by the authorities of Albania following an SC request for cooperation and assistance. On 18 September 2023, a decision approving Mr Goxhaj's transfer to the SC was issued by a Tirana court. On 10 October 2023, the Court of Appeal in Tirana rejected the transfer and released Mr Goxhaj, without notice and without a written reasoned decision, which is still pending.

On 18 September 2023, the Supreme Court Chamber rejected the requests submitted by Mr Gucati and Mr Haradinaj for protection of legality pursuant to Article 48(6) to (8) of the Law on Specialist Chambers and Specialist Prosecutor's Office in their entirety, finding that no substantial violations of the procedure and no violations of the criminal law had occurred through the judgments of the trial and appeals Panel.

On 12 October 2023, the President issued the first decisions on the eligibility of Mr Hysni Gucati and Mr Nasim Haradinaj for commutation, modification or alternation of their sentences of four years and three months of imprisonment for offences against the administration of justice, after they served two-thirds of their sentences. The President considered all the information before her and, having consulted with the Judges of the sentencing Panels and having heard Mr Gucati and Mr Haradinaj, decided that Mr Gucati's sentence should be modified to provide for his release to Kosovo with conditions. Mr Gucati was transferred to Kosovo on 16 October 2023. Given Mr Haradinaj's non-compliance with some regulations of the

SC's Detention Facilities, the President decided to modify Mr Haradinaj's sentence only following a subsequent confirmation from the Registry of Mr Haradinaj's compliance. On 14 December 2023, the President ordered his release subject to certain conditions. Mr Haradinaj was transferred to Kosovo on 14 December 2023. The President also decided that the conditions imposed on Mr Gucati and Mr Haradinaj apply for the remainder of the duration of their sentence and may be revoked in case of any breach of any of the conditions.

The trials before the SC progressed expeditiously. In the *Specialist Prosecutor v. Pjetër Shala* case, Mr Shala is charged with arbitrary detention, cruel treatment, torture and murder as war crimes allegedly committed at the Kukës Metal Factory in Albania. The Defence closed its case on 15 January 2024. The closing statements will be heard in April 2024. A total of 34 witnesses testified or gave evidence in the case.

In the *Specialist Prosecutor v. Hashim Thaçi et al.* case, the trial commenced on 3–5 April 2023. The Specialist Prosecutor has thus far called 48 witnesses to testify and the Trial Panel has admitted into evidence 38 witness statements in lieu of testimony. There are currently 141 participating victims in this case. Mr Hashim Thaçi, Mr Kadri Veseli, Mr Rexhep Selimi and Mr Jakup Krasniqi are charged with six counts of crimes against humanity – persecution, imprisonment, other inhumane acts, torture, murder and enforced disappearance of persons – and four counts of war crimes – illegal or arbitrary arrest and detention, cruel treatment, torture and murder.

Pursuant to a decision rendered by Trial Panel II on 1 December 2023, the Registrar implemented modifications to the conditions of detention for three of the accused. These conditions included a system of prior approval by the Registrar of visits and active monitoring of in-person visits, except with Counsel, as well as a system to identify and refuse visits and telephone calls with persons in respect of whom the Registrar assessed there were credible indications of conduct that could risk the integrity of proceedings or compliance with the Detention Rules. The SPO had turned to the Panel in this regard after its investigations into possible obstruction of justice appeared to indicate that the three accused used their non-privileged visits to unlawfully disseminate confidential information and, in Mr Thaçi's case, to instruct visitors to manipulate witness testimony.

In the *Specialist Prosecutor v. Salih Mustafa* case, the appeals proceedings concluded during the reporting period with the issuance of an appeal judgment on 14 December 2023. Following Mr Mustafa's appeal against the trial judgment, finding him guilty of the war crimes of arbitrary detention, torture and murder, the Court of Appeals Panel dismissed eight grounds raised by Mr Mustafa, while granting, in part, his challenge to the Trial Panel's imposition of a sentence of 26 years of imprisonment. The Court of Appeals Panel found that, in cases before both international tribunals and Kosovo courts concerning war crimes comparable to those for which Mr Mustafa was sentenced, shorter sentences were imposed than those imposed by the Trial Panel in this case. Accordingly, the Appeals Panel reduced Mr Mustafa's overall single sentence from 26 years to 22 years of imprisonment, with credit for time served.

