

## Rule of Law in North Mitrovica and UNMIK's Failure to Dismantle the Serbian Parallel Structures

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### Abstract

This article explores the main reasons why UNMIK failed to dismantle the parallel structures in Mitrovica north during its mandate in Kosovo, illustrating the difficulties it has encountered in attempting to expand its administration and the rule of law. The Serbian parallel structures supported by Belgrade functioned in violation with the Resolution 1244 of UN and applicable law in Kosovo. The paper analyzes illegal formations such as the "Bridge Watchers", the Serbian MUP officers in the security sector and parallel Serbian courts. The main reason for the poor results was the lack of determination of UNMIK to fulfill its mandate; the lack of necessary security on the ground; the delays in the deployment of international police; the tolerance for the parallel trials. The paper examines various organizations' reports and documents; as well as interviews with senior Kosovo officials, analyzing in depth the causes of failure. By exploring UNMIK's performance in northern Mitrovica, the paper brings an empirical contribution to UN missions in areas of post-conflict societies.

**Keywords:** Justice, Mitrovica North, Parallel Structure, Rule of Law, Security, UNMIK.

### Introduction

The Serbian parallel structures in northern Mitrovica became the main obstacle to extend the authority of legitimate institutions in this part of the territory and undermined the establishment of the rule of law. After the war, in the municipalities inhabited by Serbs, such structures as schools, hospitals and courts continued to function as in the previous regime. These structures were called parallel because they were not in line with UNMIK competences deriving from the Security Council Resolution 1244 (1999) that mandated UNMIK to administrate the territory of Kosovo and to establish democratic institutions.

Parallel structures were promoted, financed and acted under the authority of the Serbian government. There were cases where they operated under the same roof with UNMIK institutions and bodies recognized by the Kosovo Self-Government Institutions. Very often these structures were also mixed with members of organized crime. Throughout UNMIK's mandate in the northern part of Mitrovica, there were violent incidents and inter-ethnic clashes between Albanians and Serbs. Very often, the targets of the attacks were the security forces such as KFOR and UNMIK Police, as well as the civil administration. The security climate hindered the expansion of the UN administration and favored the establishment of parallel structures.

The theoretical basis on which this article relies is related to the concept of the rule of law, for which there is a consensus among scholars regarding its role as a necessary condition and a central pillar in the functioning of democracy (Linz & Stepan 1996), (O'Donnell 2005), (Kleinfeld 2006), (Diamond & Morlino 2005). According to

O'Donnell (2005), the rule of law consists of five dimensions: the extension of the legal system, the independence of courts, fair treatment of citizens by institutions, respect for civil rights and participation (3).

Establishing the rule of law in northern Mitrovica could not have been done without the dismantling of parallel structures. In fact, it would have been the first step towards achieving this goal. Installing the rule of law is part of the process of reconstruction (S/2004/616 2004), (Caplan 2005), (Chesterman 2004) in post-conflict territories and it is one of the most difficult challenges for international administrators. In post-conflict societies, where situations are incredibly complex, in order to establish the rule of law, security is firstly required. As George Tanham said, "creating a safe environment is *sine qua non*" for post-conflict reconstruction" (Tanham 1966: 138).

Security involves all aspects of public security, in particular, the creation of a safe and secure environment and the development of effective security institutions. Security involves not only the protection of civilians from violence but also the territorial integrity of a state (Hamre & Sullivan 2002: 141). The lack of elementary security would disable all efforts to establish political institutions, to adopt laws, to promote reconciliation, and initiate the economic development (Stromseth & others 2006: 134). Besides security, some other factors hinder the establishment of the rule of law in societies emerging from the war. According to Chesterman, in the territories where state institutions that existed earlier served to violate citizens' rights, building the trust with the state requires a transformation of how these institutions are seen. The challenges are enormous, as the informal mechanisms emerging at the time of the conflict may also create economic and political incentives that might work against the rule of law (Chesterman 2005: 69). Numerous human and financial resources are required to challenge these incentives, as well as careful coordination of policies among international and local actors. It also requires the ability to react quickly and creatively concerning sensitive and unpredictable developments in the field (Stromseth & others 2006: 6).

Establishing the rule of law in northern Mitrovica is related to the problem of the territorial extension of UNMIK's legitimate authority, which failed to do so during its mandate in Kosovo. The extension of governing authority throughout the territory is the dimension that determines the relations between citizenship and democracy and deals with the capacities of the state apparatus to accomplish this goal, in order to ensure safety and protect the political community. Only by exercising this authority, the state will be able to guarantee human rights and freedom, as well as the functioning of the law, which are the essential components of democracy (Linz & Stepan 1996: 19).

Another important factor influencing the establishment of the rule of law by international administrators is the local perception of their legitimacy (Stromseth & others 2006: 52). Moreover, over the time, the gap between the antagonist groups regarding the interventionists expands and the perception as "losers" and "winners" can severely damage the chance for success (Stromseth & others 2006: 53). In Kosovo, the majority of Albanians, who had been subject to long-standing discrimination, welcomed NATO and UNMIK, but Kosovo Serbs had a different approach. Their perception of UNMIK was very negative (UNDP 2003: 5-7). In the justice sector,

the reactivation of parallel structures was mostly a political reaction related to the Albanian-Serbian conflict and the events that occurred in Kosovo, where Serbs experienced UNMIK as an invading mission and as such did not accept its legitimacy. This duality in the justice field in Kosovo can be considered part of the context of transitional justice, but also an example of legal pluralism that has developed in other societies as well (Baylis 2007: 11). However, the parallel courts in Kosovo presented a reality that was part of transitional justice in post-conflict societies, but not in its most traditional understanding, which is dealing with the past crimes (Teitel 2002-2003). The purpose of this article is to analyze the causes of UNMIK's failure to dismantle the parallel structures, also examining the efforts and initiatives, the contextual factors and some of the variables that interfere. Parallel structures were spread out in many areas, such as security, justice, health, education and civil administration, but this paper will focus more on the security and justice area.

