



安全理事会

Distr.: General
14 October 2024
Chinese
Original: English

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 2024 年 3 月 16 日至 9 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继续驻留。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. 在本报告所述期间，在执行欧洲联盟促成的贝尔格莱德和普里什蒂纳之间的协定方面鲜有进展。科索沃当局采取了一系列行动，影响到科索沃塞族和其他非多数族群的日常生活。普里什蒂纳重申，这些行动是为了实施法治，并不专门针对科索沃塞族人。然而，每当科索沃当局执行一项未经与科索沃塞族代表协商和商定并纳入贝尔格莱德-普里什蒂纳对话的措施时，许多科索沃塞族人都认为这是敌对行为。科索沃当局还关闭了几个由塞尔维亚资助的机构，并表示打算重新开放米特罗维察的主要桥梁，允许车辆通行，这已成为一个备受争议的象征性问题。



4. 科索沃中央银行规定欧元为现金交易的唯一合法货币，这继续影响科索沃塞族和其他非多数族群，特别是科索沃罗姆人的经济和社会权利。此外，5月20日，科索沃警察关闭了塞尔维亚邮政储蓄银行在北部四个城市的办事处，并分别搜查了塞尔维亚政府财务管理局在北米特罗维察的办事处。塞尔维亚政府科索沃和梅托希亚事务办公室主任 Petar Petković 声称，这是一种升级举动，是“对对话的暴力攻击”。内政部长 Xhelal Sveçla 在普里什蒂纳表示，采取这一行动是“为了确立合法性”。受影响的居民现在必须越过行政边界线，从塞尔维亚政府领取工资、养老金和社会援助。
5. 欧洲联盟主持了在布鲁塞尔举行的六次会议，试图解决第纳尔问题，但没有达成协议。首席谈判代表与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5月15日举行了最近一次会晤。
6. 8月5日，科索沃警察关闭了塞尔维亚邮政局在科索沃北部的所有9家邮局，理由是这些邮局无证营业。这致使向居民提供的主要金融和邮政服务中断，包括汇款、为塞尔维亚机构(包括教育和保健机构)办理付款、寄送公用事业账单和发放社会福利付款。科索沃其他地区由塞尔维亚人经营的邮局仍在运作，但服务量大幅减少。
7. 8月30日，科索沃警察关闭了塞尔维亚政府在科索沃北部运作的其余四个市政办事处和一个区域办事处，并搜查了北米特罗维察一家由塞尔维亚人经营的医院大楼。科索沃政府确认关闭了这些办事处，称其为“平行、非法的地方自治机构”，并指责它们的运作违反了科索沃的法律和宪法。
8. 欧洲联盟和五国(法国、德国、意大利、大不列颠及北爱尔兰联合王国和美利坚合众国)对关闭市政办事处和邮局表示关切和失望，并呼吁普里什蒂纳不要采取单方面行动。美国和欧洲联盟强调，与塞尔维亚在科索沃运作的机构有关的事项应在贝尔格莱德-普里什蒂纳对话框架内解决。秘书长特别代表表示，这些行动破坏了维护安全、稳定与和平的努力。
9. 作为对在科索沃北部关闭机构的回应，9月6日，来自塞尔维亚的活动分子封锁了塞尔维亚和科索沃之间三个过境点的所有交通，只允许医疗车辆和持有塞尔维亚旅行证件的旅客通行。抗议者要求科索沃警察从科索沃北部撤出，释放被捕的科索沃塞族人，逮捕“犯下罪行的科索沃阿族人”，并要求国际社会制裁科索沃政府。他们还呼吁科索沃特派团和驻科索沃部队根据安全理事会第1244(1999)号决议发挥作用。9月6日，科索沃当局关闭了受影响的过境点，并建议科索沃所有居民避免从塞尔维亚过境。塞尔维亚活动分子于9月7日解除了封锁。科索沃当局随后重新开放了各过境点。

10. 要求启动针对塞族占多数的四个北部城市市长的罢免进程的请愿活动取得了成功，此后，罢免投票于 4 月 21 日开始。然而，投票没有达到 50% 登记选民这一规定门槛。塞族名单党宣布抵制，声称罢免投票成功的门槛高得不现实，原因是选民名单的准确性以及在投票中心安装摄像头的计划引发忧虑。欧盟和五国对投票率低表示遗憾。
11. 在接下来的几个星期里，科索沃北部祖宾波托克和兹韦钱的市长搬进了市政大楼，他们自 2023 年 5 月的暴力抗议事件以来一直在其他房地工作。
12. 7 月 11 日，科索沃南部什特尔普切市塞尔维亚供资机构的科索沃塞族雇员收到传票到警方接受讯问，并被控“破坏宪法秩序”。
13. 8 月 3 日，根据科索沃专门检察官办公室的命令，科索沃警察逮捕了 5 名被控犯有战争罪的科索沃塞族人。塞尔维亚外交部谴责这些逮捕行动，将其称为旨在“恐吓和驱逐塞尔维亚人”的更大范围运动的一个组成部分。被告被审前拘留 30 天。8 月 5 日，在 Pasjane/Pasjan 村举行的和平示威中，数百名科索沃塞族人聚集在一起抗议这些逮捕行动，批评国际社会无所作为，并要求驻科部队提供保护。
14. 科索沃政府提出了米特罗维察主要桥梁的开放问题。5 月 30 日，科索沃警察地区副指挥官说，米特罗维察的主要桥梁将“很快”开放，供车辆通行，这促使国际社会成员重申应在欧盟主持的对话中讨论这一问题。伊巴尔河上的桥梁自 2014 年以来一直禁止车辆通行。驻科部队在答复中表示，它将继续保障主桥及其周边地区的安全和巡逻，并同样呼吁在对话中就这一问题达成一致。7 月 17 日和 8 月 2 日，科索沃总理阿尔宾·库尔蒂会见了五国大使和欧洲联盟驻科索沃办事处主任，并介绍了政府重新开放大桥的计划。
15. 8 月 7 日，许多科索沃塞族人在北米特罗维察和平集会，抗议重新开放大桥的计划。北米特罗维察市政府于次日组织了一场关于“跨族裔合作、市政族群安全咨询、机构与民间社会之间的合作”的公开讨论，但未能吸引到很多科索沃塞族人与会。同一天，在北米特罗维察的一个公共广场上发生了工程承包商用塞尔维亚国旗的颜色涂抹公共区域的事件，科索沃警察与塞尔维亚民主党领导人因此发生了争执。塞尔维亚民主党领导人及其副手被拘留，不久后获释。
16. 8 月 11 日，塞尔维亚总统阿莱克桑达尔·武契奇警告说，普里什蒂纳正计划以武力开放大桥，并敦促驻科部队不要允许“单方面”开放大桥。秘书长特别代表强调，“应避免可能加剧紧张局势、危及稳定和破坏社区间信任的单方面行动”。8 月 13 日，当被问及欧洲联盟关于将这一问题列入布鲁塞尔下一次对话会议议程的建议时，库尔蒂先生回应说，大桥问题已在 2016-2017 年得到解决，大桥“必须开放”。同一天，来自北部四个城市的 400 多名妇女向驻科部队提交了一封信，敦促驻科部队出于安全考虑不要允许开放这座桥。
17. 在此背景下，欧洲联盟主持的对话继续停滞不前。3 月 17 日，欧洲联盟外交事务和安全政策高级代表何塞普·博雷利在纪念《关系正常化道路协议》及其执行附件周年时指出，双方在履行义务方面取得的进展“非常有限”。

18. 6月26日，博雷利先生在布鲁塞尔主持了与库尔蒂先生和武契奇先生的高级别双边会议，目的是为日后举行的三边会议铺平道路。然而，三边会议未能召开。博雷利先生后来说，库尔蒂先生还没有为三方会议做好准备，并概述了普里什蒂纳“进一步参与更广泛的正常化进程”的三个条件，即：(a) 签署协议，使之成为正式协议；(b) 撤回塞尔维亚前总理安娜·布尔纳比奇于2023年12月13日提交给欧盟对外行动署的信函；(c) 将 Banjska/Banjskë 事件的施害者移交科索沃司法当局。据博雷利先生说，武契奇先生愿意举行三边会议，但尚未准备好完全满足库尔蒂先生提出的条件，理由是存在宪法限制，但同时也表示愿意探索其他备选方案。

