

<b>Country/entity</b>	Kosovo Serbia Yugoslavia (former)
<b>Region</b>	Europe and Eurasia
<b>Agreement name</b>	Justice
<b>Date</b>	9 Feb 2015
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes

**Agreement/conflict level** Interstate/intrastate conflict(s)

**Balkan Conflicts (1991 - 1995) (1998 - 2001)**

Former Yugoslavia

The disintegration of former Yugoslavia post cold war saw conflicts which became mediated and produced peace agreements in Slovenia (where the brief independence conflict was mediated by the EC Troika in 1991), Croatia (between Croatian and Serb populations 1991-1995), in Bosnia (between Croatian, Serb and Bosniak populations 1992-1995), in Macedonia (where mediation played a key pre-emptive role in preventing large scale conflict in 2001), in Kosovo (between Kosovar Albanians and Serbian population and the Federal Republic of Yugoslavia (FRY), but also between FRY and NATO, 1998-1999), and a conflict in the Presevo Valley (between Albanians in South Serbia and FRY, 2000-2001). The continued fall-out of the disintegration of former Yugoslavia also saw mediated agreement and ultimate dissolution of the Union between Serbia and Montenegro.

Bosnia-Herzegovina

In 1991, after nationalist parties won the first multi-party elections in the Socialist Federal Republic of Yugoslavia, a violent process of disintegration commenced. With its mixed population, Bosnia-Herzegovina became the centre of the following civil war that began in 1992 between the newly formed army of the Republic of Bosnia and Herzegovina (mostly Muslim Bosniacs), and the parastatal forces of self-declared Bosnian Croat (Herzeg-Bosnia) and Bosnian Serb (Republika Srpska) entities within Bosnia-Herzegovina, supported by Croatia and Serbia, with various, often short-lived, coalitions. The General Framework Agreement (Dayton Peace Agreement), signed in 1995, split the country into two ethno-federal entities, the Bosniak-Croat Federation and the Republika Srpska, and included continued peacekeeping and institutional administration by international actors.

Kosovo

The conflict between Serbs and Kosovar Albanians has a long history and always involved territorial disputes as well as ethno-political, cultural and linguistic factors. The most recent phase of the conflict began in November 1997 when the Albanian Kosovo Liberation Army (KLA or UCK) began their campaign for the independence of Kosovo from the Federal Republic of Yugoslavia (FRY – then Serbia and Montenegro). The subsequent war lasted until the NATO intervention, which undertook bombing campaigns of Belgrade and other places in Serbia during spring 1999. The main agreements solving the conflict were internationally driven and, finally, a UNSC resolution imposed a post-conflict arrangement in the wake of what was essentially a NATO military victory. In February 2008, Kosovo's parliament declared independence, but independence is still internationally disputed.

Close

Balkan Conflicts (1991 - 1995) (1998 - 2001)

**Stage**

Framework/substantive - partial

<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Kosovo-Serbia Normalisation Process
<b>Parties</b>	Copy of agreement unsigned, believed to have been initialled by Prime Minister of Serbia Aleksander Vucic and Prime Minister of Kosovo Isa Mustafa. Hashim Thaci (Kosovo) and Ivica Dacic (Serbia) were also in attendance.
<b>Third parties</b>	Copy of agreement unsigned, believed to have been initialled by High Representative of the EU for Foreign Affairs and Security Policy, Federica Mogherini.
<b>Description</b>	The agreement in its entirety provides for revising the judicial system four Serb-majority municipalities in northern Kosovo (Mitrovica North, Zubin Potok, Leposavic and Zvecan) and the Albanian majority municipality Mitrovica South. It stipulates the ethnic composition of judges and the responsibilities of particular courts and departments.

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<b>Agreement document</b>	<a href="#">KV_150209_Justice.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
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## Groups

<b>Children/youth</b>	Groups→Children/youth→Substantive Page 1, 12. The second premises of the Mitrovica Basic Court in the Mitrovica south will comprise of: - The department for minors for the entire Mitrovica region,
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/national group</b>	Groups→Racial/ethnic/national group→Substantive Summary: The agreement in its entirety provides for revising the judicial system in Serb-majority municipalities in northern Kosovo, in order to dismantle parallel structures and integrate the Serbian community. This includes proportionality of Kosovo Serb judges, and designations that a Kosovo Serb must be the president of the Mitrovica Basic Court. For full provisions see Judiciary and courts category.
<b>Religious groups</b>	No specific mention.
<b>Indigenous people</b>	No specific mention.
<b>Other groups</b>	No specific mention.

**Refugees/displaced persons** No specific mention.

**Social class** No specific mention.

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## **Gender**

**Women, girls and gender** No specific mention.

**Men and boys** No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

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## **State definition**

**Nature of state (general)** No specific mention.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** No specific mention.