The article attempts to only focus on the issue of Serbian parallel structures in northern Mitrovica. Some of the most important contextual factors were related to the delicate political situation in Kosovo, where the lack of status determination was at the center of the Albanian - Serbian conflict. Establishing the rule of law in Mitrovica North was directly linked to Belgrade's territorial claims, which were the instigator and maintainer of those structures. The article includes the UNMIK administration period in Kosovo from June 1999 until the declaration of Kosovo's Independence in 2008.<sup>1</sup> The sources used in the paper are of various monitoring reports of the situation in the northern part of Kosovo, belonging to different periods, such as reports of ICG, OSCE, AI, UN Security Council Reports, interviews with senior local and international officials and various analyses.

### **Historical Context and Security in Mitrovica: a Chronology of Violence**

After the peaceful resistance to Milosevic's oppressive regime during the 1990s, the war between the Kosovo Liberation Army (KLA) and Federal Republic of Yugoslavia forces began in spring 1998. NATO started bombing Yugoslavia's military targets on March 1999, after the failure of the international community to find a peaceful solution, while Serbian forces were causing massive displacements and grave violations of human rights in Kosovo. On June 10th 1999, after the Serb-Yugoslav forces capitulated, the Security Council adopted the Resolution 1244, which authorized the deployment of a civilian and military presence in Kosovo (Para. 5). Pursuant to this Resolution, UNMIK was mandated to administrate Kosovo. The Secretary-General vested the Special Representative with legislative, executive and judicial power. According to this Resolution, KFOR would be a military presence in charge of maintaining a safe environment in which "refugees and displaced persons could return home ..." (Para.9 (c)) and it would have the responsibility of "ensuring public safety and order until the international civil presence can take responsibility for this task (Para. 9 (d)). After the war, KFOR troops took control of the whole territory of Kosovo; including the

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<sup>1</sup> UNMIK de facto terminated its mandate after entering into the force of Kosovo Constitution on 15 June 2008 but because the Resolution 1244 is still in place, de jure its mandate continues, with very limited competences.

city of Mitrovica. This city ended up divided between Albanians and Serbs, after the massive displacement of the population that occurred during 1999. Before the NATO bombing, the majority of the residents of this town were Albanians. A considerable number of Serbs and Roma lived there too. According to Amnesty International (AI) data, before the NATO bombing, about 50% of the residents in the northern part of the city were ethnic Albanians. The demography changed significantly after the war, as half of ethnic Albanians, about 7000, ended up as internally displaced persons in the southern part of the city, unable to return to their homes. Also, approximately 1000 Serbs from the southern part of the city and many other displaced Serbs from other parts of Kosovo moved to the northern Mitrovica due to security issues and thus created a Serbian majority. After the war, north Mitrovica was the last significant Serbian urban center remaining in Kosovo, with about 15000 Serbs, while the southern part of the city was populated by around 60-70 thousand Albanians.

The war damages were also greater among Albanians. It was estimated that approximately 65% of their homes were destroyed and plundered while Serbian neighborhoods were almost untouched (Muharremi, Peci, Malazogu, Knaus & Murati 2003: 35).

Before the war, Mitrovica was an industrial city, mostly identified with the Trepca Mine, which was considered one of the potentially greater sources of incomes in Kosovo. The mine was the center of some major political tensions between Albanians and Serbs during 1988-1989 when the Serbian regime expelled from work Albanian executives and miners. In addition, the Trepca Mine started the popular resistance against Milosevic's regime that took place in Kosovo during the 90s.)

After the war, the North Multi-National Brigade, led by French KFOR, was placed in the Mitrovica Region. Since the early days, KFOR troops were stationed near the main bridge over the Ibar River, prohibiting the movement of the population from the south to the north. KFOR troops served as a barrier keeping apart the two hostile communities, in order to prevent interethnic violence. After the physical division of the city of Mitrovica, the communication between Albanians and Serbs became almost impossible. This division was reinforced with the passing of time, even though it contradicted the international community's vision about an undivided territory and a multi-ethnic society in Kosovo (Muharremi & others 2003: 1).

Immediately after the war, Serbs established a paramilitary force that was the so-called "Bridge Watchers". They were mostly armed members of the Serbian security services, which became the main obstacle for stability in northern Mitrovica. They erected illegal checkpoints at a very small distance from KFOR troops close to the bridge, and checked the persons that wanted to go to the north. This group was capable of mobilizing hundreds of people in a few minutes, in order to prevent any attempt by Albanians to go into the north (OSCE 1999: 90). The group was involved in several criminal actions in northern Mitrovica, including the permanent threatening of the members of the Serbian community, who used to work in UNMIK's administration (ICG 2002: 3). The "Bridge Watchers" were the authors of the February 2000 events, when they went home by home killing eight ethnic Albanians and Turks and caused ethnic cleansing in the northern part of the city. As a consequence of the violence, one-third of Albanians displaced from the northern part of the city. No one was

arrested by the UNMIK police for these serious crimes (ICG 2000: 2.) The violence then followed among Albanians and French KFOR troops. Albanians blamed them for the separation of the city of Mitrovica and the tolerance of Serbian mobs.<sup>2</sup>

The double standard KFOR's behaviour, such as not arresting Serbs for killing and expelling ethnic Albanians on the one hand, and arresting Albanians for the above-mentioned incidents, on the other, aggravated the relations between Albanians and the French KFOR even further). Amnesty International (AI) expressed its concern regarding UNMIK and KFOR's behaviour in relation to these events and underlined the failure of the international community to stop human rights abuses and to find sustainable solutions to the problems in Kosovo. (AI 2000: 1-2).

KFOR soldiers would again become the target of attacks because of their negligence to arrest the Serbs that killed a 15-year-old Albanian in January 2001, while UNMIK police would experience violence from Serbian bands in the north. Other violent incidents happened to UNMIK police in April 2002, when 22 police officers were injured. Even though KFOR troops were present at the time, they did not interfere. These incidents were the worst attack on UN personnel in Kosovo before the March 2004 events. After these violent incidents, UNMIK decided to withdraw its entire staff from the municipalities in the northern part of the Ibar River, while the Serbian community interrupted its cooperation with the UN administration. (ICG 2002: 5).