19. 7月2日，首席谈判代表与莱恰克先生在布鲁塞尔举行了一次后续会议，主要讨论最后确定《协议》执行附件的排定任务顺序计划的工作。讨论无果而终。

20. 9月13日，武契奇先生宣布塞尔维亚将采取一系列措施，以回应普里什蒂纳“针对塞尔维亚机构”的行动。他还列出了推进与普里什蒂纳对话进程所需的若干条件。在这方面，他呼吁科索沃塞族人重新融入科索沃警察和司法机构，并要求在科索沃北部举行地方选举。此外，他还呼吁成立塞族占多数的市镇协会/共同体，重新开放已关闭的由塞尔维亚运营的金融和邮政服务，并将科索沃警察特别行动队撤出科索沃北部。4月16日，欧洲委员会议会大会建议邀请科索沃成为欧洲委员会成员，建议由该组织负责监测科索沃在加入后履行某些承诺和义务的情况。欧洲委员会议会大会指出，建立塞族占多数的协会/共同体将是确保保护科索沃塞族权利的“重要一步”，应被视为“加入后的承诺”。

21. 武契奇总统早先指出，如果科索沃加入欧洲委员会，塞尔维亚将考虑退出欧洲委员会，并“反对”科索沃的加入申请。随后，欧盟对外行动署发言人表示，塞尔维亚反对科索沃加入国际组织的游说行为明显违反了2023年协议。

22. 在5月16日和17日举行欧洲委员会部长理事会会议之前，法国和德国强调，普里什蒂纳在申请加入欧洲委员会时，必须在建立塞族人占多数的市镇协会/共同体方面取得切实进展。德国总理、法国总统和意大利总理在给库尔蒂先生的联名信中，要求科索沃将欧洲联盟提出的塞族占多数的市镇协会/共同体章程草案送交科索沃宪法法院审查。该信还具体指出，库尔蒂先生关于编写一份新的章程草案送交欧洲委员会审查的提议“有可能进一步破坏欧洲联盟主持的对话”。科索沃向欧洲委员会提出的申请仍未得到处理。

23. 贝尔格莱德和普里什蒂纳都对行动自由实行了若干限制。4月17日，包括科索沃警察在内的数百名科索沃人在塞尔维亚各过境点被拦截数小时。塞尔维亚内政部宣布，包括科索沃警察副局长在内的四人被拘留。所有四人都在第二天获释。塞尔维亚国民议会议长表示，这一行动旨在捍卫塞尔维亚的宪法秩序。库尔蒂先生将这些行动定性为在欧洲委员会议会大会投票赞成科索沃加入欧洲委员会次日“对科索沃平民实施的报复”。欧洲联盟对外行动署发言人说，贝尔格莱德“缺乏协调的单方面行动”违反了2011年《行动自由协定》。

24. 5月13日，科索沃当局阻止最高级主教 Porfirije 和其他 7 名塞尔维亚东正教主教进入科索沃参加位于佩奇市的佩奇主教辖区的塞尔维亚东正教主教圣会。科索沃当局说，他们拒绝这几人入境是因为“塞尔维亚继续违反《布鲁塞尔协定》”。五国和欧盟认为这一决定违反了阿赫蒂萨里计划。6月26日，佩特科维奇先生前往科索沃参加塞尔维亚国定假日圣维杜斯日的旅行请求被拒绝。

25. 5月9日，科索沃内政部启动了将居住在科索沃的个人持有的塞尔维亚驾驶执照更换为科索沃颁发的驾驶执照的程序。该部报告说，已收到 6 509 份新驾驶执照申请，其中 5 732 份来自科索沃北部。

26. 8月16日，科索沃总统维约萨·奥斯马尼宣布，科索沃下一次定期大选将于 2025 年 2 月 9 日举行。这将是自 2008 年科索沃单方面宣布独立以来首次完成一个完整的选举任期。

三. 科索沃北部

27. 科索沃北部的安全局势仍然紧张，发生的许多起事件继续造成科索沃塞族人与科索沃当局之间的紧张关系。

28. 继续限制塞尔维亚货物的进口和强制执行科索沃中央银行关于现金支付的条例影响了居民的社会经济权利，并对当地企业产生了不利影响。科索沃当局对科索沃塞族企业开展检查，以确保其符合科索沃监管制度，这导致一些企业关闭。科索沃当局请不合规的企业到科索沃商业登记局登记，该机构随后在北部所有四个城市开设了办事处，以便利登记。

29. 4月16日和8月1日，科索沃警察搜查了莱波萨维奇和祖宾波托克的许多药店，没收了塞尔维亚制造的药品，并请店主在科索沃商业登记局登记其企业。7月16日和22日，科索沃私有化局在科索沃警察的陪同下，检查并关闭了科索沃北部的五个加油站，因为它们没有在科索沃系统中获得许可。7月26日开始对这些加油站进行公开租赁招标，招标于9月5日结束。科索沃当局继续检查科索沃北部更多的加油站，但没有采取进一步行动。

30. 4月9日，负责管理社会所有企业的科索沃私有化局通知几位科索沃塞族企业主，私有化局将把他们一直使用的社会所有房地列入拍卖名单。

31. 5月23日，北米特罗维察唯一一家塞尔维亚文报纸《Jedinstvo》的雇员抗议将他们赶出办公场所，科索沃私有化局称，这一场所将实行私有化。佩特科维奇先生谴责驱逐行动。北米特罗维察普里什蒂纳大学图书馆位于同一大楼内，也收到类似的驱逐通知，其雇员随后撤离了图书馆。

32. 4月2日，科索沃政府通过了一项决定，拨款 400 万欧元，用于补贴科索沃北部非多数族群的社会住房建设。8月12日，科索沃地方行政部长宣布了一个在北部四个城市建造 200 所房屋的项目，但受益者是回返者还是新定居者尚有待当局澄清。

33. 贝尔格莱德和普里什蒂纳继续对 2023 年 9 月 Banjska/Banjskë 事件进行调查。科索沃警察在科索沃北部各地进行了几次搜查，缴获了一批武器。6 月 15 日，科索沃警察搜查了莱波萨维奇的两所塞族学校，招致塞尔维亚当局谴责。
34. 据欧洲联盟称，贝尔格莱德 7 月通过欧盟科索沃办公室要求普里什蒂纳提供证据材料，但科索沃当局尚未对这一要求作出回应。8 月，科索沃司法部声称对调查和裁决此案拥有专属管辖权。该部还表示，塞尔维亚自 2023 年 10 月以来没有(通过欧盟科索沃办公室)对特别检察官的正式请求作出回应。9 月 11 日，科索沃特别检察官办公室对 45 人提出起诉。被告被控犯有多种刑事罪，包括“危害科索沃共和国宪法秩序和安全的严重罪行”、“资助恐怖主义”和“洗钱”。
35. 发生了一系列安全事件，包括多起纵火焚烧科索沃塞族车辆的案件。7 月 14 日，在北米特罗维察，科索沃内政部长和其他科索沃高级官员被拍到出现在一家咖啡馆内，两天后，一名不明身份者向这家咖啡馆投掷了一枚自制燃烧弹。7 月 21 日，另一枚装置在 Gazivoda/Gazijë 湖爆炸，其目标是科索沃阿尔巴尼亚族人。库尔蒂先生随后表示，该湖是“他们的祖先遗留给他们的”，这促使科索沃阿族人前往该湖，引发了科索沃塞族居民的反应。这些案件中没有人受伤。
36. 几名科索沃塞族人被捕，包括科索沃当局怀疑在 2023 年 5 月兹韦钱抗议活动期间伤害驻科部队人员的嫌犯。科索沃塞族组织提出了人权关切，强调对这些人采取的措施是不相称的，包括关押在高度戒备的监狱中实施长时间的审前拘留。科索沃特派团收到报告，包括指控科索沃警察在这些逮捕行动后过度使用武力的报告，并与科索沃警察监察局一道，对指控采取了适当的后续行动。
37. 4 月 13 日，科索沃警方在 31 号门逮捕了一名科索沃塞族人，并指出此次逮捕与 2021 年 10 月警察和抗议者之间的暴力冲突有关。塞尔维亚名单党和塞尔维亚政府科索沃和梅托希亚事务办公室谴责了这次逮捕行动。4 月 14 日，科索沃警察特别行动队的警官在祖宾波托克拦截并据报殴打了一名科索沃塞族人。科索沃警察监察局随后对这一事件展开调查。
38. 9 月 10 日，科索沃警察在北米特罗维察逮捕了 4 名科索沃塞族青年，他们此前与便衣警察发生过口角。实施逮捕的过程中，警方被指控过度使用武力、在拘留期间实施虐待和拒绝给予医疗服务。这 4 人在南米特罗维察被警方拘留了 48 小时。在警察局和法院外发生了要求释放他们的和平抗议活动。9 月 11 日，他们被判处 30 天软禁。副监察员在探视被拘留者后发表了一份声明，指出“存在严重迹象表明存在侵犯人权行为，包括警方施加的不人道待遇”，被拘留者身上有明显的伤痕，但他们的医疗记录中没有关于这些伤痕的记录。
39. 4 月，几名科索沃阿族人因涉嫌在北米特罗维察袭击科索沃塞族人而被捕。5 月 19 日，一名科索沃塞族人在莱波萨维奇被捕，据指控，他袭击了一名科索沃阿族人。

