

INTERNAL AUDIT DIVISION

AUDIT REPORT

Comprehensive Interim Audit of UNMIK mandate implementation – Police and Justice

28 February 2008

Assignment No. AP2007/650/13

United Nations  Nations Unies

INTEROFFICE MEMORANDUM

MEMORANDUM INTERIEUR

INTERNAL AUDIT DIVISION · DIVISION DE L'AUDIT INTERNE

OFFICE OF INTERNAL OVERSIGHT SERVICES · BUREAU DES SERVICES DE CONTRÔLE INTERNE

TO: Mr. Joachim Rücker
A: Special Representative of the Secretary-General
UNMIK

DATE: 28 February 2008

REFERENCE: IAD: 08- 01077

FROM: Dagfinn Knutsen, Director
DE: Internal Audit Division, OIOS



SUBJECT: **Assignment no. AP2007/650/13 - Comprehensive Interim Audit of UNMIK Mandate**
OBJET: **Implementation- Police and Justice**

1. I am pleased to present the report on the above-mentioned audit.

2. In your 4 February 2008 memorandum to OIOS, you indicated that UNMIK was not prepared to comment on the draft report, as it did not constitute the correct basis for OIOS recommendations. In OIOS' opinion, however, the findings and recommendations provided in the report identify the main areas for improvement concerning the implementation of the UNMIK mandate. It is also an obligation of the UNMIK Administration to cooperate with OIOS in providing comments on each recommendation outlined in the draft report.

3. OIOS would like to clarify that all findings and tentative recommendations had been discussed with the UNMIK Administration at the exit conference held on 9 August 2007. Therefore, this report has incorporated UNMIK's comments made at the exit conference, as well as the commentaries from your 4 February 2008 response to the draft report. In order for us to close the recommendations, we request that you provide us with information as discussed in the text of the report and also summarized in Annex I.

4. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as critical (i.e., recommendations 2, 3, 6, 7, 9, 10, 15, 16, 17 and 18) in its annual report to the General Assembly and semi-annual report to the Secretary-General.

cc: Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations
Mr. Philip Cooper, Director, DFS
Mr. Swatantra Goolsarran, Executive Secretary, UN Board of Auditors
Mr. Jonathan Childerley, Chief, Oversight Support Unit, Department of Management
Mr. Byung-Kun Min, Programme Officer, OIOS
Ms. Emma Shitakha, Chief of Staff, UNMIK
Mr. Berner Matthee, Chief Resident Auditor, OIOS

INTERNAL AUDIT DIVISION

FUNCTION

“The Office shall, in accordance with the relevant provisions of the Financial Regulations and Rules of the United Nations examine, review and appraise the use of financial resources of the United Nations in order to guarantee the implementation of programmes and legislative mandates, ascertain compliance of programme managers with the financial and administrative regulations and rules, as well as with the approved recommendations of external oversight bodies, undertake management audits, reviews and surveys to improve the structure of the Organization and its responsiveness to the requirements of programmes and legislative mandates, and monitor the effectiveness of the systems of internal control of the Organization” (General Assembly Resolution 48/218 B).

CONTACT INFORMATION

DIRECTOR:

Dagfinn Knutsen, Tel: +1.212.963.5650, Fax: +1.212.963.2185,
e-mail: knutsen2@un.org

DEPUTY DIRECTOR:

Fatoumata Ndiaye: Tel: +1.212.963.5648, Fax: +1.212.963.3388,
e-mail: ndiaye@un.org

CHIEF, [RELEVANT IAD] AUDIT SERVICE:

[Insert name of Service Chief]: Tel: +xxx, Fax: +xxx,
e-mail: [internet address](#)

EXECUTIVE SUMMARY

Comprehensive Interim Audit of UNMIK Mandate Implementation- Police and Justice Title

At the request of the Special Representative of the Secretary-General, OIOS conducted a comprehensive interim audit of the United Nations Interim Administration Mission in Kosovo (UNMIK) Mandate Implementation, from June to August 2007. The overall objective of the audit was to assess UNMIK's performance while implementing Security Council resolution 1244 (1999), focusing on the mandates with respect to Police and Justice component in the following areas: (i) developing the Kosovo Police Service (KPS); (ii) establishing an independent and multi-ethnic judiciary; and (iii) re-establishing and reforming the correctional system in Kosovo. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

The audit found that the Mission had formally transferred more than eighty per cent of the competencies for law enforcement to KPS. The Mission has also formally established judicial systems, including a correctional system, and these institutions have been "Kosovorized" to a large extent. However, the audit identified failures and deficiencies in implementing the Police and Justice component of the mandate, which need to be addressed to ensure the successful conclusion of UNMIK operations in this area.

Of particular concern are the continued weaknesses in judiciary system, which were described in the report to the Secretary-General (S/2005/635 dated 7 October 2005) by the then Special Envoy of the Secretary-General appointed for the comprehensive review of situation in Kosovo, which stated that the "Kosovo Judicial system is generally regarded as the weakest of the Kosovo institutions."

- The staff strengths of KPS and the Kosovo Correctional Service (KCS) were built up on an ad hoc basis without appropriate standards for determining the required optimum number of police and correctional staff. There is a need to re-examine the present strengths of KPS and KCS against appropriate criteria that should also take into consideration the criticality of other factors including the extent of corruption or crime.
- A review of the composition of KPS revealed that although the desirable multi-ethnicity had been attained, the participation of women in KPS had declined from 16.2 in 2002 to 13.6 per cent in 2007.
- The rapid turnover in the leadership of the Mission's Department of Justice (DOJ) and a lack of effective leadership and managerial skills on the part of the heads of DOJ limited DOJ's ability to accomplish the goals and objectives of the mandate in an efficient and effective manner. This calls for action to examine the causes for the lack of the desirable continuity at the management level of DOJ.
- The UNMIK Regulation in regard to the selection of judges was not promptly amended to provide clear goals for the required multi-ethnic

composition of the judiciary in conformity with the Kosovo Constitutional Framework.

- The number of pending court cases, which stood at 160,238 as of March 2007, is alarming. In view of the magnitude and implications of this backlog, an action plan for completing the legal and administrative processes necessary for the expeditious disposal of pending cases, has to be developed and implemented on a priority basis.
- DOJ failed to take prompt steps to ensure the full implementation of the Law on Execution of Penal Sanctions, thereby halting the mandated reform of the correctional system in Kosovo.
- DOJ did not adequately monitor the cases dealt with by local prosecutors and judges relating to the March 2004 riots, even though it has the authority to do so under UNMIK Regulation 2006/26. Overall, there were more than 1,000 cases awaiting investigation and a large number of cases are still pending prosecution/trial. Consistent with the commitments made, UNMIK should ensure that all of the pending cases are investigated and appropriate action taken, within a reasonable period of time.