Furthermore, Serbian gangs began to threaten some of the Serbs that were working for UNMIK. The events showed that the "Bridge Watchers" gangsters had considerable support in the Serbian community (S/2002/436 2002: 5). KPS officers were not present in the north, while there were some mixed patrols in the south of the city. UNMIK police maintained its presence at the North Station but were unable to patrol until early 2003. The staff began to return to the north at the end of the April. While in December 2003, Serbs also attacked the former Prime Minister of Kosovo, Bajram Rexhepi, but neither UNMIK police nor KFOR helped him.<sup>3</sup> This behaviour sparked anger among Albanians as it proved that it was impossible for the Prime Minister to go to the north, and de facto this was the consolidation of the partition of Kosovo. (ICG 2004: 13).

However, the worst events in the chronology of violence in Mitrovica would be those of March 2004, leaving 19 people dead and about 900 others injured (ICG 2004: 1). As a consequence, a large number of displaced persons from different parts of Kosovo were settled in the northern part of Mitrovica, reinforcing, even more so, the ethnic division of the city. The March events deeply shook up the efforts undertaken by UNMIK to establish its authority in this part of Kosovo. The violence also posed the most serious barrier since the end of the war regarding the efforts of the international community to build a multi-ethnic society in Kosovo (HRW Report 2004).

On the other hand, the events of March 2004 caused a mutual lack of confidence between the KPS in the southern part of the city which consisted of Albanian ethnicity

<sup>2</sup> On February 15, two French soldiers were shot and injured by a sniper. KFOR responded by killing a person, injuring four others and arrested 35 people from the Albanian community (ICG 2000: 2).

<sup>3</sup> Prime Minister Rexhepi joined a lunch by World Bank delegation at a restaurant in the northern part of Mitrovica. UNMIK stated that they were not informed about the presence of the prime minister in the north. (ICG 2004: 13).

and KFOR troops. During the days of March violence, French KFOR tried to dissolve the KPS in southern Mitrovica; they refused to allow ethnic Albanian KPS officers to carry out their duties and blocked them at checkpoints. Also, according to some information, they also considered burning the KPS police station in south Mitrovica) (ICG 2004: 21).

Following the March riots, the UN Secretary-General appointed Ambassador Kai Eide as a Special Envoy and asked him to make an evaluation regarding the situation in Kosovo and an assessment of UNMIK's famous plan "Standards before Status".<sup>4</sup> The main conclusion of his report was that the plan mentioned above lacked credibility (S/2004/932 2004). In 2005, Eide was appointed again as Special Envoy from the SG, to evaluate if the circumstances were created to start the dialogue to determine the final status of Kosovo. He assessed that the time had come to start negotiations between the parties (S/2005/635 2005). On November 1st, the UN Secretary-General appointed former Finnish President Martti Ahtisaari as special envoy to lead the negotiation process. The security situation in the northern part of Mitrovica was constantly tense, while the talks in Vienna weighed heavily in this part of the city. Belgrade was interested in using the Mitrovica conflict as much as possible to gain more concession during the status negotiations. Consequently, during this period, there were violent incidents, even though not of significant proportions.

### **The Establishment and Strengthening of Parallel Structures**

Following the end of the NATO air bombing in June 1999 and the deployment of UN administration in Kosovo, in addition to the problems of emergency and those of the establishment of institutions from scratch, another problem emerged in the areas populated by the Serbian majority). Kosovo Serbs, which were orchestrated by Belgrade, refused to recognize the authority of UNMIK and to cooperate with it. However, their opposition was the most severe in the northern part of Mitrovica. The lack of security in this area made it the most challenging part of the territory to extend the international administration. Under these conditions, some of the former regime structures continued to function, though the situation had changed and UN Resolution 1244 was in place.

Apart from the old institutions, new structures were additionally created, such as a Serbian force performing the role of the police in northern Mitrovica, and the Coordination Centre for Kosovo with its headquarters in Belgrade (CCK).<sup>5</sup>

Serbian parallel structures were illegitimate for UNMIK and Albanians, but perceived as legitimate by Kosovo Serbs and Serbia, which, despite Resolution 1244, continued to claim jurisdiction over Kosovo. These allegations were also due to the ambiguity of Resolution 1244 on the sovereignty of the FRY on Kosovo, reflecting its negative impact on the building of the justice system (Chesterman 2005: 80) and the rule of law in general, particularly in the north of Mitrovica city.

<sup>4</sup> "Standards before Status" plan was proposed by SRSG Steiner and later approved by SC. The implementation plan was called "Standards for Kosovo." (Security Council Report 2003).

<sup>5</sup> CCK established in the summer of 2001 as a result of a joint decision of the Government of Serbia and the Government of the FRY. CCK headquarters was in Belgrade but had offices in the north of Mitrovica. (OSCE 2003: 2).

Parallel structures, though not recognized by UNMIK, continued to work under the authority of the Serbian government and they continued to be financed by and report to them. Belgrade instrumentalized Kosovo Serbs, especially in the north of Mitrovica, with the aim of undermining the functioning of Kosovo institutions. They used Kosovo Serbs as hostages for the interest of Serbia during the negotiations of Kosovo's final status (Visoka 2011). Serbs, on the other hand, preserved the former regime institutions, as they had economic interests such as receiving double salaries from Belgrade. The lack of security for movement throughout the territory of Kosovo was another factor that led to the creation of parallel structures.

Until the end of 1999, some mixed institutions in terms of ethnic composition were functioning there, such as the hospital, the fire brigade, and the courts. Likewise, there were meetings between Albanians' representative Bajram Rexhepi and Serbians' representative Oliver Ivanovic<sup>6</sup> (ICG 2000). However, the situation had deteriorated, especially after the outbreak of frequent episodes of inter-ethnic violence.

On the other hand, in the early 2000s, UNMIK showed incapability to keep the hospital, courts and other public services under control in north Mitrovica. Serbs even disconnected the Kosovo telephone system in the north and tied it to Serbia Telecom. Parallel structures were set up in the northern part of the divided city of Mitrovica and three other northern municipalities inhabited by Serbs: Leposavic, Zubin Potok, and Zvecan. However, during 2003, they were gradually extending in other parts of Kosovo as well.