40. 6月26日，一名科索沃塞族人因涉嫌从事间谍活动在1号门(Jarinje/Jarinjë)被捕。6月27日和9月12日，两名科索沃塞族人因涉嫌犯下战争罪分别被捕。这些逮捕行动引起塞尔维亚当局的反应，他们将这些逮捕定性为出于政治动机和“对科索沃塞族人的压迫”。

41. 尽管早些时候在执行能源路线图方面取得了进展，但近几个月来，科索沃北部的许多居民对能源供应商 Elektrosever 公司的服务表示不满。如 S/2024/282 号文件所述，Elektrosever 公司开始在科索沃北部寄送电费单，这是自1999年以来当地居民首次收到电费单。今年3月，Elektrosever 公司开始寄送21.60欧元的统一费率电费账单，后来又对同一计费月份补寄了额外的发票。为了回应人们对计费不准确或追溯计费的担忧，Elektrosever 公司开始安装新的电表。该公司还在北米特罗维察开设了一个新的办事处，以便于定期寄送账单。

42. 科索沃中央选举委员会要求进入塞尔维亚人开办的学校，将其用作市长罢免投票的投票中心，但遭到这些学校的拒绝。7月4日，米特罗维察检察官办公室对14所科索沃塞族学校的校长提起诉讼，指控他们阻碍选举进程。这些校长受到了讯问，但并未受到刑事指控。

43. 5月2日，科索沃警方在北米特罗维察市中心安装了监控摄像头，并确认将在科索沃北部安装约200个摄像头，这引发多个民间社会组织对隐私权的担忧。7月22日，技术人员在科索沃警察的陪同下，在伊巴尔河主桥周边地区安装了几处摄像头。

44. 6月3日，科索沃财产比对与核查局宣布在科索沃北部拟定了100份驱逐通知。6月份已向北米特罗维察居民发出了约40份通知，预计还会发出更多的驱逐通知。这些驱逐决定自2006年和2007年以来一直有待执行，其目的是促进部分科索沃阿族人重返家园的权利。这些决定可能会影响到一些处境脆弱的科索沃塞族被驱逐者的适足住房权，因为没有为他们积极探索其他替代办法。12个科索沃塞族家庭自愿搬出房产，其中一处房产于7月18日被移交给一名科索沃阿族业主。

45. 作为持续打击走私行动的一部分，6月5日，科索沃警察在祖宾波托克的 Banje/Banë 村挖掘道路。科索沃塞族村民抱怨说，他们因此无法进入自己的房产。

46. 政府关于征用已在莱波萨维奇和祖宾波托克修建的政府“基础设施项目”所用地块的决定和未决诉讼，继续对科索沃塞族的财产权构成挑战。5月30日，科索沃政府发布了关于征用祖宾波托克和莱波萨维奇100多块土地的最后决定。政府采取这一行动之前，普里什蒂纳初级法院曾就以往的征地行为的合法性作出裁决。塞族名单党重申了财产权的不可侵犯性，并批评科索沃政府违反了自己的立法。6月6日，五国、欧盟和欧安组织发表声明，对政府的决定表示遗憾。7月，科索沃政府批准了将祖宾波托克的地块转让给内政部的请求，并要求财产持有人提供所有权证明。

47. 6月26日，科索沃邮政局在前 Banjska/Banjskë 水疗会所内开设了一个邮局，自2023年9月科索沃私有化局控制此处房地以来，该会所一直关闭。6月30日，据报告，科索沃邮政局将于2024年底在科索沃北部再开设三家邮政分局。8月29日，在科索沃塞族人的和平抗议声中，在武装警察的保护下，一家邮政分局在北米特罗维察市中心开业。8月26日，一家由科索沃阿族人所有的公司在北米特罗维察开办了一家超市，此处房地之前是一家归科索沃塞族人所有的商店，社交媒体上流传着一则匿名呼吁，要求居民抵制该超市，称任何接近该商店的居民“都将被拍照并受到严厉制裁”。

48. 6月30日，科索沃北部各地出现了印有塞尔维亚总统照片的海报，上面写着“最高指挥官，我们在等您”。科索沃警方以“煽动仇恨与不和”罪立案调查。另外，7月7日，科索沃警察逮捕了一名科索沃塞族未成年人，并约谈了另外三人，他们涉嫌在北米特罗维察散发小册子，煽动仇恨与不和。7月9日，科索沃警察以煽动仇恨为由逮捕了一名科索沃阿族未成年人，据称他在北米特罗维察点燃了一面塞尔维亚国旗。

49. 9月10日，库尔蒂总理出席北米特罗维察一家归科索沃阿族人所有的餐馆的开业典礼时，科索沃塞族人举行了和平抗议。塞尔维亚民主党领导人和副领导人因吹哨抗议此次访问而被捕。他们于同一天获释。一些民间社会和人权组织在一份联合声明中谴责这些逮捕是“非法的”。

50. 科索沃特派团重新进入了其在莱波萨维奇、兹韦钱和祖宾波托克市政大楼内的办公室，并正在进行评估，以确保其工作人员在返回之前的安全和安保。

四. 法治与人权

法治

51. 继科索沃政府于3月13日决定承认 Visoki Dečani 修道院的财产权后，3月20日，塞尔维亚东正教拉什卡和普里兹伦教区宣布，依照科索沃宪法法院2016年的裁决，Visoki Dečani 修道院对24公顷土地的所有权已在科索沃中央地籍簿上正式登记。

52. 与1998-1999年科索沃冲突期间所犯战争罪相关的逮捕、起诉和审判工作仍在继续。4月18日，塞尔维亚警察逮捕并拘留了一名涉嫌犯有战争罪的科索沃阿族人。嫌疑人是前科索沃解放军成员。4月24日，贝尔格莱德高等法院判处一名前南斯拉夫军队指挥官20年监禁，罪名是其1999年在佩奇附近犯下的战争罪。

53. 5月14日，科索沃专门检察官办公室对三名科索沃塞族人提出缺席起诉，指控他们在普里什蒂纳和利普连监狱虐待阿族被拘留者，犯有战争罪。6月10日，普里什蒂纳初级法院以战争罪判处一名科索沃塞族人8年徒刑。6月27日，一名来自莱波萨维奇的科索沃塞族人因涉嫌在 Malishevë/Mališevo 地区和克利纳周边地区犯下战争罪而被捕。普里什蒂纳初级法院随后因犯罪嫌疑人有潜逃风险，下令将其还押候审。7月12日，普里什蒂纳初级法院判处一名拥有塞尔维亚公民身份的科索沃阿族人15年徒刑，罪名是他参与了1999年3月 Izbicë/Izbica

大屠杀，致使 130 名科索沃阿族人遇害。7 月 19 日，普里什蒂纳初级法院以 1999 年 5 月犯下的战争罪判处一名科索沃波什尼亚克族人 12 年徒刑。

54. 因涉嫌战争罪而被起诉(包括缺席起诉)的科索沃塞族人的律师对被告在合理时间内获得公正审判的权利、缺乏法律推理以及起诉可能与财产纠纷有关联表示担忧。

55. 6 月 28 日，普里什蒂纳初级法院判定被指控于 2018 年谋杀科索沃塞族政治家奥利弗·伊万诺维奇的 4 名科索沃塞族人有罪，2 人无罪。

56. 科索沃警方逮捕了几名嫌犯，他们涉嫌参与了在 2023 年 5 月兹韦钱抗议期间对驻科索沃部队成员和科索沃警察的袭击事件。5 月 10 日，一名嫌疑人在 Jarinje/Jarinjë 行政边界线被捕。6 月 19 日，另一名嫌疑人在米特罗维察被捕。6 月 24 日，第三名嫌疑人因参与袭击被判处 15 个月监禁，并被罚款 12 000 欧元。7 月 24 日，又有一名嫌疑人被逮捕并受到指控。

57. 根据《科索沃宪法》关于非多数族群在科索沃法院中的代表权要求，科索沃司法委员会推荐了三名科索沃塞族候选人，以填补为该族群保留的五个法官职位。奥斯曼尼女士只任命了一名科索沃塞族法官。同样，在最近为填补科索沃各地 100 个公证员职位而进行的征聘中，有 8 个是为科索沃塞族保留的职位，但尽管有合格的申请人，司法部并未任命来自科索沃塞族的公证员，导致整个科索沃只有一名科索沃塞族公证员。这种情况继续影响科索沃塞族人的语言权利和获得服务的机会。8 月 4 日，科索沃警察发布了征聘新警官的空缺通知，邀请科索沃塞族人申请。