**State symbols** No specific mention.

**Independence/secession** No specific mention.

**Accession/unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border provision** No specific mention.

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## **Governance**

**Political institutions (new or reformed)** No specific mention.

**Elections** No specific mention.

**Electoral commission** No specific mention.

**Political parties reform** No specific mention.

**Civil society** No specific mention.

**Traditional/religious leaders** No specific mention.

**Public administration** No specific mention.

**Constitution** No specific mention.

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## **Power sharing**

**Political power sharing** Power sharing→Political power sharing→Other proportionality  
Sub-state level  
Page 1, 11. The Mitrovica Basic Court premises in Mitrovica north will comprise of:  
- The division of the Court of Appeals in Mitrovica, which will be composed of 5 Kosovo Serbs and 2 Kosovo Albanian Judges,  
- The department for serious crimes for the entire Mitrovica region, which will be composed of 4 Kosovo Serbs and 4 Kosovo Albanian Judges,  
- The part of the general department adjudicating over all criminal offences for Mitrovica north, Mitrovica south and Zvečan.

**Territorial power sharing** No specific mention.

**Economic power sharing** No specific mention.

**Military power sharing** No specific mention.

## **Human rights and equality**

**Human rights/RoL general** No specific mention.

**Bill of rights/similar** No specific mention.

**Treaty incorporation** No specific mention.

**Civil and political rights** No specific mention.

**Socio-economic rights** No specific mention.

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## **Rights related issues**

**Citizenship** No specific mention.

**Democracy** No specific mention.

**Detention procedures** No specific mention.

**Media and communication** No specific mention.

**Mobility/access** No specific mention.

**Protection measures** No specific mention.

**Other** No specific mention.

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## **Rights institutions**

**NHRI** No specific mention.

**Regional or international human rights institutions** No specific mention.

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## **Justice sector reform**

**Criminal justice and emergency law** No specific mention.

**State of emergency provisions** No specific mention.

## Judiciary and courts

Summary: the agreement in its entirety reforms the judiciary in Serb-majority municipalities in the north of Kosovo.

Page 1, 1. Kosovo laws will apply to judicial institutions in accordance with the First Agreement.

Page 1, 2. There will be one Basic Court and one Basic Prosecution Office for Mitrovica region.

Page 1, 3. There will be multiple premises for the Mitrovica Basic Court.

Page 1, 4. There are four existing branches to the Mitrovica Basic Court in the Mitrovica region (Zubin Potok, Leposavić, Srbica, Vučitrn).

Page 1, 5. The vast majority of cases coming from the municipalities where the branches are located are adjudicated in the branches, in accordance with the law.

Page 1, 6. In Kosovo, the President of a Basic Court decides on the allocation of cases.

Page 1, 7. The allocation of cases to prosecutors is based on expertise, specialization, personal background and local area knowledge, in accordance with Kosovo law.

Page 1, 8. The vast majority of cases in a Basic Court are decided by single judge, in accordance with Kosovo law.

Page 1, 9. Both sides will be represented in all premises of the Mitrovica Basic Court, the Basic Prosecution Office and the division of the Court of Appeals in Mitrovica.

Page 1, 10. The Mitrovica Basic Court premises in Mitrovica north will host a majority of Kosovo Serbs.

Page 1, 11. The Mitrovica Basic Court premises in Mitrovica north will comprise of:

- The division of the Court of Appeals in Mitrovica, which will be composed of 5 Kosovo Serbs and 2 Kosovo Albanian Judges,
- The department for serious crimes for the entire Mitrovica region, which will be composed of 4 Kosovo Serbs and 4 Kosovo Albanian Judges,
- The part of the general department adjudicating over all criminal offences for Mitrovica north, Mitrovica south and Zvečan.

Page 1, 12. The second premises of the Mitrovica Basic Court in the Mitrovica south will comprise of:

- The department for minors for the entire Mitrovica region,
- The part of the general department adjudicating over civil matters, uncontested claims, minor offenses for Mitrovica north, Mitrovica south and Zvečan,

The second premises will be located in Mitrovica south, in the so-called "YugoBanka" building, or another building to be agreed by both sides.

Page 1, 13. The President of the Mitrovica Basic Court is a Kosovo Serb from northern Kosovo.

Page 2, 14. The Chief Prosecutor of the Mitrovica Basic Prosecution Office is a Kosovo Albanian. The premises are located in the Mitrovica North Administrative Office (MNAO), situated in Bosniak Mahala or another building to be agreed by both sides.

Page 2, 15. A Kosovo Serb will head the division of the Court of Appeals sitting in



**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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**Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

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**Land, property and environment**

**Land reform/rights** No specific mention.

**Pastoralist/nomadism rights** No specific mention.

**Cultural heritage** No specific mention.

**Environment** No specific mention.

**Water or riparian rights or access** No specific mention.

## **Security sector**

<b>Security Guarantees</b>	No specific mention.
<b>Ceasefire</b>	No specific mention.
<b>Police</b>	No specific mention.
<b>Armed forces</b>	No specific mention.
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	No specific mention.
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

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## **Transitional justice**

<b>Transitional justice general</b>	No specific mention.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.

<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	No specific mention.

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## **Implementation**

<b>UN signatory</b>	No specific mention.
<b>Other international signatory</b>	No specific mention.
<b>Referendum for agreement</b>	No specific mention.
<b>International mission/force/similar</b>	No specific mention.
<b>Enforcement mechanism</b>	No specific mention.
<b>Related cases</b>	No specific mention.

<b>Source</b>	Government of the Republic of Serbia, Negotiation process with Pristina <a href="http://www.kim.gov.rs/eng/pregovaracki-proces.php">http://www.kim.gov.rs/eng/pregovaracki-proces.php</a>
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