On 17 January 2024, the SC President assigned a Single Judge to oversee the Registrar's implementation of the reparation order issued by Trial Panel I on 6 April 2023 against Mr Mustafa. Mr Mustafa was ordered by the Trial Panel to pay 207,000 Euro as compensation for the harm inflicted on the victims of the crimes for which he was convicted.

During the six-month reporting period, 1,616 filings and 618 orders and decisions were processed, 411 documents totalling 3,661 pages translated, and 2,634 items disclosed between the parties in all the cases before the SC. A total of 74

hearings took place and were streamed on the SC website in the three official languages of the court – Albanian, Serbian and English. The recordings thereof are available on the SC YouTube channel. In all, 33 witnesses in two trial proceedings provided their testimonies before the SC during the reporting period.

There are 157 participating victims in three of the four cases before the SC: eight in the case against Mr Mustafa, eight in the case against Mr Shala and 141 in the case against Mr Thaçi et al.

There are currently 238 persons on the publicly available List of Counsel eligible to practise before the SC. Of these persons, 114 are qualified to represent victims. The Defence teams consist of 127 persons of whom 70 are practising in the *Thaçi et al.* case.

On 27 October 2023, the President and the Registrar travelled to New York to participate during the United Nations (UN) legal week and to provide further updates on the Court during an event hosted by the European Union (EU) Delegation to the UN. The Representatives of the EU Member States forming the EU Working Party on the Western Balkans Region visited the SC and the SPO on 27 September 2023 and attended presentations by the three Principals. On 8 December 2023, the SC and the SPO hosted EU Member States and Third Contributing States at the SC premises, during which the SC and SPO Principals provided updates on the most recent developments.

In July 2023, a Call for Nomination of Judges to a reserve list for the Roster was published to ensure the continued and uninterrupted efficient operations of the SC. The call will close on 15 March 2024. Any appointment to the Roster will only be effectuated where the number of Judges from the Roster appears insufficient. The reserve list for the Roster is intended to ensure that in case of future resignations of Judges, they can be immediately replaced, thereby preventing any delays in the proceedings.

The new Specialist Prosecutor, Ms Kimberly West, took office on 18 October 2023, having been appointed on 2 June 2023.

The SC President visited Kosovo from 28 November to 1 December 2023. During her visit she hosted an outreach event with civil society and university students in Pristina. The President also met with the Kosovo Deputy Minister of Justice, Mr Blerim Salihu, and various members of the international community, including the Ambassadors to Kosovo of the EU Member States and Third Contributing States, the Head of the EU Office in Kosovo and EU Special Representative and the Head of the EU Rule of Law Mission in Kosovo.

The SPO continued to interview witnesses and suspects, review documentary evidence collected during its investigation and work with relevant authorities to ensure both that documents are cleared for use in court and that witnesses are cleared to testify in court. The SPO continues to require the engagement and support of the international community, international organizations and individual States in these and all activities.

Annex III

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo (as at 15 March 2024)

<i>Country</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Austria	1	–	1
Canada	–	1	1
Finland	–	1	1
Germany	1	1	2
Jordan	–	1	1
Nepal	–	1	1
Slovenia	–	1	1
Total	2	6	8

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo (as at 15 March 2024)

<i>Country</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Austria	–	1	1
Czechia	–	1	1
Hungary	1	–	1
Poland	–	2	2
Republic of Moldova	–	1	1
Romania	–	1	1
Slovenia	–	1	1
Türkiye	1	–	1
Total	2	7	9

Map