58. 科索沃塞族法官和检察官于 2022 年 11 月辞职，他们何时重返职位的问题仍然悬而未决，这继续引发人们对科索沃司法机构整合的担忧。他们的缺席妨碍了科索沃北部的司法工作。当局试图从科索沃其他地方临时调派法官和检察官，主要是科索沃阿族人，以满足人员配置需求和应付案件量。

59. 4 月 16 日，在四天内发生两名妇女遇害事件后，科索沃司法部长与其他部委和国际社会的代表举行了一次高级别会议，讨论科索沃境内暴力侵害妇女问题。与会者再次呼吁法官和检察官更加严肃地对待家庭暴力和性别暴力案件。根据科索沃妇女网络的一份报告，自 2010 年以来，科索沃共报告了 58 起杀害妇女案件。8 月 6 日，一名曾因家庭暴力被捕的丈夫在获释两天后枪杀了自己的妻子。由联合国促进性别平等和增强妇女权能署(妇女署)主持的、成员来自 50 多个在科索沃工作的当地和国际组织的安全与性别平等问题小组发表声明，谴责杀害妇女的行为，并为科索沃各机构应对这一问题提出了建议。

60. 科索沃特派团继续提供文件认证服务。特派团共处理了 1 884 份文件，其中 699 份涉及养恤金，57 份涉及学位证书，1 128 份涉及结婚证、出生证和死亡证。特派团还协助国际刑警组织(刑警组织)向科索沃发出了 44 份红色通告和 52 项引渡请求。科索沃特派团还根据信息请求新立案 1 498 起。共有 1 868 起与科索沃领土或常住居民有关的案件仍未结案。

61. 科索沃特派团支持的法律援助支助中心的律师向 431 名申请人提供了法律援助，其中包括 193 名妇女和 238 名男子。获得援助的有 406 名科索沃阿族人、10 名科索沃塞族人、5 名科索沃埃及族人、3 名科索沃阿什卡利亚族人、3 名科索沃罗姆族人、2 名科索沃土耳其族人、1 名科索沃波什尼亚克族人和 1 名科索沃戈兰尼族人。难民署确保向两名寻求维护其财产权的科索沃罗姆族人回返者提供免费法律援助。此案可在为科索沃罗姆族人提供有效的司法救助和持久解决办法方面创立一个重要先例。

62. 联合国开发计划署(开发署)注重改进司法实践和改善诉诸司法的机会，作为这方面工作的一部分，开发署与法官、检察官和调解员合作，帮助他们熟悉新的调解法和少年司法法规，并创建了一个人权数据库。通过建立流动法律援助诊所，开发署为来自不同族裔群体的 200 多人诉诸司法提供了便利，开展了关于法律援助的提高认识运动，并向 100 多名卫生专业人员传授了处理性别暴力案件的做法。在开发署和科索沃特派团的支助下，科索沃司法委员会建立了一个新的中央翻译系统，以加强法院的翻译工作。

人权

63. 目前仍有 1 612 名与 1998-1999 年科索沃事件有关的失踪人员(263 名妇女和 1 349 名男子)。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 日批准了《失踪人员宣言》，其中概述了成立一个联合委员会以加强双方合作的构想，但该宣言尚未得到执行。6 月，科索沃当局向贝尔格莱德移交了 3 名科索沃塞族人的遗体。7 月 2 日，失踪人员问题工作组举行了 2024 年第二次会议，贝尔格莱德随后同意对塞尔维亚一处可能墓地地点是否存在进行评估。

64. 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的委员会自 2018 年 2 月成立以来，准予了 1 671 名申请人(1 580 名妇女和 91 名男子)幸存者身份。委员会驳回了 325 份申请(281 名妇女和 44 名男子)。

65. 5 月 23 日，科索沃议会通过了将 300 名囚犯从丹麦移交科索沃的协议，引发了家庭生活权、免受歧视权和由自己所选择的法律援助权等方面的关切。

66. 6 月 13 日，科索沃政府通过了过渡期正义战略。一些民间社会成员提出批评，还有一些成员退出磋商，因为他们认为这一进程缺乏包容性，其特点是对过渡期正义采取“以族裔为中心”的做法，而不是以受害者为中心的做法。国际社会的代表表达了类似的关切。

67. 7 月 11 日，科索沃议会通过了独立媒体委员会法草案。新的法律规定，网络媒体须得到政府许可并接受独立媒体委员会的控制，欧洲委员会在一份法律意见中认为，这不符合其他欧洲国家的标准和惯例。这部法律还将要求网络媒体也必须在独立媒体委员会注册。秘书长特别代表感到遗憾的是，该法“没有充分纳入或回应国际伙伴、媒体和民间社会成员提出的关切和建议”。

68. 政府启动了一个新的平台，以促进非多数族群的社会经济权利。政府现有的供科索沃罗姆人、科索沃阿什卡利人和科索沃埃及人族使用的反歧视网络平台收到了 60 多份投诉。

69. 5 月 23 日，科索沃议会首次投票正式否决科索沃监察员机构 2022 年年度报告，从而对该机构的独立性和促进与保护人权的国家机构地位的有关原则(巴黎原则)提出了挑战。这次表决结果与新成立的独立媒体委员会法一道，引发了人们对科索沃法律框架所规定的这两个机构的独立性的关切。同样，科索沃语言专员仍然缺乏有效保护语言权利的充沛资源。

70. 表达自由和媒体自由面临的挑战依然存在。科索沃记者协会收到报告称，1 月至 6 月期间，发生了 24 起针对记者的口头和人身攻击事件。此外，8 月份，社交媒体上出现了针对特定记者的伪造照片。据称，科索沃公共广播机构广播电视台台长和主席分别于 7 月和 8 月被迫辞职，这引发了人们对表达自由和媒体自由权利的关切。科索沃境内仍然没有塞尔维亚印刷媒体，这影响到科索沃塞族人的表达自由和信息自由权。

71. 科索沃特派团继续监测社交媒体上的仇恨言论，其中很大一部分是基于性别、针对妇女的仇恨言论。也有一些仇恨言论针对男女同性恋、双性恋、跨性别者和间性者群体。在对仇恨犯罪进行刑事起诉方面，仍然存在明显的选择性，主要影响到科索沃塞族人，他们面临煽动种族仇恨的指控，通常是因为在社交媒体等平台上表达或展示亲塞尔维亚的观点或信息。

五. 其他主要事态发展

72. 科索沃当局于 5 月进行了一次人口普查，普查得到了开发署、联合国人口基金和联合国欧洲经济委员会的技术支持，旨在提高对开展人口普查的认识。另一个基于网络的科索沃散居国外者人数统计将持续到年底。科索沃统计局于 7 月 12 日公布了初步结果。科索沃塞族各政党以担心普里什蒂纳是否尊重科索沃塞族人的权利为由，呼吁人们抵制这一进程，科索沃北部科索沃塞族人的参与率非常低。在塞族占多数的科索沃其他市镇，参与率更高。人口普查调查的问题询问及 1998-1999 年科索沃冲突的后果，包括财产损失以及是否有家庭成员死亡、受伤或失踪。这些问题仅限于 1998 年 2 月 28 日至 1999 年 6 月 12 日期间。科索沃塞族民间社会代表批评这一时间范围没有涵盖冲突后的时期，而据报告，当时发生了多起针对科索沃塞族和其他非多数族群的袭击事件。

六. 回返、和解、文化遗产和族群关系

73. 联合国难民事务高级专员公署(难民署)登记了 13 起在科索沃境内外流离失所的非多数族群成员自愿回返的案例，包括 4 名妇女和 9 名男子，7 名科索沃塞族人，5 名科索沃罗姆族人和 1 名科索沃阿什卡利族人。这使 2000 年以来在科索沃找到持久解决方案的非多数族群流离失所者总数达到 29 418 人，其中包括 14 435 名妇女和 14 983 名男子(12 831 名科索沃塞族人、7 780 名科索沃埃及族人和科索沃阿什卡利亚族人、4 095 名科索沃罗姆族人、1 879 名科索沃波什尼亚

克族人、1 464 名科索沃戈兰尼族人、1 325 名科索沃阿尔巴尼亚族人、21 名科索沃黑山族人、19 名科索沃土耳其族人和 4 名科索沃克罗地亚族人)。科索沃境内仍有 15 586 名流离失所者(7 176 名妇女和 8 410 名男子)，而在西巴尔干国家约 200 000 名科索沃流离失所者当中(其中大部分居住在塞尔维亚)，仍有 69 627 人有流离失所相关需求。

74. 科索沃当局收到了 121 份庇护申请(96 名男子和 25 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。