OIOS made a series of recommendations intended to assist UNMIK management in developing lessons learned and preparing for the handing over of remaining police and justice functions to the successor organizations.

In commenting on the draft report, the UNMIK Administration stated that the draft report did not provide the rationale and context, or the evolution of UNMIK's mandate over the years, and that the draft report did not constitute the correct basis for the recommendations provided by OIOS. UNMIK further commented that the draft report contained several inaccuracies specifically referring to data on the investigation of the March 2004 riots.

OIOS does not agree with this assessment and points out that the audit was conducted as comprehensively as possible within the timeframe and the resources available. In this regard, OIOS would like to clarify that the findings and tentative recommendations have been discussed with the UNMIK Administration at the exit conference held on 9 August 2007. All data used in the report is supported by the documentary evidence gathered during the audit. Moreover, the data on the investigation of the March 2004 riots was included in the summary of audit findings submitted by OIOS to the UNMIK Administration management for discussion at the exit conference. However, the UNMIK Administration did not comment on the accuracy of the figures presented at the time of the exit conference.

In OIOS opinion, the audit findings and recommendations provided in the report address, to the extent possible, the main risk areas that require prompt action by the UNMIK Administration.

TABLE OF CONTENTS

Chapter	Paragraphs
I. INTRODUCTION	1-7
II. AUDIT OBJECTIVES	8
III. AUDIT SCOPE AND METHODOLOGY	9-11
IV. AUDIT FINDINGS AND RECOMMENDATIONS	
A. Development of the Kosovo Police Service	12-27
B. Establishment of an Independent and Multi-Ethnic Judiciary System	28-55
C. Re-establishment and Reform of the Correctional System	56-71
V. ACKNOWLEDGEMENT	72
ANNEX 1 – Status of Audit Recommendations	

I. INTRODUCTION

1. At the request of the Special Representative of the Secretary-General, the Office of Internal Oversight Services (OIOS) conducted a comprehensive interim audit of the United Nations Interim Administration Mission in Kosovo (UNMIK) mandate implementation from June to August 2007. This report contains results on Police and Justice component. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. OIOS plans to conduct further reviews on UNMIK's mandate implementation in 2008.

2. UNMIK was established by the Security Council (SC) resolution 1244 (1999) of 10 June 1999. The Mission is mandated to help the SC to achieve its overall objective of promoting the establishment of substantial autonomy and self-government in Kosovo, pending a final settlement. The Mission is headed by the Special Representative of the Secretary-General (the SRSG), who is the highest international civilian official in Kosovo with the civilian executive powers vested in him by the SC resolution and pursuant to the Constitutional Framework for Provisional Self-Government in Kosovo (2001). A Principal Deputy Special Representative of the Secretary-General assists the SRSG in directing and managing the Mission, and ensures a coordinated approach by the Mission's pillars including (i) police and justice, (ii) institution-building financed by the Organization for Security and Cooperation in Europe and (iii) reconstruction and development financed by the European Union. Each of the Pillars is headed by a Deputy SRSG who is accountable to SRSG. Although UNMIK has gradually turned over competencies for administration to the provisional institutions, it retains overall administrative authority and responsibility for the province.

3. As indicated in the Secretary-General's report (S1999/779) dated 12 July 1999, two main goals of UNMIK's law and order strategy in Kosovo were the provision of interim law enforcement services and the rapid development of a professional and impartial local police. There was also an urgent need to build a genuine rule of law in Kosovo through the immediate re-establishment of an independent, impartial and multi-ethnic judiciary. UNMIK's objectives in regard to this sector also included the re-establishment and reform of the correctional system in Kosovo.

4. According to the Constitutional Framework, certain other reserve powers remain vested with the SRSG. Further, UNMIK Regulation 2006/26 recognized the responsibility of UNMIK to monitor through international staff the exercise of all competencies transferred to the Kosovo Ministry of Justice and to intervene, where authorized and necessary, on behalf of the SRSG. Thus, the ultimate responsibility rests with the SRSG for ensuring that the Mission's mandates are successfully carried out.

5. *In its 4 February 2008 response to the OIOS draft report dated 26 December 2007, the UNMIK Administration did not comment on each recommendation stating that the report did not constitute the correct basis for the recommendations provided by OIOS. UNMIK further stated that the draft report*

contained several inaccuracies in important areas of the Department of Justice's (DOJ) functions and responsibilities, specifically referring to the number of reviewed cases during the investigations of the March 2004 riots.

6. OIOS does not agree with this assessment and points out that the audit was conducted as comprehensively as possible within the timeframe and the resources available. In this regard, OIOS clarifies that the data used in the report was based on the information provided by the DOJ during the audit, which was also included in the summary of audit findings the exit meeting held on 9 August 2007. However, the UNMIK management did not comment on the figures presented in the summary. In its response to the draft report, the UNMIK management provided no other details of inaccuracies in the report.

7. Comments made by UNMIK are shown in *italics*.

II. AUDIT OBJECTIVES

8. The major objective of the audit was to assess UNMIK's performance while implementing Security Council resolution 1244 (1999), focusing on the mandates with respect to Police and Justice component in the following areas:

- (a) Developing the Kosovo Police Service;
- (b) Establishing an independent and multi-ethnic judiciary; and
- (c) Re-establishing and reforming the correctional system in Kosovo.

III. AUDIT SCOPE AND METHODOLOGY

9. The audit focused on the performance results achieved by the Mission towards meeting its mandated objectives. Where performance objectives have not been adequately achieved, the internal control systems and management practices were examined to the extent necessary to identify the related causes. The audit did not evaluate the operational effectiveness of KPS and the judiciary system including their credibility and impartiality.

10. The main criteria used to assess the Mission's performance and the strength of internal control systems and management practices, included: (i) Security Council Resolution 1244; (ii) Mission strategic and operational plans; (iii) Mission performance reports; (iv) budget objectives and related success criteria; (v) applicable laws, regulations, policies and procedures; and (vi) International Organization of Supreme Audit Institutions (INTOSAI) guidelines for internal control standards for the Public Sector; best practices and other applicable standards.

11. The audit methodology comprised of interviews with key Mission personnel and the use of questionnaires to obtain relevant information and

clarifications; review of documents and reports; and a visit to a major correctional facility.

IV. AUDIT FINDINGS AND RECOMMENDATIONS

A. Development of the Kosovo Police Service

Staffing strength of the Kosovo Police Service (KPS)

12. The main outputs throughout UNMIK's mandate in developing KPS included:

- Recruitment and limited training of 7,200 KPS officers;
- Achievement of the goal for creating a multi-ethnic KPS; and
- Transition of authority from the UNMIK Police to KPS. As of June 2007, overall the transition percentages in terms of units and manpower were 83 and 86 per cent respectively.