Besides the security and justice sector, parallel structures started to operate in other areas such as property, education and health issues. Some administrative structures, competent to regulate property issues in Kosovo, continued to function under the authority of Belgrade, although UNMIK established its civilian administration in the municipalities of northern Kosovo. Parallel institutions refused to recognize and accept the laws adopted by the Kosovo Assembly dealing with municipal competencies such as construction, spatial planning, and registration of property rights. (OSCE Report 2003: 25). Likewise, the education institutions of the Serb community throughout Kosovo were related to Belgrade, as all primary and secondary schools used curricula, textbooks, diplomas and stamps of the Ministry of Education and Sports of Serbia (MESS). Teachers and other education workers were under the supervision of MESS and received salaries from MESS and the Ministry of Education, Science, and Technology of Kosovo. The Serbian University in the northern part of Mitrovica was under the supervision of the Serbian MESS. Salaries paid to Kosovo Serb teachers were nearly twice higher than the average salary in Serbia. (OSCE Report 2003: 31).

Health system in the north was also under the Serbian Ministry of Health, and the Serbian budget also paid salaries of medical staff and other medical expenses. The OSCE Report of 2003 brings in detail all the health facilities of the parallel Serbian system (OSCE Report 2003: 38-39). These parallel institutions were out of rigorous and serious control and lacked the necessary qualifications to provide qualitative services.

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<sup>6</sup> Oliver Ivanovic was sentenced in 2016 by Municipality Court in North Mitrovica, for war crimes against civilians during 1999-2000. (Gazeta Express 2016).

UN's Secretary-General's regular reports to the Security Council, repeatedly emphasized that minorities were challenging UNMIK's authority through parallel structures and impeding the functioning of legitimate institutions. He publicly accepted that parallel structures were challenging the work of several ministries and some municipalities in the areas of education, health and administrative services (Security Council Report 2006: 7). ICG accused UNMIK and KFOR of lack of attention and interest to react against their establishment, even though they knew that Serbs had been investing in the establishment of these structures for a long time (ICG 2002: 3).

### **Parallel structures in the sector of security**

Regarding the security area, the parallel Serbian structures located in the north of Mitrovica were the so-called "Bridge Watchers", as well as the officials of the Ministry of Internal Affairs of Serbia (Ministarstvo Unutrasnih Poslova-MUP). "The Bridge Watchers" considered themselves as a security organization with three primary functions: to prevent Kosovo Albanians to return to northern Mitrovica; to collect information about KFOR and UNMIK Police; and to collect information about Kosovo Albanians living in the northern part of the city (OSCE 2003: 12).

This organization, which was initially spontaneous, according to various reports, at the end of 1999, was transformed into an organized structure equipped with the communication tools commonly used by the police and directed their criminal activity through these devices. Members of this illegal organization also worked on shifts, and they were also indirectly paid salaries by the Serbian state. According to the OSCE report of 2003, "Bridge Watchers" were paid from the hospital budget in north Mitrovica, which came from the Ministry of Health of Serbia, as well as from voluntary "donations." As for the "donations," they were taken by Serbian citizens in northern Mitrovica, threatening and blackmailing them. According to ICG, they added their incomes through organized crime involving smuggling and corruption. They also forced businesses to pay for supposed protection and managed occupied flats, renting them (ICG 2002: 3).

The "Bridge Watchers" benefited from the fact that UNMIK did not manage to send in time a sufficient and efficient police force. However, the UNMIK police that was already present in the north was perceived by Serbian population as hostile, and this involved them in constant conflicts with residents, which limited their ability to carry out police activities on a regular basis (OSCE 2003: 12). The "Bridge Watchers" began losing their power after 2002, due to the loss of Belgrade's support, and according to a presumption in the OSCE Report, Serbia stopped paying them in January 2003 (OSCE 2003: 12). The "Bridge Watchers" became the main obstacle for the return of Albanians to their homes in the north of the city of Mitrovica. They also frustrated the international community who made efforts to extend their presence in this part of the territory. (ICG 2002: 3).

The other parallel structure in the field of security was compromised by Serbian MUP officers, exercising their activity in the north of Mitrovica, along with Zvečan and Zubin Potok. MUP officers operated more secretly than the "Bridge Watchers," and

dealt with administrative issues like the issuance of passports, travel documents, IDs, and vehicle registration tables. Many Kosovars were allowed to go to these offices and receive documents, and it happened even though UNMIK and KFOR were informed about these activities (OSCE 2003: 42). There were many cases where they issued fake documents (OSCE 2003: 43), which further aggravated the state of lawlessness. After the war, they also made arrests and carried the arrested people to the Kosovo-Serbia administrative border in order to hand them over to Serbian police (OSCE 2003: 14). Members of the Serbian secret service, who identified as Milosevic regime officers, continued their activity even after the war and took the north of the city under control. Some of them, even though they were integrated into the Kosovo Police Service, continued to serve Serbia's security structures, and there was information that they were also on the MUP pay-rolls (ICG 2005: 29). The presence of hundreds of Serbian MUP officers in northern Mitrovica undermined the primacy of UNMIK police in this area (ICG 2005: 25). The Serbian parallel police station was located behind the "Black Lady" bar and had a number of members approximately equivalent to the number of KPS officers in the north (about 70) (ICG 2005: 28). This station was estimated to have a particular role for Serbian citizens since about 40% of criminal complaints went to UNMIK through this channel, but this figure could be even higher because it is likely that suspects were sent to Serbia (ICG 2005: 28). On the other hand, there was information that members of the Serbian state security services had taken seats in the leading positions of parallel structures while UNMIK failed to respond to this situation.

Parallel security structures remained active until the end of UNMIK's mandate. The OSCE report of 2007 found that their engagement in police activities, as was the arrest of people and their delivery to the Serbian authorities, had marked a significant decline since the war, but the MUP officers from Mitrovica had held an unchanging presence in this region (OSCE 2007: 27). These structures were the organizers of the violent incidents that occurred continuously in northern Mitrovica, including those after the proclamation of the Independence in 2008.<sup>7</sup>

### **Parallel structures in the field of justice**

After the end of the war and the collapse of the justice system, one of the most urgent issues was the establishment of a new one. Thus, just some days after its arrival, on 28 June 1999, the SRSG established the Joint Advisory Council on Provisional Judicial Appointments (JAC) - mandated to recommend the temporary appointment of judges and prosecutors of the Emergency Justice System (EJS). The JAC was dissolved on 7 September 1999 and replaced by the Judicial Advisory Commission (JAC), which started its activity on 27 October 1999. In December 1999 JAC submitted recommendations to SRSG for more than 300 judges and prosecutors and more than 200 proposals for the court jury.