75. 科索沃政府负责核实北米特罗维察大学颁发的学位的独立委员会自 2023 年 3 月恢复工作以来，共收到 346 份文凭，其中 267 份已经核实。2024 年 3 月到 9 月，委员会共核查了 192 份文凭。北米特罗维察大学的毕业生可凭经核实的证书在科索沃各机构就业。

76. 科索沃政府成立了一个工作队，并设立了一个十年行动计划，以实现非多数族群在公共行政部门的就业比例达标。该计划预计将为非多数族群创造约 3 000 个就业机会。到 2024 年底，每个部委将为非多数族群的成员分配至少 10 个职位。

77. 发生了几起影响到非多数族群地区的塞尔维亚东正教和天主教场所的事件。这些事件包括在 Šilovo/Shillovë、Krushevë Madhe/Veliko Kruševo、Talinoci Muhaxherëve/Muhadžer Talinovac 和 Lipjan/Lipljan 镇的塞族东正教堂发生的非法闯入或非法闯入未遂事件。据报，5 月，Zllakuqan/Zlokučane 的一座天主教堂也发生了盗窃事件，该教堂一再成为非法闯入的目标。

78. 涉及非多数族群宗教场所的其他案件包括：3 月在 Klinë/Klina 镇塞尔维亚东正教墓地和位于 Buzovik 的 Binač 修道院特别保护区发生的非法倾倒废物案；在 Nakëll/Naklo 的塞尔维亚东正教圣三一教堂内发生的喷涂煽动性涂鸦案；以及 5 月发生的对 Rahovec/Orahovac 一个塞尔维亚东正教墓地的十字架的破坏行为。在科索沃各地受影响族群占多数的地点，不同教派的多个宗教场所也发生了其他事件。

79. 5 月，不明身份者破坏了 Gojbulë/Gojbulja 村一所科索沃塞族人就读的学校的入口。

80. 科索沃特派团记录了多起影响特别保护区的事件，包括科索沃警察 4 月 5 日在归塞尔维亚东正教 Draganac 修道院所有的森林中发现三名科索沃阿族嫌疑人非法伐木。同月，当局在 Budisalc/Budisavci 村阻止一名科索沃阿族男子未经许可耕种归佩奇主教辖区所有的土地。6 月 5 日，一家私营公司拆除了普里兹伦历史中心 Old Saraj 建筑群内的三座建筑。8 月，科索沃特派团观察到，科索沃当局出资在 Dolac 修道院 50 米范围内修建了一条道路。该项施工事先没有按照《特别保护区法》的要求得到塞尔维亚东正教的批准。在 2020 年 11 月以来的第一次会议上，执行与监测委员会于 9 月 4 日举行了一次特别会议，在会上塞尔维亚东正教同意继续进行道路施工。

81. 7月3日，塞尔维亚东正教 Visoki Dečani 修道院收到市政府的一份城市发展计划草案，其中将修道院和特别保护区的大部分地区划为“城区”，并设想在特别保护区内开展若干基础设施项目。修道院敦促市政当局遵守法律框架，并呼吁开展协商探讨替代发展战略，但迄今为止尚未启动任何协商。

七. 建立信任、伙伴关系与合作

82. 科索沃特派团继续支持科索沃各地的建立信任举措，重点是促进族裔间对话和打击分裂言论，以解决信任赤字问题，加强社会结构。其中的举措之一，是支持普里什蒂纳的巴拉巴中心，这是一个促进所有族群之间建立信任和接触的多族裔空间。

83. 5月，来自科索沃阿尔巴尼亚族、科索沃阿什卡利族、科索沃波什尼亚克族、科索沃埃及族、科索沃罗姆族、科索沃塞族和科索沃土耳其族族群的近50名致力于科索沃各地族群相关问题的人士参加了一次会议，以协调和支持各市镇与中央当局之间的信任建设。这次会议是科索沃特派团资助的一个项目的一部分。

84. 特派团继续就环境保护问题与科索沃所有族群协作。在这方面，科索沃特派团支持科索沃阿族和科索沃塞族活动人士举行了两次辩论，并就污染和能源过渡等问题发表了4份报告和3篇社论。

85. 科索沃特派团为2024年6月在佩奇地区举行的一个论坛提供了支持，促使来自阿尔巴尼亚、波斯尼亚和黑塞哥维那、黑山、北马其顿、塞尔维亚和科索沃的40多名商界领袖、创新者、青年企业家和发展专家能够扩大跨部门合作，加强区域经济合作。

86. 科索沃特派团继续培训科索沃阿族和科索沃塞族媒体组织，以加强事实核查伙伴关系，揭穿假新闻，减轻错误信息和虚假信息对族裔间关系的影响。3月，开发署为来自不同族裔背景的青年男女提供了关于提高媒体素养和打击基于性别的虚假信息的培训，以打击陈规定型观念和虚假信息。

87. 科索沃特派团为37个民间社会组织起草年度人权报告提供了支持。科索沃特派团还支持监察员机构敲定确定人权指标的方法，并帮助与相关行为体为将联合国《残疾人权利公约》纳入科索沃法律框架奠定基础。

88. 特派团继续与欧洲委员会合作，培训市镇反歧视官员。特派团还与科索沃语言专员和国际移民组织合作，支持实现语言权利。

89. 科索沃特派团通过为家庭团聚和信息发布会提供便利，支持失踪人员家属获得知情权，并与贝尔格莱德和普里什蒂纳当局联系，倡导以基于人权的方式处理这一问题，并鼓励专题工作组举行更多会议。特派团支持努力解决冲突中性暴力幸存者长期遭受污名化的问题，并向科索沃政府负责核查和确认冲突中性暴力幸存者地位的委员会成员提供培训，使其了解如何采取对压力和创伤有敏感认识的方法，为幸存者提供符合最高国际标准的服务。

八. 妇女与和平与安全

90. 4月15日至16日，奥斯曼尼总统举办了第二届妇女、和平与安全国际论坛，来自40多个国家的与会者参加了论坛。在论坛期间，奥斯曼尼女士与美国签署了一项协议，建立一个区域妇女、和平与安全卓越中心，该中心旨在促进国际专家网络之间的学习和协作。科索沃特派团表示致力于支持该中心。

91. 6月19日，特派团在普里什蒂纳举办了“妇女、和平与安全问题全球开放日”，150多人参加了这次活动。副总理 Emilija Redžepi 强调了所有族群之间开展合作促进性别平等的重要性。

92. 联合国促进性别平等和增强妇女权能署(妇女署)和科索沃特派团在阿尔巴尼亚地拉那和贾科维察组织了圆桌讨论会，来自不同族裔背景的女议员和区域民间社会领导人讨论了欧洲联盟主持的对话所面临的障碍。

93. 科索沃特派团警察部分在联合国项目事务署和其他合作伙伴的支持下，为科索沃警察妇女协会各族群成员提供了创伤应对和压力管理方面的培训。

94. 作为防止暴力侵害妇女行为和家庭暴力的政府协调机构，司法部与科索沃性别平等机构一起成立了几个工作分组，以制定细则法案，改进政府向此类暴力的受害者提供的服务。

九. 青年、和平与安全

95. 3月至9月，来自不同族群的300名年轻人参加了一个由科索沃特派团支持的项目的第二阶段，该项目由科索沃青年和平建设者多族裔网络实施。活动包括在科索沃举行的第六届联合国青年大会年度会议、天文学和平营和为期一周的文化交流项目，旨在促进就共同关心的问题跨社区交流与合作。

96. 有130名当地和区域青年代表参加的2024年联合国科索沃青年大会创建了第一个区域多利益攸关方平台，讨论与人工智能促进青年、和平与安全议程有关的挑战和机遇。人工智能、公共政策和建设和平领域近50名当地和国际专家的专业知识为青年大会作出了贡献。该活动有助于为年轻人提供技能和知识，使他们能够更好地利用人工智能的力量并造福其族群。青年大会还主办了“青年为青年”项目竞赛，科索沃特派团通过该竞赛资助了五个由青年牵头的非正式小组实施其倡议。这些活动的重点是网络安全，利用人工智能工具打击仇恨言论和假新闻，在科学、技术、工程、数学领域增强年轻女性的权能以及心理健康。

十. 意见

97. 科索沃北部的气氛仍然紧张，升级的可能性依然存在。我促请双方重申对欧洲联盟主持的对话的承诺，并充分执行现有协议。单方面行动加剧了紧张局势，削弱了族群之间以及各族群与机构之间的信任，此类行动包括关闭塞尔维亚资助的机构，采取重新开放米特罗维察大桥的举动，限制塞尔维亚货物和执