13. UNMIK started building up KPS in September 1999 and the Kosovarization of the Service started in 2003. Since then, the UNMIK Police has been gradually transferring the responsibility for law enforcement to KPS, while retaining a monitoring and mentoring role in those areas. As of June 2007, overall the transition percentages in terms of units and manpower were stated to be 83 and 86 per cent, respectively. The current KPS strength stands at approximately 7,200.

14. Table 1 below shows the changes in the staff strength in KPS since 2000 compared to that of UN Police. UNMIK Police officials informed OIOS that it was no longer planning for a further drawdown of UN Police officers.

Table 1: Strength of UN Police and KPS

Month/Year	UN Police	KPS	Total
June 2000	3,629	1,600	5,229
June 2001	4,387	3,847	8,234
June 2002	4,524	4,770	9,294
June 2003	4,067	5,207	9,274
June 2004	3,524	5,983	9,507
April 2005	3,083	6,238	9,321
May 2006	2,106	6,826	8,932
June 2007	1,997	7,215	9,212

15. OIOS determined that there was no clear documented basis for establishing the optimum staffing strength level of KPS. The January 2002 report of the Secretary-General to the Security Council (S/2002/62) had indicated that the targeted strength of the KPS was 10,000. However, the ceiling figures for KPS, said to have originated from the previous Deputy Commissioner KPS

Administration, were for 7,335 Police staff, 1,288 Civilian staff and 477 Security staff. Furthermore, as can be seen from the UNMIK budgets from the beginning of the Mission, the maximum authorized and actual strength of UNMIK Police were 4,718 and 4,582, respectively. The UNMIK Police officials interviewed during the audit stated that there were no historical documents to support the current strength figures.

16. Subject to other critical factors to consider including the extent of corruption¹ or crime, OIOS' research revealed that the Police to Population Ratio (PPR) had been widely adopted by various countries to determine the optimal number of police personnel. The standard PPR mentioned in research publications on nation building and UN peacekeeping operations were 1:500 and 1:450, respectively. OIOS determined that the strength of KPS should be no greater than 4,500 applying the PPR of 1:450 to approximate population of 2 million at present. Yet, the present strength of KPS as 7,200 might not be justified.

17. In this regard, during the exit conference held on 9 August 2007, the UNMIK Police Commissioner stated that the Mission had already begun downsizing the force to a level compatible with European ratios, and was seeking to establish a policing needs assessment in order to allocate manpower and skills in a more effective manner.

Recommendation 1

(1) UNMIK should, in consultation with the Ministry of Internal Affairs, develop appropriate criteria for establishing optimum number of police personnel in Kosovo in order to determine the adequacy of the current strength and justify or adjust any deviation from the optimum number.

18. *In commenting on the draft report, the UNMIK Administration advised OIOS that steps had already been taken to reduce the Police to Population Ratio, which included a freeze on recruitment allowing an annual attrition rate of 250 to 300 officers. Also, a policing needs analysis was being undertaken by UNMIK for the first time in order to produce a manpower allocation formula to provide accurate figures for future establishment of police personnel.*

Minority and Gender Representation

19. As the UNMIK Police started building up KPS with funding provided from the Kosovo Consolidated Budget, KPS was administered by UNMIK under the reserved powers. However, there was no UNMIK Regulation governing KPS until December 2005. OIOS is of the view that a civil service funded by the KCB should, in the absence of a specific law, be generally governed by the laws which are applicable to all of the Kosovo civil services. A Law on Gender

¹ For example, Kosovo was among those most affected by bribery and especially petty bribes in the "Report on the Transparency International Global Corruption Barometer 2007"

Equality in Kosovo was adopted by the Kosovo Assembly and promulgated by the SRSG as Regulation 2004/18 dated 7 June 2004. Section 3.1 of the Law envisaged “equal participation for both females and males in legislative, executive, judicial bodies of all levels”. Section 3.2 clarified that “equal gender participation of both females and males, according to Section 3.1, is achieved in cases where the participation of the particular gender in the institutions, bodies or at the level of authority is 40%”. Moreover, Section 3.3 stipulates that “equal gender participation, in compliance with section 3.2, must be observed during appointments in central and local government bodies”.

20. With particular regard to KPS, the Regulation on the Framework and Guiding Principles of the Kosovo Police Service (Regulation 2005/54) promulgated on 20 December 2005 required in Section 4.4 that “the Kosovo Police Service shall recruit a work force of mixed gender and ethnicity, the composition of which proportionally reflects the multi-ethnic and gender balance in Kosovo.” Also, the Minorities Decision No. 5/154 of the Government of Kosovo issued in June 2005, called for 16.6 per cent representation of minorities in the Kosovo central government.

21. OIOS’ review of the composition of KPS revealed that UNMIK generally achieved the goal of creating the multi-ethnic KPS. Against the goal of 16.6 per cent minority representation, KPS had achieved a 16 per cent representation. However, OIOS found that there was a long way to go to attain the desired gender balance in KPS. As shown in table 2 below, the proportion of women in KPS instead of increasing actually declined steadily from 14.80 per cent in June 2004 to 13.56 per cent in June 2007.

Table 2: Women’s Participation in the KPS

Month Year	Strength Kosovo Police Service		Percentage of Women
	Total	Women	
June 2002	4,770	774	16.23
June 2003	5,207	796	15.29
June 2004	5,983	883	14.80
April 2005	6,238	884	14.17
May 2006	6,826	941	13.79
June 2007	7,215	978	13.56

22. With regard to the participation of women in the Kosovo Police Service, during the exit conference held on 9 August 2007, the UNMIK Police Commissioner stated that one of the most senior officers in KPS was a woman, and that the 13 per cent participation of women within the overall strength of KPS was among the highest rates in Europe.

Recommendation 2

(2) UNMIK, in cooperation with Kosovo Police Service, should develop an action plan to step up the recruitment and participation of women.

Witness protection system

23. The absence of an adequate witness protection system is of major concern. OIOS was informed by DOJ that a large number of criminal cases (more than 1,000) relating to the March 2004 riots would not have a chance of being properly investigated and prosecuted, as witnesses have not come forward to identify perpetrators and cooperate in investigations and trials due to fears of a lack of protection.

24. The Sixth Annual Report (2005-2006) of the Ombudsperson Institution in Kosovo stated that in Kosovo, a proper witness protection programme still existed only on paper. Further, in his technical assessment of progress of implementation of the standards prepared in April 2006 (S/2006/361), the SRSG conceded that mechanisms were still not in place for adequate witness protection. In his subsequent assessment made in November 2006, the SRSG had stated that further efforts were needed to protect witnesses from intimidation and that legislation on witness protection needed to be finalized.

