

The Topic of the Issue - REGIONAL COOPERATION

KOSOVO AND METOHIJA

COOPERATION BETWEEN THE JUDICIARIES OF SERBIA AND UNMIK

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The mandate of the UN civil administration in Kosovo, UNMIK, in the field of the judiciary was established by the common document between UNMIK and FR Yugoslavia, which was signed in November 2001. It was then agreed that in order to solve problems related to interethnic criminal activities there is a need to increase the number of international judges and prosecutors which will be working on serious inter-ethnic criminal cases. By this document the UN civil administration has assumed the obligation to also improve the court network, and to enable the introduction of all measures which will exclude every ethnic prejudice in Kosovo's judicial system. On its part, UNMIK has overtaken the duty to secure adequate access to the courts for the Serb population in Kosovo and Metohija, and to improve – within its judicial department – the accessibility of courts and employment possibilities in Kosovo's judicial system for the representatives of the Serb and other non-Albanian population. In this framework UNMIK, i.e. its judicial organs, has assumed the obligation to regularly cooperate with relevant judicial organs of the Republic of Serbia. It was also agreed that the local councils conduct trials under OSCE monitoring, in order to make the work as objective as possible.



This cooperation started rather well. Numerous cases from the period after the adoption of the UN SC Resolution 1244 were brought before the local judiciary in Kosovo, and also before the international councils which conduct trials for the most serious criminal acts.

The cooperation of UNMIK and the judiciary of Serbia is nowadays exposed to manifold challenges and numerous difficulties. Of particular influence in this regard were the events of March 17, 2004, which destabilized to a great extent the work of judicial organs in Kosovo and Metohija and distracted their attention from other cases which were of no less importance. Nowadays the cooperation between judicial organs of UNMIK and the Republic of Serbia is, no doubt, overshadowed by the political negotiations on the future status of Kosovo and Metohija, so that the new staff engaged in the investigation and judiciary, which started their office in Kosovo and Metohija, found itself in an unenviable position. Here one should add the frequent changes of personnel in the judiciary of Kosovo and UNMIK and, particularly, the permanently insecure environment in which they function.

Despite all this, one could say that certain results have been achieved. Including the first half of 2005, a total of 360 persons faced criminal trial, 100 persons are under investigation, 80 suspects were indicted, and a total of 180 verdicts were rendered in criminal trials. For minor criminal acts, which include theft, attacking officials and the like, a total of 80 judgements were pronounced, with sentences ranging from two to six months. The international prosecutor's office is investigating 60 persons for most serious criminal acts, and 6 cases included proceedings against 16 persons accused of murder, ethnic incidents, destruction of religious sites and inflicting serious injuries.

The judicial organs of Serbia had recently for the first time after the adoption of Resolution 1244 the opportunity to engage in procedural activities in Kosovo and Metohija in regard to war crimes committed there. Presently there is direct cooperation between UNMIK and the judiciary of Serbia in regard to three high level cases.