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<sup>7</sup> On 14 March 2008, some 300 Serbs invaded the UNMIK court in the northern Mitrovica, expelling all UNMIK employees. UNMIK police tried to return the court forcibly, and as a result of the violence, was killed by a Ukrainian police officer. Serbs also set on fire the customs in the northern borders. (The Guardian, 2008).

In June 2000, UNMIK established a regular judicial system throughout Kosovo for criminal cases. Following the violence that happened in Mitrovica in February 2000, UNMIK adopted the Regulation 2000/6 which allowed the appointment of an international judge and prosecutor in Mitrovica. After some months, in May 2000, being under the pressure of the prisoners who were on hunger strike in Mitrovica, the SRSG approved the Regulation 2000/34, which involved the international judges and prosecutors in the Judiciary system throughout the territory of Kosovo (OSCE Ninth Report: 6).

However, in the north of Kosovo, Serbs activated the courts that had existed earlier and started working outside of UNMIK's administrative structures. They knew and claimed Serbia's jurisdiction over the territory of Kosovo, applied Serbian laws and used Serbian stamps and logos (Baylis 2007: 12). The parallel courts represented a direct challenge to UNMIK's jurisdiction, which was given by Resolution 1244 throughout the territory of Kosovo.<sup>8</sup>

UNMIK made efforts and established courts in Mitrovica, Leposavic and Zubin Potok, but parallel courts continued their activity beside them. In 2003, OSCE found that the parallel Municipal Court in Mitrovica and the Minor Offenses Court in Zvecan continued to function. There was also the parallel office of the Public Prosecutor for the District of Mitrovica, which operated in Zvecan with at least two engaged prosecutors (OSCE 2003: 17).

Based on OSCE's observations, the office of the parallel Municipal Court of Mitrovica was located in the building of the municipality of Zubin Potok, on the same floor with UNMIK's court offices. On the door of the office was the inscription: "Certification of contracts, authorizations; from Tuesday to Friday from 9 am to 11 am"; sub-branch of The Municipal Court of Mitrovica in Zubin Potok (OSCE 2003: 18). The parallel Municipal Court of Mitrovica was also dealing with cases from the municipalities of Vushtrri and Skenderaj. These courts were tasked with issuing decisions of administrative nature, dealing with criminal records, issuing certificates and other documents (OSCE 2003: 19).

The system of Serbian parallel courts relocated their headquarters in the territory of Serbia according to different regions of Kosovo. For example, the Municipal and District Courts of Pristina located in Nis, that of Mitrovica in Kraljevo of Serbia. It is important to emphasise that when NATO troops entered in Kosovo and the Serbian-Yugoslav troops left, they burgled a large part of the documentation of public institutions in Kosovo, including civil registries, cadastral records, materials and files of courts and prosecution offices. Some of these documents were lost and destroyed (Baylis 2007: 12). The parallel courts had access to these documents and used them.

Thus, two justice systems were established in Kosovo, one by UNMIK, which was according to the Resolution 1244 and its regulations deriving from that which became the applicable law,<sup>9</sup> and the other which was the parallel Serbian system, consisting of former courts, who had been reactivated immediately after the war and continued to

<sup>8</sup> The legal basis for the jurisdiction of the UNMIK courts in Kosovo was: Security Council Resolution 1244; UNMIK Regulations Nr. 1999/1, Nr. 1999/24 and 2000/59 and Section 9 (4) of UNMIK Regulation No. 2001/9 (Constitutional Framework).

<sup>9</sup> The applicable law was defined by UNMIK Regulation no. 1999/24 of 12 December 1999, as amended by UNMIK Regulation no. 2000/59 of 27 October 2000.

maintain relations with the Ministry of Justice in Belgrade. So legally and practically this was Serbia's judicial system. In the northern part of Kosovo, they competed each-other.

It is necessary to make a distinction between the courts dealing with criminal cases and those of civil cases, as they worked with two different dynamics. The functioning of criminal courts depended on the Serbian state police authorities. UNMIK was indifferent to parallel trials related to civil matters, but as for exercising jurisdiction over criminal matters, it took some steps to eliminate them. Thus, in 2003, KFOR ordered Serbian parallel courts to stop dealing with criminal cases. Following this order, with some exception, they ended this activity in the territory of Kosovo, while parallel district courts located in Serbia continued the trial of criminal cases, even in the absence of the defendants, as their system allowed this (Baylis 2007: 18).

It should be noted that by January 2003 the court system administered by UNMIK was not available to residents living in all regions of Kosovo (OSCE 2003: 18). During the first months of UNMIK's administration, the parallel Serbian courts were the only ones that functioned, assuming full competencies as they had before UNMIK's deployment in Kosovo. In the municipalities of Leposaviq and Zubin Potok, UNMIK established the Court of Offences and Municipal Courts on January 13, 2003, where seven Serbian judges were assigned to work (S/2003/421 2003: para. 19) Meanwhile, until this period, UNMIK had limited control in northern Kosovo. Officially, the jurisdiction over the three other Serbian municipalities in the north was under Mitrovica's UNMIK Courts, but despite that, the Serbian parallel courts used to handle the cases. (OSCE 2003: 26). According to OSCE's monitoring report, between June 1999 and January 2003, parallel municipal and district courts handled approximately 5300 cases in the Mitrovica region only (OSCE 2003: 18).

Over the years, the role of Serbian parallel courts diminished compared to the first months of UNMIK's administration. It happened because the courts established by the UN Mission in Kosovo started exercising many of their legal functions. However, the Serbian courts continued to fill in the gaps of the UN administration, especially for the Serb community, but also for other members of the population.

The OSCE Mission in Kosovo that acted under UNMIK's umbrella and was in charge of monitoring the justice system made a re-evaluation of the parallel court's system in 2007 and found that the overall situation did not change. In the municipalities of northern Kosovo, parallel courts continued to act in violation with Resolution 1244 and the applicable laws and continued to violate human rights. According to this report, members of all communities living in the Mitrovica region continued to use parallel courts, especially when the court decisions needed to be recognized in Serbia (OSCE 2003: 19).