行新的货币条例。这些行动不仅扰乱了受影响人群的日常生活和社会经济权利，而且还危及集体进步和稳定，而集体进步和稳定对于所有人共享的和平与繁荣未来至关重要。我再次呼吁妇女代表更多、更切实地参与对话。

98. 此外，我呼吁领导人负起责任，优先考虑科索沃所有人的福祉和人权。至关重要的是，政治领导人的行动必须反映出他们对满足所有族群的需求和尊重其权利的承诺。

99. 在提供基本服务的机构关闭后，非多数族群对于影响到由塞尔维亚运营的教育和医疗机构的可能行动备感关切，必须充分顾及此类关切。保障非多数族群，包括最弱势群体的经济和社会权利至关重要。因此，需要重新建立信任和社区间协作，这是特派团的一项紧迫优先事项。

100. 2023 年 9 月 24 日在 Banjska/Banjskë 发生的严重安全事件突出表明，迫切需要有关各方开展合作寻求正义。透明和有效地处理此类事件对于恢复信心和确保长期稳定至关重要。

101. 我鼓励所有各方采取措施，在维护法治的同时保障和促进尊重人权。至关重要的是，执法工作，特别是在逮捕、拘留和财产权方面的执法工作，必须充分尊重科索沃的法律框架和国际人权标准。必须维护法治机构的廉正和公正。

102. 在通过失踪人员问题工作组查明失踪人员下落方面，持续取得的进展值得赞扬，我鼓励加快这些努力。双方应采取一切必要步骤，执行《关于失踪人员的宣言》的规定，作为欧洲联盟主持的对话的一部分，该《宣言》已于 5 月 2 日获得贝尔格莱德和普里什蒂纳核可。

103. 我促请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。

104. 我欢迎根据 2016 年科索沃宪法法院的裁决，正式登记 Visoki Dečani 修道院的财产。这是遵守法律义务和保护文化遗产的重要一步。

105. 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。

106. 最后，我深切感谢我的特别代表卡罗琳·齐亚德和科索沃特派团整个团队为促进对话和建立信任所作的不懈努力。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。我感谢我们在科索沃的合作伙伴，包括驻科部队、欧洲联盟和欧安组织与我们继续协作，它们仍然坚定不移地致力于和平、安全和科索沃人民的福祉。

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 15 March 2024 to 15 September 2024

1. Summary

The reporting period was marked by a continuing deterioration of relations between Belgrade and Pristina and the persistence of a tense and fragile security situation in northern Kosovo. No progress was made towards normalization of relations between the parties.

In April, Srpska Lista and all other Kosovo Serb political entities stated they would not participate in the vote for the recall of mayors of the four municipalities in northern Kosovo and called upon Kosovo Serbs to boycott the vote, as well as a subsequent population census. Pristina further enhanced its efforts to consolidate full control over the entire territory of Kosovo by conducting a series of operations aimed at dismantling a number of institutions and services of the Serbia-run “parallel structures”, as well as Serbian financial institutions. The European Union Rule of Law Mission in Kosovo (EULEX), along with the international community, expressed concerns over the impact of these developments.

On 20 May 2024, the Kosovo Police searched and closed six Serbian financial institutions in the four municipalities in northern Kosovo, after seizing large sums of cash. Also in May, the Kosovo authorities issued eviction warrants for 12 apartments in northern Kosovo that had been evacuated decades ago by their Kosovo Albanian inhabitants during or following the 1998-1999 conflict and inhabited by Kosovo Serbs since. Additional eviction warrants were issued later.

In August 2024, the Kosovo police closed nine Serbian post offices in the four municipalities in northern Kosovo. The Government of Kosovo’s declared its intention to reopen the Austerlitz bridge in Mitrovica for vehicle traffic, which is fiercely opposed by Serbia and Kosovo Serbs, and other ongoing tensions between the two parties further exacerbated the situation.

EULEX continued its regular robust monitoring of selected cases and trials, with a specific focus on high-profile cases involving, for example, inter-ethnic incidents, arrests of Kosovo Serbs and other sensitive issues. The Mission also continued to advise and support the Kosovo Correctional Service and the Kosovo Probation Service. In addition to cooperation and coordination with the Kosovo police, including through monitoring of selected police operations and engagement of EULEX Police Advisors North in all police stations in northern Kosovo, EULEX continued to support the Kosovo police by facilitating international police cooperation through the International Criminal Police Organization (INTERPOL) and the European Union Agency for Law Enforcement Cooperation (Europol). During the reporting period, the Mission’s longstanding cooperation with the Institute of Forensic Medicine was reconfirmed through the signing of two technical arrangements, outlining the Mission’s continued support to the Institute.

EULEX continued to support the Kosovo Specialist Chambers and Specialist Prosecutor’s Office.

EULEX further improved its already good cooperation with the Kosovo Force and remained ready to take on its role as second security responder, as defined in the

Kosovo security framework, according to which the Kosovo police is the first, EULEX the second and the Kosovo Force the third security responder.

2. Monitoring

In the light of the tense situation in northern Kosovo and the increase in Kosovo police operations in the area, the Mission continued to monitor cases involving Kosovo Serbs apprehended or questioned during the reporting period, including, when applicable, the conditions of their detention on remand. The Kosovo police often notified prosecutors verbally of a planned operation in the last minute, disregarding the intent of the Criminal Procedure Code, which grants prosecutors a significantly bigger role in overseeing and authorizing such criminal investigations. In addition, on some occasions, Kosovo Serb defence counsels complained of a lack of timely access to case files relating to their clients.

EULEX followed up on Kosovo police operations aimed at dismantling the “parallel structures”. In May, the Kosovo police searched six Serbian financial institutions in northern Kosovo, sequestering large sums of cash and closing the institutions. The searches were carried out without court orders, and the on-call prosecutor was only informed when the operation had already begun. The European Union, supported by the United States of America and other members of the international community, assessed the police operation as being detrimental to the dialogue. Also in May, the Kosovo authorities rejected a request from the Patriarch of the Serbian Orthodox Church to visit the Peć Patriarchate in the Pejë/Peć municipality, likewise prompting negative reactions from Serbia and the international community. Following its decision to disallow the use of driver’s licences issued by the Serbia-run “parallel structures”, the Government of Kosovo introduced a procedure to facilitate their conversion to official Kosovo licences. The decision foresaw a three-month grace period, which would end on 9 August, after which the use of licences issued by the “parallel structures” would be banned. The deadline was later extended to 23 August, reportedly to accommodate the high number of requests.

The implementation of a Central Bank of Kosovo regulation on cash operations effectively banned the use of the Serbian Dinar and other currencies but the euro. This triggered frustration, as Kosovo Serbs were forced to travel to Serbia in order to receive their salaries, pensions and other social benefits. The Mission learned from various interlocutors that the Kosovo Serbs in northern Kosovo feared the further worsening of their living conditions due to the measures against the “parallel structures”. There also is a growing resentment against the Kosovo police in view of several recent arrests, which many Kosovo Serbs interpret as politically motivated. Generally, the Mission’s interlocutors perceived the situation as continuously deteriorating. Recent unilateral operations in August – like the closure of nine Serbian Post offices in northern Kosovo, the short apprehension of two Kosovo Serb politicians who protested against the Government of Kosovo’s measures and the Government’s declared resolve to reopen the Austerlitz bridge in Mitrovica for vehicle traffic – have further exacerbated resentments among Kosovo Serbs in northern Kosovo.

EULEX continued its regular monitoring of cases of interest. The Mission noted that, in high-profile cases previously adjudicated by EULEX judges, lenient verdicts or acquittals represented a trend. The prominent Oliver Ivanović murder case, monitored by the Mission from the beginning and characterized by numerous delays and unproductive or cancelled hearings, concluded in June. Guilty verdicts were issued for four of the six defendants, six years after the crime had been committed and three and a half years after the indictment was filed. The problematic practice persists of the Court of Appeals sending cases back to basic courts for retrial, very often resulting in the trial being unnecessarily prolonged. This problematic practice

also occurred during a trial concerning the rape of an 11-year-old girl, which the Mission had monitored from the outset.

The Mission also continued its robust monitoring of the overall treatment of detainees and prisoners in the Kosovo correctional facilities. The Mission's experts focused on Kosovo Serb detainees and prisoners, given numerous media and social media reports alleging violence and unfair treatment. The Mission found that those allegations were unsubstantiated.

Another focus of the Mission's monitoring activities is high-profile Kosovo Albanian detainees, prisoners and juveniles. While EULEX experts established that there had been no indications of physical mistreatment by the prison staff in the monitored cases, they registered multiple procedural violations. These violations included the placement of some detainees in segregation-like conditions without a written decision by the court or the correctional facility, which would enable the detainee to file an official complaint, or the issuance of institutional decisions against individuals, for example, revoking a permit for phone calls, without appropriate justifications. The Mission also noted the lack of Serbian-speaking staff in facilities with predominantly Serbian-speaking prisoners, resulting in continuous communication problems between the staff and the prisoners. However, the Mission found that allegations of inmates lacking access to prison healthcare services were unsubstantiated.