25. Furthermore, in its 2006 review of the Criminal Justice System, the OSCE Mission in Kosovo highlighted gaps in the witness protection legislation and expressed a concern that the failure by authorities to effectively protect witnesses prevented the effective prosecution of alleged criminals, impeded the establishment of rule of law in Kosovo, and eroded public confidence in the justice system.

26. OIOS further noted the following weaknesses in the current witness protection system:

- The witness protection programme appears to be aimed at protecting only witnesses in the most serious criminal cases such as organized crime, human trafficking and war crimes, due to resource constraints.
- There is no UNMIK regulation in Kosovo for entering witnesses into the witness protection programme. The Provisional Criminal Procedure Code, which was promulgated by UNMIK Regulation 2003/26 did not provide sufficient tools such as changing the identities of witnesses and relocating them outside of Kosovo after the trial.

27. UNMIK advised OIOS that the PDSRSG directed a comprehensive review of the operation including psychological and medical aspects.

Recommendation 3

(3) UNMIK should develop a comprehensive and effective witness protection system based on a sound legal framework and including necessary training for the relevant police officials, prosecutors and judges.

B. Establishment of an independent and multi-ethnic judiciary system

28. UNMIK has formally established the basic requirements of the judiciary system in Kosovo, which included the following:

- The institutional development of the Kosovo Judicial Council, the Kosovo Judicial Institute and the Judicial Inspection Unit;
- Amendment of existing regulations and initiatives to achieve the goal of a multiethnic judiciary system;
- Promulgation of new regulations to reform the judiciary system; and
- Establishment of the Victims Advocacy and Assistance Unit set up to institutionalize the rights of victims of crime and develop programs to directly protect and assist victims.

29. However, the audit brought to light various failures and deficiencies discussed below. In his report to the Secretary-General (S/2005/635 dated 7 October 2005), the then Special Envoy of the Secretary-General appointed for the comprehensive review of situation in Kosovo stated that the “Kosovo Judicial system is generally regarded as the weakest of the Kosovo institutions.” the then Special Envoy of the Secretary-General further added that the civil justice system was of particular concern and that this affected everyone in Kosovo, lowering respect for the rule of law and contributing to a climate of impunity. OIOS is equally concerned with the audit findings.

Lack of effective leadership of the Department of Justice

30. There were 10 heads or acting heads of DOJ over the period 1999 to 2007 as shown in Table 3 below, which OIOS considered an abnormally high turnover:

Table 3: Turnover of Directors of the UNMIK Department of Justice

SN	Name and Designation	Duration	Months	Remark
1	Ms. Sylvie Pantz, Head Department of Judicial Affairs	01/11/ 1999-28/02/2001	16	Resignation
2	Mr. Castanon-Alvarez, Jose Fernando, Acting Director-DJA	24/02/2001-23/10/2001	8	
3	Mr. John Clint Williamson, Director, Department of Justice	24/10/2001-31/10/2002	12	Resignation
4	Mr. William Irvine, Acting Director- DOJ	01/11/2002-10/02/2003	3	

5	Mr. Paul Coffey, Director- DOJ	11/02/2003-10/02/2004	12	Resignation
6	Mr. Christopher Maxwell Acting Director-DOJ	11/02/2004-10/05/2004	3	
7	Mr. Thomas Monaghan Director-DOJ	11/05/2004-10/03/2006	21	Resignation
8	Albert Moskowitz, Director-DOJ	13/02/2006-30/03/2007	13	Resignation
9	Ms. Annunziata Ciaravolo Acting Director-DOJ	31/03/2007-13/05/2007	2	
10	Robert Dean Acting Director-DOJ	14/05/2007-		Continuing

31. In addition, there was some evidence indicating lack of effective leadership in DOJ as the review of the readily available records in the Mission's Personnel Section revealed that two of the heads were found to be unequal to the task. In one example case, a mid-term special assessment report pointed out that the post of Director of the Department of Justice presented a major challenge for him as he had never worked previously in an international environment and that he had never managed a structure of the size of DOJ with several thousand staff members. The assessment report also mentioned: "He needs to make progress in his management skills by setting himself objectives, guidelines and timeliness".

32. OIOS is of the opinion that the lack of continuous and effective leadership and managerial skills was not conducive to realizing the goals and objectives of the mandate in an efficient and effective manner. UNMIK did not provide clear explanation on such high turnover and indication of ineffective leadership.

Recommendation 4

(4) UNMIK should examine the causes for the high turnover at the Director level of the Department of Justice, in order to identify ways to improve continuity in the management of key components of peacekeeping missions.

Progress towards a multi-ethnic judiciary

33. In June 1999, Kosovo's judicial system emerged from the conflict in tatters, and there was no functioning court system as many of the non-Albanian judges and prosecutors who had worked in Kosovo during the previous ten years fled in the fear of reprisals. Establishing an independent multi-ethnic judiciary was thus stated to be one of the most urgent and challenging tasks facing UNMIK upon its arrival. For this purpose, an Advisory Judicial Commission (AJC) composed of eight local and three international experts was initially established with an extendable tenure of one year by Regulation 1999/7 promulgated on 7 September 1999, to advise the SRSG on matters related to the appointment of judges and prosecutors. Section 5.2 of the Regulation required the Commission to be guided by UNMIK's goal to establish a professional, independent, impartial and multi-ethnic judiciary and prosecution service.

34. Pursuant to Article 9.4.7 of the Constitutional Framework for Provisional Self-Government in Kosovo promulgated on 15 May 2001, any Regulation governing the selection of judges in force on or after the promulgation should have been amended to clearly provide for representation of minority communities on the basis of available ethnic composition of the population. This, however, was not done until nearly five years later when Regulation 2006/25 was promulgated in April 2006. The Regulations promulgated in 1999, 2001 and 2005 (1999/7, 1999/18, 2001/8 and 2005/52), all of which dealt with the recruitment of judges, merely drew attention to the goal of a multi-ethnic judiciary without any elaboration on the desirable multi-ethnic composition.

35. The Regulation 2006/25 stressed the need for equitable representation of all communities in Kosovo and recognized the need for remedying the under-representation of Kosovo communities among judges and prosecutors by taking specific steps, including reservation of posts and waiver of some of the requirements for selection. It envisaged minimum representation of 15 per cent of the non-Kosovo-Albanian communities and 8 per cent of the Kosovo-Serb community. OIOS notes that the regulation has had a positive effect in that five judges (of whom two belonged to the Kosovo-Serb community) were from the non-Kosovo-Albanian communities out of 12 judges recruited after the promulgation of this Regulation up to 31 May 2007. It was further understood that one of the two prosecutors recruited during this time belonged to the Kosovo-Serb community.