There were 34 judges in total working in parallel structures of Kosovo courts.. Serbian judges refused to work with UNMIK. For example, in July 1999, the first Kosovo Serb judge abandoned the Emergency Judicial System (EJS) and went to Serbia. In September 1999, a Kosovo Serb prosecutor resigned and another Kosovo Serb judge left, pretending to have been attacked by Kosovo Albanians. In October 1999, the remaining three Kosovo Serb judges and a public prosecutor also resigned (OSCE Review 2000). The agreement of July 2002 between Serbia and UNMIK allowed

parallel court judges to be transferred to UNMIK Courts if they wanted, and it foresaw that Serbia to continue paying them benefits and pensions so they would not have financial problems due to small salaries. It was one of the rare cases when Serbia showed cooperation with UNMIK (Baylis 2007: 21).

The report found that such illegal structures were an opportunity for misuse of power (OSCE 2003: 32). Moreover, the parallel court's system, which had begun in 1999, seriously obstructed the establishment of the rule of law in Kosovo (OSCE 2003: 8). There had been three main factors that had affected the existence of these structures: lack of access to UNMIK and PISG services due to restrictions of freedom of movement; the Serb's lack of confidence in the UNMIK and PISG institutions; and the political situation related to the unsolved status (OSCE 2003: 7). However, the primary factor was the political one, as Belgrade sought to maintain its influence in Kosovo, through the sponsorship of these structures.

The damages caused by the parallel system in the field of justice were significant and diverse. The decisions taken in these parallel courts encountered significant difficulties in implementation, as the means in the hands of parallel courts to enforce court decisions and administrative structures were limited. Likewise, their implementation openly was impossible due to the presence of UNMIK police (OSCE 2003: 21). Thus in continuity, the rights of offenders was violated since they did not enjoy the implementation of justice in the competent bodies. Regarding the criminal cases, parallel structures created a significant problem because they often violated the principle of prohibition of a second trial for the same offense, recognized by international human rights conventions.<sup>10</sup> Both UNMIK and parallel courts it happened to prosecute the same defendants, for the same criminal offense it was judged before. (OSCE 2003: 18) Another adverse effect created by parallel structures was the neglect of the international standards of justice because in some cases the district courts in Serbia imposed minor punishment for defendants (OSCE 2003: 18). Judicial decisions taken by these courts posed an enormous legal challenge because they were related to contracts, marriages, penalties and other issues for which Kosovo should have find a solution. (Baylis 2007: 14). UNMIK during its mandate did not resolve the problem on how to deal with previous decisions taken by these parallel courts, in the absence of the competent legal authorities. The other deficiency was related to the non-determination of the procedure for the transfer of the cases initiated in parallel courts within the UNMIK judicial system (OSCE 2003: 22).

The OSCE suggested that there were two possible solutions for solving the problem of decisions taken by the parallel courts until 2003. One was non-recognition by UNMIK, based on the fact that they were unlawful under Resolution 1244, but that could have created social problems. The other variant was the establishment of appropriate mechanisms to assess the legal validity of the decisions and actions of parallel courts and to handle the transfer of unsolved cases (OSCE 2003: 26). However, UNMIK chose not to recognize the court's decisions, leaving the inherited problem for Kosovo

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<sup>10</sup> The Article 4 of Protocol 7 to the European Convention on Human Rights and Fundamental Freedoms (ECHR) and Article 14 (7) of the International Covenant on Civil and Political Rights (ICCPR), prohibits a second trial. The ECHR, its Protocols, and the ICCPR were incorporated in Article 3.2 of the Constitutional Framework and became directly applicable in Kosovo.

institutions even after the proclamation of Independence.

### **Efforts of UNMIK to Extend Administration in North Mitrovica**

A certain plan drafted in February 2000 can be considered one of UNMIK's first attempts to put the situation under control in north Mitrovica, aiming to create a safe environment for cohabitation and return for a period of four to six months (ICG 2005: 4). The plan provided the deployment of international judges and prosecutors to end impunity and to begin the gradual dismantling of Serbian parallel structures. It also included the co-operation with KFOR. Implementing this plan, the French troops of KFOR created a trust zone, strictly protected around the central bridges that divide the city of Mitrovica. KFOR returned some Albanian families into the three skyscrapers on the north and built a pedestrian bridge to facilitate their communication with the southern part of the city. However, besides the opening of some jobs and the appointments of one international judge and one prosecutor in Mitrovica District Court, UNMIK's plan was not realized. Also, the return of residents to their homes in Mitrovica north did not begin; moreover, Serbs in northern Mitrovica boycotted municipal elections in October 2000 (ICG 2005: 4).

UNMIK also held negotiations with Belgrade aiming to solve the problems in northern Mitrovica, even though it was Serbia that funded parallel and criminal structures that hindered the extension of Kosovo administration in that part of the territory. According to the agreement of SRSG, Hackerup signed with Belgrade authorities of 5 November 2001 (UNMIK – FRY 2001), Serbs would take part in the first general elections of 17 November of that year, and also the points about the engagement of the Serbian community, in judicial and police institutions was an effort to extend UNMIK's authority to the refusing north.

The document confirmed the compliance with the basic principles of 1244 Resolution and reaffirmed the obligations to safeguard human rights and security, the return of displaced persons and refugees, finding the missing persons, creating a multi-ethnic civil service and judiciary, and the participation of Serbs in the Kosovo police force. However, Belgrade subsequently proved that it was not its will the extension of UNMIK's authority in northern Mitrovica.

The establishment of a community office by UNMIK in northern Mitrovica in February 2002 with the aim of providing the necessary municipal services to Serbs was a more realistic effort to challenge the parallel structures that flourished in the north of the city. UNMIK opened about 70 job vacancies for Serbs, but this project also failed because local Serbian leaders did not cooperate. Job vacancies remained empty as both locals and internationals were threatened and repeatedly intimidated by illegal Serbian security structures in northern Mitrovica. After the incidents of April 2002, the office was closed, and UNMIK officials withdrew to the south (ICG 2002: 11).

The office of Prime Minister Rexhepi, who came to this position after the first general elections and the establishment the Provisional Institutions of Self-Government (PISG), developed a more detailed strategy for resolving the Mitrovica problem and handed it over to UNMIK. This strategy involved the issues of security, the

dismantling of parallel structures and the resolution of property, as well as the return of displaced persons and economic development (ICG 2002: 13-14).