EULEX regularly highlights these and other shortcomings in its justice monitoring reports. These reports address findings in a number of areas, such as the slow progress in adjudicating high-profile cases, the system of scheduling court sessions, anti-corruption measures, corruption in the healthcare system, gender-based violence, crimes against journalists, property rights, juvenile justice, and institutional procedural negligence and discriminatory practices in correctional facilities. All reports include recommendations to remedy the identified flaws. EULEX is currently preparing its seventh justice monitoring report, which will examine the level of implementation of the Mission's recommendation issued in previous reports. This year's justice monitoring report is expected to be launched in October. EULEX is also preparing a report on the treatment of prisoners, from the start of detention until the prisoner is released. The report will examine the procedural effectiveness of the treatment of detainees and prisoners by the Kosovo Correctional Service and its compliance with Kosovo laws.

The Mission's correctional experts also continued to support the Kosovo Correctional Service and the Kosovo Probation Service in their drive to advance their capabilities. This included the drafting of the Kosovo Correctional Service in-service training analysis and a development plan for optimizing and systemizing the Kosovo Correctional Service internal training structure, as well as supporting the Kosovo Probation Service in drafting its new standard operating procedures for probation work, with a special focus on the implementation of alternative measures for juveniles. Furthermore, due to the regular discovery of contraband in facilities, prisoner escapes and incidents in prisons, the Mission continued to provide support to the management of the Kosovo Correctional Service in security matters. This included an analysis on the state and capabilities of the Kosovo Correctional Service Intervention Unit and recommendations on ways to further develop the Unit's performance.

As in previous reporting periods, EULEX experts monitored recruitment procedures, such as the qualification tests for 28 new prosecutors for the Basic Prosecution Offices, the promotion of seven Basic Court judges to the Court of Appeals, and the selection of 4 new prison directors and 113 new correctional officers.

3. Operations

The Mission's formed police unit and the EULEX Police Advisors North conducted regular patrolling activities to assess the security situation in northern Kosovo, notably around municipal buildings, common crossing points with Serbia, Kosovo police checkpoints, mixed- community neighbourhoods, cultural heritage sites and incident-specific locations. Particular attention was paid to institutions and buildings that had been closed down in the course of police operations aimed at dismantling some of the "parallel structures". The formed police unit and the Police Advisors North also monitored selected police search and seizure operations. In addition, the formed police unit continued to monitor the security situation in Kosovo Serb majority settlements south of the Ibar/Ibër River.

On 28 June, Serbs celebrate *Vidovdan* (Saint Vitus Day) in remembrance of the Battle of Kosovo in 1389. While the celebrations usually attract large numbers of participants, partly brought in by bus from Serbia and often featuring nationalistic symbols and speeches, this year's commemorations were characterized by relatively low attendance and very small numbers of organized participants from Serbia. Based on previous experience, and in line with its mandate as second security responder, the Mission deployed its full capacity to monitor the situation at all relevant locations and coordinated closely with the Kosovo police and the Kosovo Force. The situation remained calm, and no incidents were recorded.

The announcements by different Kosovo officials and political figures about the intention to open the Austerlitz bridge for vehicle traffic were met with strong objections from the European Union, the United States and the Kosovo Force and triggered peaceful protests by Kosovo Serbs. Since the end of July, EULEX increased its monitoring activities through enhanced patrolling by its formed police unit around the bridge, in close coordination with the Kosovo Force.

EULEX continued to support the Kosovo police International Law Enforcement Coordination Unit on international police cooperation by facilitating the exchange of information with, respectively: (a) Europol, through its Swedish Europol Liaison Desk; (b) the national central bureaux of INTERPOL under the umbrella of UNMIK (INTERPOL channel); and (c) the Serbian Ministry of Internal Affairs, based on the Protocol on Police Cooperation between the Mission and the Serbian authorities.

To strengthen cooperation further, the Kosovo Force invited EULEX to enhance its involvement in the planning of the Kosovo Force annual "Golden Sabre" exercise. This exercise seeks to test the ability of the three security responders to effectively respond to threats to freedom of movement and safe and secure environment.

The Mission and the Kosovo police continued to produce joint security assessments for the municipalities in northern Kosovo, in line with the Bratislava Agreement. However, in many cases the police failed to provide relevant information about their operations in northern Kosovo in a timely manner, thus negatively affecting the Mission's ability to implement its mandate.

The EULEX Forensic Medicine Team continued to support the Institute of Forensic Medicine in searching for, exhuming and identifying remains of missing persons from the period 1998–2000. These activities included active participation in 14 field operations, resulting in two exhumations.

The Mission's experts provided key expert assistance with the examination and reporting of cases at the Institute of Forensic Medicine, including active participation in the review of several hundred remains at the Institute's morgue. Overall, these activities resulted in the identification of 10 individuals, 6 of whom had been reported as missing persons, as well as 19 reassociations to previously identified people. The

remains of nine individuals were handed over to families and authorities, three of whom had been reported as missing persons. In July, the Forensic Medicine Team participated in a meeting of the sub-working group, a technical mechanism related to the working group on persons who are unaccounted for in connection with events in Kosovo, which is chaired by the International Committee of the Red Cross. The main objective of the meeting was to reach an agreement between the Pristina and Belgrade delegations on a joint plan of activities, with fieldwork to be conducted in both territories. Although both delegations agreed in principle to tackle a number of specific locations in the upcoming months, a plan of action could not be agreed upon as the parties could not commit to a specific timeline.

During the reporting period, the Mission also signed two technical arrangements with the Institute of Forensic Medicine. The first one focused on the terms of the technical and expert support provided by the Forensic Medicine Team to the Institute. The second arrangement concerned the use of temporary containerized offices set up by EULEX at the Institute, following a fire which had damaged the Institute's building.

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

Annex II

Specialist Chambers and Specialist Prosecutor's Office

The Specialist Chambers and the Specialist Prosecutor's Office continued the efficient implementation of their mandates throughout the reporting period, including through the pronouncement of the judgment in the case of the *Specialist Prosecutor v. Pjetër Shala*; the second war crimes judgment before the Specialist Chambers; the Appeals Panel's new determination of sentence in the case of the *Specialist Prosecutor v. Salih Mustafa*; and the transfer of the *Specialist Prosecutor v. Sabit Januzi et al.* case to a Trial Panel.

On 15 March 2024, the Specialist Chambers judges gathered for their ninth annual plenary on the Chambers premises. The same day, the call for nomination of judges to a reserve list for the roster of international judges closed. The reserve list for the roster is intended to ensure that, in the future, judges who resign can be replaced immediately, thereby preventing any delay in the proceedings.

On 3 May 2024, the Single Judge issued a decision ordering the release of Mr. Isni Kilaj to Kosovo under strict conditions, given that Mr. Kilaj remained a suspect in proceedings before the Specialist Chambers. The Specialist Prosecutor's Office appealed the Single Judge's decision, which the Court of Appeals Panel denied on 13 May 2024. Mr. Kilaj was subsequently released on 15 May 2024.

Mr. Kilaj had been arrested by the Specialist Prosecutor's Office on 2 November 2023 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. He had been transferred to the Specialist Chambers detention facilities on 3 November 2023 and had made his first appearance before the Single Judge on 4 November 2023. The Specialist Prosecutor's Office submitted an amended indictment against Mr. Kilaj on 18 July 2024.

On 31 May 2024, the Specialist Chamber of the Constitutional Court delivered its judgment on a referral made by Nasim Haradinaj, who had alleged violations of his individual rights and freedoms in relation to the criminal proceedings against him before the Specialist Chambers. In its judgment, the Specialist Chamber of the Constitutional Court declared part of his complaints inadmissible and rejected the remainder, finding that there had been no violation of the Constitution of the Republic of Kosovo or the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Following the resignation of Judge Nicolas Guillou on 6 June 2024 as a rostered judge, to assume his duties at the International Criminal Court, the Appointing Authority, Major General Giovanni Pietro Barbano, EULEX Head of Mission, appointed Judge Marjorie Masselot to the roster in accordance with article 28(4) of the Law on Specialist Chambers and Specialist Prosecutor's Office. President Ekaterina Trendafilova thereafter assigned Judge Masselot as Pretrial Judge in the case of the *Specialist Prosecutor v. Sabit Januzi et al.* and as Single Judge in the case of Mr. Kilaj.