36. Table 4 presents the ethnic composition of local judges and prosecutors from June 2001 through June 2007. As can be seen from this table, the goal of a multi-ethnic judiciary reflecting the diversity of the people of Kosovo has yet to be fully achieved.

Table 4: Ethnic composition of local judges and prosecutors

Year Month	Strength		Non-Kosovo-Albanians		Kosovo Serbs	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
June 2001	211	24	7.5%	8.3%	0.9%	0%
June 2002	214	25	7.5%	8.0%	0.9%	0%
June 2003	246	29	7.7%	10.3%	1.6%	3.4%
June 2004	279	73	8.6%	8.2%	3.2%	2.7%
June 2005	301	85	9.3%	8.3%	4.3%	2.4%
June 2006	303	86	9.2%	8.1%	4.3%	2.3%
June 2007	307	88	10.6%	9.1%	4.6%	3.4%

37. In OIOS' opinion, the insufficient ethnic composition of the judiciary and prosecution services was largely due to the absence of legal compulsion. It is OIOS' view that the desirable multi-ethnic composition could have been further improved if a system for the reservation of posts for minority communities had been provided for in the UNMIK legislation governing the recruitment to the judiciary.

38. In this regard, during the exit conference held on 9 August 2007, the Director of DOJ commented that despite extraordinary political and financial pressures brought on minorities that were qualified to be jurists and prosecutors,

all communities and minorities of Kosovo were represented in the Judiciary, although not fully matching the imposed quotas.

Recommendation 5

(5) UNMIK should establish a mechanism to closely monitor the progress towards achieving the required level of minority representation in the Kosovo judiciary.

Judicial audit, inspection and investigation

39. The Judicial Inspection Unit (JIU) established in May 2001 by Administrative Directive (2001/4) is responsible for conducting inspection, audit and investigation within the judicial system. The Unit is located within DOJ and makes its recommendations to the Department. The Unit is also empowered to investigate into allegations of misconduct of judges and prosecutors, and to present cases of misconduct in disciplinary hearings before the Kosovo Judicial Council (KJC).

40. In OIOS' opinion, JIU lacks appropriate status and institutional capacity as indicated below:

- A plan for the future Ministry of Justice and Judicial Sector prepared in 2004 envisaged, among other things, the creation of a High Judicial Council and an Inspectorate General of Judicial and Prosecutorial Services which, though located in the Council, would act independently. It was also planned that the current JIU would be a part of the Inspectorate. Although the Kosovo Judicial Council has since been established by Regulation 2005/52 promulgated on 20 December 2005, an independent Inspectorate has yet to be established.
- As of June 2007, the JIU consisted of 31 staff members of whom 9 (5 international, 2 UNVs, and 2 local staff members) were UNMIK staff. According to DOJ, the international judicial inspectors remained with JIU due to the lack of capacity among local inspectors. JIU's workload was also increasing, and the technical skills and experience simply did not exist for the JIU to be solely staffed by Kosovars.
- According to DOJ, due to inadequate staffing, priority was given to investigations into allegations of misconduct. The Judicial Audit Section was formally established as a separate unit within JIU only in 2005. According to DOJ, the JIU consistently suffered from a shortage of international staff and relied heavily on donor support to implement its training programmes. Its audit section has also had to rely entirely on donor support for its training programmes and has been subject to the budgetary constraints imposed by the donors.

Recommendation 6

(6) UNMIK should strengthen the institutional arrangements for the audit, inspection and investigation of the judiciary by implementing the plan for the creation of an Inspectorate General of Judicial and Prosecutorial Services with proper staffing equipped with necessary qualifications and free from any conflict of interest.

Investigation of March 2004 riots

41. As a result of widespread riots in March 2004, 19 people (11 Kosovo Albanians and 8 Kosovo Serbs) were killed and more than 900 were injured. In addition, over 800 Serb houses and 35 Orthodox churches and monasteries were burned or severely damaged, and over 4,000 Serbs, Ashkalis and Romas were rendered homeless.

42. In his statement of 18 March 2004 (S/PRST/2004/5), the then President of the Security Council stressed on behalf of the Council that “those responsible must be brought to justice”. In this regard, the Secretary-General’s Special Envoy had stated in his report of 2004 that after the March violence, UNMIK undertook the commitment to bring to justice those who were responsible, and that UNMIK’s authority and ability to deter future violence and to encourage the return of former residents would be judged by its ability to live up to this commitment.

43. However, in his report to the Security Council (S/2006/707), the Secretary-General indicated that no significant progress had been made in investigating and prosecuting cases related to the violence of March 2004. In this regard, a Human Rights Watch research paper [Volume 18, No. 4(D)] in May 2006 highlighted that accountability for the March 2004 violence remained a distant goal in Kosovo.

- The technical assessment of the SRSG prepared in June 2007 (S/2007/395), indicated that as of 2 April 2007, the Police Task Force established in April 2006 to investigate the March 2004 riot cases had investigated 1,526 cases, of which 754 were under review, 177 remained open, 315 were closed, 120 were under active investigation, and 160 were being investigated by KPS.
- According to the UNMIK Budget for the period 1 July 2006 to 30 June 2007 (A/60/684), one of the expected outputs during the period was to review 350 out of 700 cases of criminal activity against Serb minorities during the March 2004 riots, sent to UNMIK’s attention by Serbian authorities, and to pursue prosecution as necessary. However, only five cases were reviewed.

44. OIOS is of the opinion that UNMIK has not closely monitored and frequently reviewed the progress of those cases considering the importance of ensuring proper and expeditious investigation, prosecution and trial of all of these

cases. For example, DOJ did not maintain a proper and comprehensive database of the cases relating to March 2004. When asked to provide a breakdown of the total number of cases that were awaiting investigation, prosecution and trial, as well as the number of cases where all of the three processes were completed, DOJ responded that it could give full information at this stage only with respect to cases handled by international prosecutors.

Recommendations 7 and 8

(7) Consistent with the public commitments made, UNMIK should expedite the investigation of all the pending cases, which relate to the March 2004 riots and prosecution of those found to be responsible, by establishing clear timeframes and goals, and properly monitoring the progress against those goals.

(8) UNMIK should determine the accountability for the failure to investigate the March 2004 riot cases in a timely manner.

