

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

Conflict nature	Government/territory
Peace process	Kosovo-Serbia Normalisation Process
Parties	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.
Third parties	Copy of agreement unsigned, believed to have been initialled by High Representative of the EU for Foreign Affairs and Security Policy, Federica Mogherini.
Description	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.

Agreement document [KV_150209_Justice.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth	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,
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	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.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

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.

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.

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.

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.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

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.

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.

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

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

Transitional justice

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

Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

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