Meanwhile in October 2002, the SRSG Stainer announced his 7- point plan for Mitrovica hoping to resolve the problems created after the war. He said that people in Kosovo had to decide for themselves whether they wanted "stagnation or change," but if things were left as they were, they would contribute to "illegality, insecurity, fear and political marginalization." (Steiner 2002). The 7-point plan, contained guarantees for Serbs, such as not allowing Albanians to return to the north. KFOR would be the assurance for that and UNMIK police officers would observe the bridge. But this was a problematic approach related to Albanians who had been violently displaced from their homes in the north of the city.) Serbs would enter in Kosovo's Police Service, to serve in the Serbian community and contribute to the establishment of the rule of law in the north of the city of Mitrovica. The third point promised co-governance; it proposed a joint coalition between the Albanian and Serbian parties after the elections, under SRSG patronage, guaranteeing the voice of communities at the municipal level regardless of their size. "Without participating in the elections, the Serb community would exclude itself from political life in the next four years," was said in the paper (Steiner 2002).

Both Albanians and Serbs were skeptic about the seven-point plan. Albanians doubted in its implementation, as all previous plans about the involvement of the international administration in the north had failed, while Serbs did not agree with its formulation, pretending that UNMIK did not consult them in advance. Serbs also claimed the division of the northern municipality into two parts, in the south and north, which was rejected by UNMIK. However, SRSG Steiner declared UNMIK's authority in the north of Mitrovica, reporting the official closure of all Serbian parallel structures, in November of that year (UNMIK New Coverage 2002). But the closure of the parallel structures did not happen in reality, on the contrary, on March 2003, a new public health institute was opened by Belgrade officials in the northern part of Mitrovica, violating Belgrade's obligations not to support parallel administrative structures (S/2003/421 2003).

The plan of the "Implementation of Kosovo Standards" in March 2004, a UN-endorsed document adopted by SC, required the PISG and UNMIK to take action that would reduce the demand for parallel structures, and would dismantle and integrate them into PISG structures as well as initiating the implementation of the strategy and negotiating with Belgrade about technical issues (Kosovo Standards Implementation Plan 2004). "The dismantling of parallel structures also requires the co-operation of the government of Serbia and Montenegro," was said in the plan (Kosovo Standards Implementation Plan 2004).

The UN Special Envoy of UN Secretary-General, Kai Eide, in his report of 2005, somehow justified the parallel Serbian system by considering "probably the only realistic way to ensure adequate health and education services." He stated that the dismantling of parallel structures required severe and practical incentives by the Government and de-politicization of this problem by all parties. Even in this report, as in many other analyses of that time, the solution was seen in the process of status determination (S/2005/635 2005: Para. 23).

The justification that parallel structures at an early stage served to the minorities as a way of protection was present also in some organizations engaged in monitoring the situation in Kosovo, but this was a double-edged sword approach. Over the time, the dismantling process of parallel structures became much more difficult, and as a result of the lack of communication between ethnic communities who were physically separated, this short-term "guarantee" led to the permanent isolation of minorities and a long-term failure (Muharremi & Others 2003: 33).

UNMIK also promoted several projects of co-existence and multi-ethnicity to unify the city of Mitrovica, but the "Bridge Watchers" and the National Serbian Council challenged all these projects and the SN (ICG 2005: 23-24). UNMIK's initiatives time after time to break the status - quo about the freedom of movement in Mitrovica north were destined to fail because Serbs gathered to the bridge and controlled Albanians, while KFOR and the police hesitated to act and exercise their authority (ICG 2005: 26). The actions aiming to eliminate the parallel structures in northern Mitrovica and other municipalities were undertaken by UNMIK very late; about three years after the end of the war. The lack of coordination between UNMIK and KFOR played a considerable role in the deterioration of the problem, mainly because they did not arrest the offenders responsible for the continuing violence in the north (Muharremi & Others 2003: 53). According to the ICG, UNMIK partially engaged in northern Mitrovica due to limited KFOR support concerning security (ICG 2005: 25). The co-operation between KFOR and UNMIK was also considered weak by Amnesty International regarding the law enforcement issues. International police officials in Mitrovica complained that they were hindered by French KFOR to conduct investigations (AI 2000: 7). KFOR representatives had their justifications regarding their approach for not intervening to prevent the violence of Serbs over UNMIK employees and police. The heavy armaments not suitable for riots and civilian crowding; the lack of resources and the lack of preparation to deal with such protests, were some of the reasons for not intervening (Mini 2017).

In fact, since its deployment in June 1999, KFOR, following its mandate was given by Resolution 1244, had arrested and detained some individuals suspected for severe crimes such as war crimes, murders, attempted murders, gunshot violence and for maintaining public security in Kosovo (AI 2000: 3). That happened in the absence of the international police deployment as UNMIK was primarily responsible for securing the rule of law throughout the territory of Kosovo. However, facts show that in north Mitrovica they hesitated to accomplish the mission concerning incriminated Serbs who were the promoters of riots and violent protests. ICG accused KFOR and UNMIK of not doing much to dismantle the group by arresting radical criminals who pushed for partition of Mitrovica. Meanwhile, UNMIK used to blame KFOR for this failure, because according to them the international police were not welcomed in the north by the Serbian population (ICG 2002: 3).

Another reason why UNMIK failed to extend its authority in the early stages in the northern part of Mitrovica had to do precisely with the long delays in the deployment of international police. The "Bridge Watchers" and the MUP officers had enough time to organize themselves in illegal formations during the lack of law enforcement authorities. Only at the end of February 2000, about seven months after the end of

the war, the number of UNMIK police was completed. According to UNMIK's official data in Mitrovica Region, about 500 out of 550 international police deployed, and more than half of them stationed in the city of Mitrovica. Delays in the deployment of international police cannot be attributed to UNMIK but to the UN which did not have an available contingent to send immediately on the ground.

A mistake directly related to UNMIK's responsibility in the field of security was that of 2004 when they decided to reduce the number of international police in the north, instead of strengthening its role to guarantee safety and to fight the MUP agents. Thus, from 55 police officers in June 2004, the number decreased to 37 in June 2005, and on August 17 of the same year, UNMIK introduced the plan for abandoning (KPS's control in the north, and repositioned the remaining international police as a monitoring team of 10 members. (ICG 2005: 27). UNMIK transferred the police command to the KPS, despite the unfavorable circumstances regarding the increasing tensions over the main bridge, (ICG 2005: 29).