45. *According to UNMIK, although DOJ had reviewed more than 300 cases, as was documented in numerous reports of the UNMIK DOJ Criminal Division, the draft report did not refer to the source of the information OIOS used to state that only 5 of 700 cases had been reviewed. UNMIK further commented that while there was certainly a need to continue to put serious efforts into investigating and prosecuting these cases, the audit report misrepresented the facts on this matter.*

46. In this regard, OIOS clarifies that the data used in the report is supported by the documentary evidence obtained from UNMIK during the audit. In a response to OIOS' inquiry on the review of cases referred to UNMIK by the Serbian authorities, DOJ had replied via e-mail on 3 July 2007 that "of the March riot cases forwarded to UNMIK by the Serbian Ministry of Interior, five cases were reviewed..." Moreover, the above data was also included in the summary of audit findings in OIOS Exit Conference Briefing notes which OIOS provided to DOJ and the SRSG Office for the exit meeting held on 9 August 2007. However, the UNMIK management did not comment on the figures presented in the summary.

47. Furthermore, addressing UNMIK's statement that DOJ reviewed more than 300 cases, OIOS additionally inquired with DOJ whether the cases UNMIK referred to in their e-mail dated 3 July 2007 as cases where "local prosecutors have brought over 300 criminal charges", pertained to cases forwarded to UNMIK by the Serbian Ministry of Interior. DOJ, in its e-mail dated 13 February 2008 stated that "without checking each individual case file UNMIK could not give a 100 per cent certain answer, as such information is not recorded in the statistics maintained by the local judiciary (and UNMIK did not have the resources at present to engage in such a time-consuming task). However, it is likely that, yes, there is some overlap between the cases forwarded by Belgrade

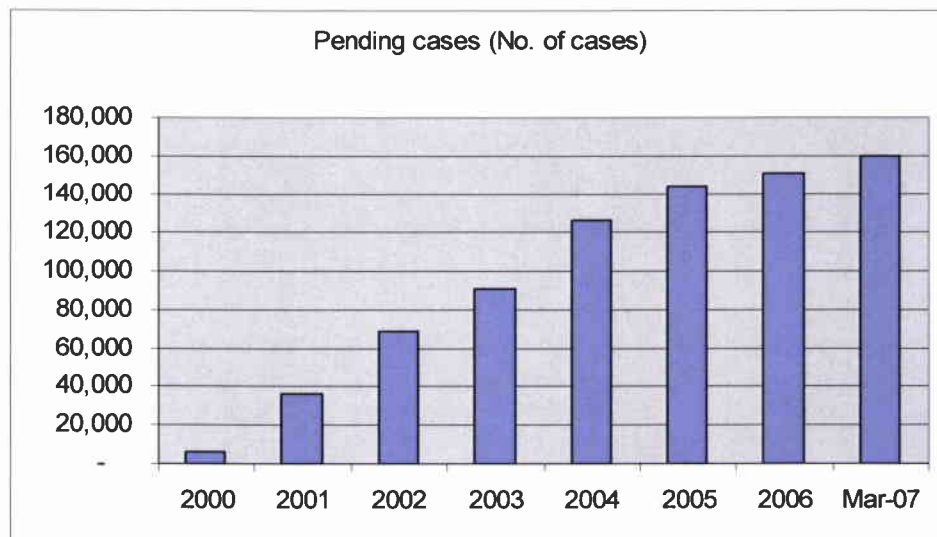
and the 300+ criminal charges brought by local prosecutors.” UNMIK could not confirm their figures with documentary evidence.

Backlog of court cases

48. Article 9.4.3 of the Kosovo Constitutional Framework guarantees that, “Each person shall be entitled to have all issues relating to his rights and obligations and to have any criminal charges laid against him decided within a reasonable time by an independent and impartial court”. In this regard, in paragraph 16 of his report to the Security Council (S/2003/421 of 14 April 2003), the Secretary-General indicated that the ratio of Kosovo local judges and prosecutors per 100,000 inhabitants were close to European standards. However, he added that despite the high proportion of judges, prosecutors and courts relative to the population, there remained a significant backlog of cases pending in the courts.

49. Chart 1 shows the increase in the total number of pending cases (civil and criminal) from 2000 to 2007. The total number of pending court cases, which stood at 160,238 as of March 2007, is alarming. An ageing analysis of pending cases was not available, as DOJ has not maintained these data. In 2006, the Kosovo Judicial Council promulgated time standards for the disposal of district and municipal court cases which ranged from 90 to 270 days depending on whether the cases were civil or criminal. However, the time standards were not monitored by DOJ

Chart 1: Increase in the number of pending court cases



50. The Ombudsperson in Kosovo, in its Sixth Annual Report (2005-2006) dated 11 July 2006, has highlighted the fact that judges were not assigned to courts according to the existing needs. The Ombudsperson’s report further stated that the general low quality of work in the courts and a lack of professionalism and motivation, especially on the side of the first-instance courts, increased the already overwhelming backlog of cases pending appeal courts.

51. In its first review of the civil justice system in Kosovo which was reported in June 2006, the Organization for Security and Cooperation in Europe (OSCE) also mentioned that “after having monitored civil cases for over a year, the OSCE concludes that the poor management of cases is one of the key-reasons for the existing backlog of civil cases.” In the opinion of OIOS, the OSCE and Ombudsperson’s findings emphasize the requirement of need-based and effective judicial training.

52. UNMIK explained several initiatives aimed at reducing the backlog of court cases as below:

- Implementation of the court automation project in all courts and prosecutors’ offices in Kosovo, which, however, was well behind schedule. Further, according to an evaluation report of the justice system reform activity in Kosovo commissioned by the U.S. Agency for International Development (USAID) and published in July 2006, “the development and execution of the Case Management Information System has proven uneven, incomplete and poorly managed.”
- Increase of the number of executive clerks. The courts were staffed with approximately 70 executive clerks in 2003, and 24 additional executive clerks were added since then.
- KJC’s adoption of Strategic Plan for the next five years which included the reduction of pending cases by using mediation, inventorying old cases, using joint claims processing where appropriate, training staff, and other non-traditional measures.

53. OIOS also noted efforts in establishing legal framework as below:

- OIOS noted that since 2005, an alternative dispute resolution project has engaged in the development of court-appointed mediation as one means of streamlining the resolution of cases. DOJ informed OIOS that the draft law on mediation had been submitted to the Prime Minister’s Office for further action.
- OIOS also noted that a new law on notaries was envisaged more than two years ago, which in accordance with the above mention USAID evaluation report, almost all “uncontested” legal actions - such as notarization of deeds, wills, contracts and other documents - would be transferred from the municipal courts to a cadre of up to 50 private notaries. According to judges and others interviewed for the evaluation, the law on new notaries will remove certain ministerial functions from the courts, leaving more time for judges to address contested actions. However, the law was still yet to be adopted at the time of the audit.

Recommendations 9 to 11

(9) UNMIK should ensure and expedite the enactment of legislation on notaries and court-appointed mediation, and the implementation of the case management information system.