On 16 July 2024, Trial Panel I pronounced its judgment in the case of the *Specialist Prosecutor v. Pjetër Shala*. The Panel found Mr. Shala guilty of the war crimes of arbitrary detention, torture and murder and sentenced him to a prison sentence of 18 years, with credit for time served. Mr. Shala was found not guilty of cruel treatment, as that charge was subsumed by the crime of torture. This was the second war crimes judgment rendered by the Specialist Chambers.

The trial proceedings in the *Pjetër Shala* case commenced on 21 February 2023. The Specialist Prosecutor's Office closed its case on 6 July 2023 and the defence concluded its case on 9 February 2024. The closing statements took place from 15 to 17 April 2024, following which the Trial Panel closed the evidentiary phase of the case. During the trial, the Panel heard 22 witnesses in court, and a total of 34 witnesses testified or gave evidence in the case. Eight persons were admitted as participating victims. During the pretrial and trial proceedings in the case, a total of 1,280 filings were submitted, including 538 orders and decisions by President of the Specialist Chambers, the Pretrial Judge, the Trial Panel and the Appeals Panel; as well as 373 filings by the Specialist Prosecutor's Office, 369 by the defence, 127 by the Registry and 50 by the Victims' Counsel.

The Appeals Panel authorized the parties to file their notices of appeal in the case, if any, by 2 September 2024. The defence did so on 2 September 2024, and the President assigned an appeals panel. On 4 September 2024, the Presiding Judge of the Court of Appeals Panel scheduled a pre-appeal conference for 20 September 2024.

On 29 July 2024, the Supreme Court Panel issued its decision on Salih Mustafa's request for protection of legality filed on 14 March 2024 following the issuance of the appeal judgment in his case. Mr. Mustafa raised five grounds in his request for protection of legality, related to the translation of the appeal judgment into Albanian, his conviction for murder as a war crime and in relation to his sentencing.

The Supreme Court Panel granted his request, in part, and annulled the appeal judgment insofar as it related to Mr. Mustafa's sentence of 22 years of imprisonment. The Supreme Court Panel returned the judgment to the Appeals Panel in accordance with Rule 194(1)(b) of the Rules for the Appeal Panel to consider reducing Mr. Mustafa's sentence in the light of the reasoning set out in its decision. On 31 July 2024, the President again assigned the Appeals Panel to consider Mr. Mustafa's sentence and any related matters, as necessary.

On 10 September 2024, the Appeals Panel issued its decision on a new determination of Mr. Mustafa's sentence imposing an overall sentence of 15 years with credit for time served.

According to the Reparation Order issued by the Trial Panel in the *Mustafa* case in December 2023, Mr. Mustafa was ordered to pay €207,000 as compensation for the harm inflicted on the eight victims of the crimes for which he had been convicted. The Registrar is instructed to implement the Order while a Single Judge oversees the implementation. During the reporting period, the Registrar made submissions in this regard and the Single Judge issued decisions, one of which was to instruct the Registrar to assess Mr. Mustafa's current and future ability to pay the ordered compensation. Such assessment would also be essential for a possible application on behalf of the victims to the Kosovo Crime Victims Compensation Programme.

The case of the *Specialist Prosecutor v. Hashim Thaçi et al.* continued to progress expeditiously since its commencement on 3 April 2023. The Prosecution had thus far introduced the evidence of 142 witnesses, of which 82 had testified in court. The four accused were charged with six counts of crimes against humanity each – 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.

To ensure the expeditious pace of the case, a status conference was held on 27 May 2024 during which the parties discussed the latest notice by the Specialist Prosecutor's Office regarding its witness list. Following the status conference, the Panel issued a number of oral orders in court on 29 May 2024, including that the Specialist Prosecutor's Office file a further notice about its witness list no later than

16 September 2024. Another status conference will then be scheduled to allow the parties to present their views on the matter. Furthermore, the Panel ordered the Specialist Prosecutor's Office to submit a detailed plan by 21 June 2024 outlining how it intended to complete its case by 1 April 2025.

In the same vein, the defence was ordered to provide realistic estimates for cross-examinations. The Panel will review the estimates and, where necessary, impose time limits if there are inconsistencies between the Panel's estimates and those of the defence.

In the case of the *Specialist Prosecutor v. Sabit Januzi et al.*, the Pretrial Judge confirmed amendments to the joint indictment on 8 July 2024 and the Specialist Prosecutor's Office submitted the latest version thereof on 10 July 2024, which became the operative indictment in the case. As the amended indictment includes new factual allegations in relation to Sabit Januzi and Ismet Bahtijari, a further appearance was held on 12 July 2024 during which both pleaded not guilty to the new charge. The defence notified that they had filed their pretrial briefs on 2 September 2024 and the Pretrial Judge transmitted the case to a trial panel on 4 September 2024.

The Specialist Chamber of the Constitutional Court was seized on 3 April 2024 with a referral of the three accused regarding the constitutional validity of the Legal Aid Regulations of the Specialist Chambers. The Panel declared the referral inadmissible in accordance with article 113(7) of the Kosovo Constitution, article 49(3) of the Law on Specialist Chambers and Specialist Prosecutor's Office, and Rule 14(f) of the Rules of the Specialist Chamber of the Constitutional Court, as the Kosovo Constitution and the Law do not authorise individuals to raise general questions of constitutional compatibility of laws before the Specialist Chamber of the Constitutional Court.

A Supreme Court Panel was also assigned in the case on 16 July 2024, following Haxhi Shala's request for protection of legality in relation to his detention.

Mr. Januzi, Mr. Bahtijari and Haxhi Shala are charged with two counts of obstructing official persons in performing official duties and one count of intimidation during criminal proceedings.

In the case of the *Specialist Prosecutor v. Hysni Gucati and Nasim Haradinaj*, Hysni Gucati and Nasim Haradinaj continued to serve their sentences of four years and three months of imprisonment in a modified form, having been released to Kosovo with conditions on 16 October 2023 and on 12 December 2023, respectively.

On 13 June 2024, the President of the Specialist Chambers issued a final warning to Mr. Haradinaj to abide by all conditions set out in her decision on modification of sentence issued last December. The warning came after having received reports from the Registrar of the Specialist Chambers regarding Mr. Haradinaj's contacts or interviews with the media over the prior few months, without seeking the necessary approval, as mandated in the decision. The President highlighted that Mr. Haradinaj had already been reminded earlier in 2024 about the consequences of violating the President's decision. The President explained that, although the decision could be revoked or modified immediately due to the breaches, she had decided to give Mr. Haradinaj a final warning and made clear that any further breach would lead to his immediate return to the Specialist Chambers detention facilities to serve the remainder of the sentence.

During the reporting period, there were some developments in the case against Dritan Goxhaj, who was arrested in Albania on 31 July 2023 pursuant to a warrant of arrest of the Specialist Chambers for alleged offences against the administration of justice. The arrest was executed by the authorities of Albania following a Specialist

Chambers request for cooperation and assistance. On 18 September 2023, a decision approving Mr. Goxhaj's transfer to the Chambers 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. The written decision was issued five months later, on 18 March 2024. On 9 July 2024, the Albanian Supreme Court dismissed the appeal of the Tirana Prosecutor's Office against the decision of the Appeals Court to deny the transfer of Mr. Goxhaj to the Chambers.

During the six-month reporting period, 1,180 filings and 355 orders and decisions were processed, 453 documents totalling 6,870 pages translated, and 2,057 items disclosed between the parties in all the cases before the Specialist Chambers. A total of 60 hearings took place and were streamed on the website of the Chambers in the three official languages of the court – Albanian, Serbian and English. The recordings thereof are available on the YouTube channel of the Chambers. In all, 34 witnesses provided their testimonies before the Chambers during the reporting period.

There were 169 participating victims in three of the four cases before the Specialist Chambers: 8 in the case against Mr. Mustafa; 8 in the case against Pjetër Shala; and 153 in the case against Mr. Thaçi et al.

There were 236 persons on the publicly available List of Counsel eligible to practise before the Specialist Chambers, of whom 113 were qualified to represent victims. The defence teams consisted of 141 persons, of whom 78 were practising in the *Thaçi et al.* case.

Throughout the reporting period, the Specialist Prosecutor's Office maintained its prosecution of former President Hashim Thaçi and his co-accused. The Specialist Prosecutor's Office also continued to investigate obstruction of justice throughout the reporting period in order to maintain the integrity of proceedings, with a view to prosecuting all who intimidate or interfere with witnesses or provide financial or other support to such criminal offences.

Annex III

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo (as at 14 September 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
Hungary	—	1	1
Montenegro	1	1	2
Nepal	—	1	1
Slovenia	—	1	1
Total	3	6	9

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo (as at 14 September 2024)

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