(10) UNMIK should ensure that the Kosovo Judicial Council takes prompt and effective remedial steps aimed at reducing the backlog of pending cases, which should include maintaining a more effective database on case load and ageing, and implementing and monitoring the time standards; and

(11) UNMIK should ensure that the Kosovo Judicial Institute develops and implements a need-based judicial training programme to help avoid any further build-up of pending court cases.

Documents on the work of the Technical Advisory Commission

54. UNMIK Regulation 1999/6 promulgated on 7 September 1999 established the Technical Advisory Commission to advise the SRSG on the “structure and administration of the judiciary and prosecution service in Kosovo”. The Commission was required to submit its report and recommendations to the SRSG and to “use its best efforts to submit the report within thirty days after its constitution”. OIOS asked DOJ about the recommendations made by the Commission and whether there was any action plan drawn up on the basis of the recommendations. However, DOJ responded that there was “no available information at this time”.

55. DOJ informed OIOS at the end of the audit that the documentation containing the recommendations of the Commission and the action taken had been found and further informed that DOJ had implemented all but two of the Commission’s recommendations. However, the lack of knowledge on the part of DOJ managers concerning the Commission’s work is an example among other information gaps identified during the audit, which indicated little regard to the importance of a knowledge management system to help to ensure that information and institutional memory are properly retained.

Recommendation 12

(12) UNMIK should establish a functional knowledge management system across the Mission.

C. Re-establishment and reform of the correctional system

Kosovo Correctional Service

56. According to the first report of the Secretary-General to the Security Council on UNMIK (S/1999/779 dated 12 July 1999), the Mission's mandate included re-establishment and reform of the correctional system in Kosovo, "in a legal and operational framework that is consistent with international prison standards". Pursuant to this mandate, the Mission established KCS in 1999. As of June 2007, the total strength of KCS was stated to be 1,573 against ceiling of 1,610. The number of detainees / prisoners was 1,210 as of June 2007. Yet, the present strength of KCS may not be justified.

57. OIOS' research identified that the average number of inmates per employee in KCS was 0.77 in 2007, or more than twice the staff strength of Slovenia (1.59), which OIOS considered as a comparably situated Balkan country. OIOS is of the view that this ratio together with any other relevant factors such as long-term need and / or sustainability has to be borne in mind when assessing the KCS staff strength.

Recommendation 13

(13) UNMIK should develop appropriate criteria for establishing the optimum number of Kosovo Correctional Service staff strength in order to determine the adequacy of the current strength and justify or adjust any deviation from the optimum number.

Legal framework

58. The Law on Execution of Penal Sanctions (the Law) was promulgated on 19 November 2004 (UNMIK Regulation 2004/46). The Law made a number of mandatory provisions for the issuance of a variety of directives, as summarized below in Table 5, by "the competent public entity in the field of judicial affairs" within six months of the entry into force of the Law, i.e., before 19 August 2005. According to DOJ, the competent public entity was generally acknowledged as being the Director of DOJ. However, as transition has already occurred, the competency now belongs to the Kosovo Minister of Justice.

Table 5: Provisions in the Law on Execution of Penal Sanctions for issuance of Directives

Provision	Article	Subject
1	32 (7)	Accommodation of convicted persons
	52	Standard Operating Procedures on the provision of health care, consent to health care assessment and treatment, hunger strikes and prevention of suicide and self-inflicted injuries
2	57 (1)	Rehabilitation programme
	57 (2) read	separate rules on internal order of the

	with Article 98 (2)	correctional facility, including the conditions and manner of use of privileges of a sentenced person
3	64 (6), 67 and 68 (2)	Rules for regulating visits
4	71 (3)	Procedures governing convicted persons' money
5	79 (4)	Terms and conditions of work
6	95 (2)	Granting and implementing semi-liberty
7	120	Disciplinary punishments
8	127	Use of force, restraint equipment and firearms
9	188	Establishment of correctional facilities and the classification of the types of the facilities
10	191 (2)	Standards, professional code of conduct and code of discipline for the staff of the Kosovo Correctional Service

59. The directives had not been issued by DOJ before 19 August 2005, as per the time limit laid down by the Law. According to the representatives of DOJ, there were updated rules and standard operating procedures governing the correctional system based on the old Yugoslavian and Serbian laws. In particular regard to article 191 (2), DOJ's responded that correctional staff came under the Kosovo Civil Service Code of Conduct. OIOS noted, however, that they did not cover all of the required areas indicated in Table 4. There also should be a specific professional code for KCS pursuant to the standards for Kosovo.

60. Whereas the Law provided for reform and modernization, such as rehabilitation programmes, provision of remunerative work, granting and implementing semi-liberty, and provision of separate correctional facilities for minors, preparative steps still need to be taken and directives issued. Otherwise, the correctional system will not be fully modernized as envisaged by the Law.

61. While the executive oversight over the correctional service was transferred to the Ministry of Justice in accordance with the Regulation 2006/26 of April 2006, Regulation 2006/26 empowers UNMIK to monitor the exercise of the competencies transferred to the Ministry of Justice and to intervene, as necessary. Further, according to Article 200 of the Law, "the Special Representative of the Secretary-General may issue Administrative Directions for the implementation of the Law".

Recommendations 14 and 15

(14) UNMIK should ensure that the Ministry of Justice complete the legal formalities for the implementation of the Law on Execution of Penal Sanctions by establishing an action plan and timelines, and monitor its progress in exercise of the authority granted to UNMIK by Regulation 2006/26; and

(15) UNMIK should issue Administrative Directions, pursuant to Article 200 of the Law on Execution of Penal Sanctions, in order to fully implement the Law.

Correctional facilities

62. Article 185 of the Law on Execution of Penal Sanctions defines the kinds of the correctional facilities that needed to be established. Article 186 further provides that, according to the level of security and the nature of treatment of the convicted persons, correctional facilities may be of the confined, semi-confined and open type.

63. According to DOJ, the Penal Management Division (PMD) inherited only two types of prison facilities from the former Yugoslavian Prison System -- confined units and detention centres. A semi-confined facility was introduced by PMD in December 2005. Currently, there are two prisons and five detention centres with total capacity of 1,665.

64. OIOS' visit to the Dubrava prison (the largest with capacity of 1,104), which is exclusively for men, revealed that the prisoners were provided some educational and vocational training, and that there was a hospital within the prison. However, discussion with the DOJ officials indicated that Lipjan Prison accommodated both women and minors, but there were neither separate prisons for women and children, nor separate educational-correctional institutions for the committal of minor offenders. In this connection, it is pertinent to point out that Article 32 (4) of the Law stipulates that "minors shall not be accommodated in the correctional facility or part of the correctional facility as adults".

65. According to DOJ, in extreme emergencies and for limited periods of time, 2,351 places could be made available for prisoners and detainees. The basis for the determination of the optimum capacity of the correctional facilities was stated to be the European standard of average incarceration of 100 per 100,000 of the general population. As such, there may currently be adequate overall capacity while the potential impact on the need for increased capacity that might result from current backlog of 160,000 court cases should be also taken into consideration.

66. Article 195 (2) Law on Execution of Penal Sanctions provides that there must be an internal inspection of correction facilities to promote their economical and efficient operation and to ensure that the objectives, policies and principles of the law are met. According to DOJ, no action has been taken in this regard. OIOS noted that the Transition Plan of the Penal Management Division (PMD) dated 16 May 2005 stated that PMD was developing a strategy to establish an internal Inspection Unit for the correction facilities with a proposed implementation date of 19 August 2005. However, this plan was not acted upon and as a result, there are no institutional arrangements for ensuring the accountability of KCS and its proper and efficient functioning.

67. During the exit conference held on 9 August 2007, the Director of DOJ stated that getting funds to establish a separate correctional facility for such a small number of women and juveniles was difficult. However, this issue was being addressed by fully protecting women and juveniles from the general male population in Lipjan/Lipljane Detention Centre, and by placing them in completely segregated blocks.

Recommendations 16 and 17

(16) UNMIK should ensure that action is initiated by the Ministry of Justice to assess the adequacy of the capacity of the correctional infrastructure in Kosovo and to conform to the standards and requirements of the legislation on the execution of penal sanctions.

(17) UNMIK should ensure that the Ministry of Justice establishes standards, rules and mechanisms for the internal inspection of the correctional facilities.

Prisoner escort service

68. Although KCS was established in 1999, and PMD had planned to take over the prisoner escort function from UNMIK Police in 2003, it has not yet been transitioned due to a lack of coordinated planning and capacity building.

69. The prisoner escort function continues to be carried out by about 100 international police from UNMIK Police's specialized Prisoner Escort Unit (PEU) established in March 2001, at a higher cost to the Organization. PEU was reported to have had 5,190 escorts against a total of 2,858 prisoners in 2005, and 5,717 escorts for 3,211 prisoners in 2006. Only recently there was some indication of the possibility of partial transfer of this responsibility to KCS. UNMIK Police officials stated that standard risk prisoner transportation is planned to be transitioned to KCS. There was no information regarding the transition of the high risk prisoner transportation.

70. In explaining the delay in KCS' taking over the responsibility for this function, DOJ informed OIOS that a tender had been issued for the purchase of prisoner escort vehicles and the purchase of weapons for KCS and that 90 KCS staff were trained in the use of firearms. However, the authority for KCS to carry firearms has not been given. Transition can not take place until KCS has been given the authority to carry firearms and all of the necessary vehicles and equipment are provided.

71. UNMIK Police officials stated that training was essential especially for newly deployed PEU officers, and that the PEU training cell has been conducting basic and advanced courses in this regard. For high risk transportation team members, special qualifications and familiarization courses, including armored vehicle driving courses, were required for safe and successful operation. OIOS noted, however, that no training was organized for either KPS or KCS.

Recommendation 18

(18) UNMIK should take immediate steps, in consultation with the Ministry of Justice, for handing over the prisoner escort function without further delay, which should include ensuring that suitable officers from the Kosovo Correctional Service are selected, trained and equipped.

V. ACKNOWLEDGEMENT

72. We wish to express our appreciation to the management and staff of UNMIK for the assistance and cooperation extended to the auditors during this assignment.

STATUS OF AUDIT RECOMMENDATIONS

Recom. no.	C/O ¹	Actions needed to close recommendation	Implementation date ²
1	O	Submission to OIOS of documentation on the criteria developed for establishing the optimum number of police personnel in Kosovo.	Not provided
2	O	Providing OIOS with the action plan to step up the recruitment and participation of women in Kosovo Police Service.	Not provided
3	O	Development of a comprehensive and effective witness protection system and providing OIOS with documentation showing that necessary training was provided to relevant police officials, prosecutors and judges.	Not provided
4	O	Submission to OIOS of documentation showing the causes for the high turnover at the Director level of the Department of Justice and action taken to improve continuity in the management of key components of peacekeeping missions.	Not provided
5	O	Submission to OIOS of documentation describing the mechanism developed to closely monitor the progress towards achieving the required level of minority representation in the Kosovo judiciary.	Not provided
6	O	Submission to OIOS of documentation showing the mechanisms developed to strengthen the institutional arrangements for the audit, inspection and investigation of the judiciary and proper staffing.	Not provided
7	O	Submission to OIOS of documentation showing actions taken to expedite the investigation of all the pending cases, which relate to the March 2004 riots with established timeframes and properly monitoring system.	Not provided
8	O	Submission to OIOS of documentation showing that the accountability was established for the failure to investigate the March 2004 riot cases in a timely manner.	Not provided
9	O	Providing OIOS with documents showing actions taken for expediting the enactment of legislation on notaries and court-appointed mediation, and the implementation of the case management information system.	Not provided
10	O	Submission to OIOS of documentation showing actions taken by Kosovo Judicial Council aimed at reducing the backlog of pending cases.	Not provided
11	O	Submission to OIOS of documentation showing actions taken by the Kosovo Judicial Institute to develop and implement a need-based judicial training programme for pending court cases.	Not provided
12	O	Submission of to OIOS documentation showing actions taken to establish the functional knowledge management system in the Mission.	Not provided

13	O	Providing OIOS with documentation on the criteria developed and actions taken for establishing the optimum number for the Kosovo Correctional Service staff strength.	Not provided
14	O	Submission to OIOS of documents showing that the Ministry of Justice completed the legal formalities for the implementation of the Law on Execution of Penal Sanctions with the established action plan.	Not provided
15	O	Providing OIOS with the Administrative Directions issued, pursuant to Article 200 of the Law on Execution of Penal Sanctions, in order to fully implement the Law.	Not provided
16	O	Submission to OIOS of documentation showing the actions initiated by the Ministry of Justice to assess the adequacy of the capacity of the correctional infrastructure in Kosovo and to conform to the standards and requirements of the legislation on the execution of penal sanctions.	Not provided
17	O	Submission to OIOS of documents showing that the Ministry of Justice has established standards, rules and mechanisms for the internal inspection of the correctional facilities.	Not provided
18	O	Providing OIOS with documentation showing actions taken for handing over the prisoner escort function and ensuring that suitable officers from the Kosovo Correctional Service are selected, trained and equipped.	Not provided

1. C = closed, O = open