On the other hand the acceleration of the transfer of UNMIK police powers to the KPS in the north, a force that had great shadows regarding its Serb members, because they did not respond to the KPS command but to the "superiors" outside the structures, was also considered a wrong step. According to the ICG, it was the Serbian National Council (SNC) and Belgrade that dictated what the Serbian police officers of KPS would do in northern Mitrovica. The fact that they received salaries from Belgrade was a significant argument (ICG 2005: 29.) As a result of the limits to fulfill their duties, KPS officers only dealt with some ordinary and small crimes (ICG 2005: 29). UNMIK officials have also been criticized for some accommodation with Serbian parallel structures, which challenged their work continuously. It was not rare that international officials drank coffee in the public cafeteria Dolce Vita which belonged to organizers of violence, such as the "Bridge Watchers". The ICG mention also as a bad example the appointment of Vladimir Rakic to the Advisory Board of the northern Mitrovica administration. He had been the former leader of the "Bridge Watchers," whom people saw at the head of those who beat and expelled UNMIK police officers from the houses during the riots in March 2001 (ICG 2005: 25). As infamous as that was the accommodation of Milan Ivanovic, a criminal offender, despite of a video record that showed him launching a grenade at UNMIK police on April 8, 2002. Ivanovic, who escaped for several months, fooling the police, surrendered to UNMIK in October 2002. According to the ICG he made an agreement with UNMIK about softening the criminal offense, such as that of leading violent protests, and then creating the opportunity to participate in municipal elections, giving him a suspension of imprisonment for three months (ICG 2004: 13). It was entirely contrary to the logic of establishing the rule of law.

UNMIK was responsible for building the judicial system throughout the territory of Kosovo, but it was not able to establish courts in the municipalities of Zvecan and Leposavic because of various reasons. Consequently, between 1999 and 2002, the parallel municipal courts filled the gaps in UNMIK's justice system, especially in these northern municipalities. They tried to convince Serbian judges and other staff to remain in their positions even after the transfer of competencies from parallel courts to UNMIK courts. In the fall of 2000, UN representatives, including the United

Nations Deputy Secretary-General for Legal Affairs and Legal Adviser of the United Nations in New York Hans Corell, were involved in negotiations with these judges, but convincing them proved to be very difficult as they were reluctant to join the UNMIK justice system. Indeed, it was Belgrade that prevented them from that integration in Kosovo's system (OSCE 2003: 21).

During 2001 UNMIK began the discussions with FRY officials about a joint work for the establishment of a multi-ethnic judicial system in Kosovo and the elimination of parallel structures. In this regard, the UNMIK-FRY Joint Document of 5 November 2001 was a step forward in confirming UNMIK's commitment to creating a multi-ethnic judiciary in Kosovo. In this agreement, UNMIK would be responsible for the appointment of Serbian judges and prosecutors to the Kosovo judiciary. However, Belgrade later disagreed because that agreement could imply, among other things, the acceptance of the Constitutional Framework (OSCE Ninth Report: 7).

UNMIK participated in other negotiations with Serbian authorities, and as a result, on July 9, 2002, the parties signed the "Joint Declaration on the Recruitment of Judges and Prosecutors of Serb Ethnicity in the Multi-ethnic Justice System in Kosovo." It was an attempt by UNMIK to reduce the attraction of the Serbian parallel court's system (OSCE 2003: 21). Most of the judges, but also technical personnel, had previously worked in the parallel courts.

However, the opening of UNMIK courts was not accompanied by the dismantling of parallel courts that continued to function actively by conducting judicial proceedings. Even the parallel public prosecutor's office of the district of Mitrovica operating in Zvečan continued to exist, instead of being closed (OSCE 2003: 17). UNMIK did not try to close the new municipal sub-offices of the Serbian National Council (SNC)<sup>11</sup> (OSCE 2003: 7). UNMIK never recognized the parallel structures, but there were cases that they operated at the same time and on the same roof as the institutions accepted by UNMIK (OSCE, 2003, p. 5). This caused more confusion among citizens and compromised its legitimacy.

The willingness of UNMIK to dismantle parallel structures has consistently been at the centre of criticism by local Albanian officials. They had severe doubts about UNMIK's seriousness and determination, of which they only saw the tendency of day by day situation management, focused solely on maintaining the security (Rexhepi 2016). They also complained about the international community that "followed the wrong strategy in supporting the Coordination Center, a Serbian institution which helped the creation of enclaves in Kosovo" (Rexhepi 2004).

UNMIK's negligence was the source of a considerable amount of tensions between Albanian representatives and UN administrators, accused of favouring the Serb minority in northern Mitrovica (Rexhepi 2016). For some of them, the parallel structures were deliberately tolerated by KFOR and UNMIK (Kosumi 2016). The disputes within the Security Council have also played a negative role on this matter because of Russia that openly advocated the Serbian's interests. The disagreements produced a lack of military and political support for UNMIK, necessary to dismantle the parallel structures and to establish the rule of law in the northern part of Mitrovica

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<sup>11</sup> SNC was established in the northern part of Kosovo during 1998-1999. After the conflict, it was spread across Kosovo. (ICG 2009).

(Peci 2017). UNMIK also was criticized for the lack of transparency regarding the actions it has taken to extend the authority in north Mitrovica (Muharremi & others 2003: 53).

## Conclusions

UNMIK failed to build rule-of-law institutions immediately after the war in northern Mitrovica, creating space for Serbs to establish parallel institutions. Though they took some steps and developed several strategies, none of them was sufficient. The first strategy to enter in the north of the city of Mitrovica came after the violent incidents of February 2000, about six months after the war. The SRSG seven-point plan in 2002, one of which was the dismantling of parallel structures, was partially implemented; meanwhile the "Standards for Kosovo" plan remained an objective in the paper, due to the lack of UNMIK's determination to implement it.

Another reason for UNMIK's failure to adequately address the situation related to parallel structures was the lack of security in the north. KFOR was responsible for maintaining the security, but UNMIK had very limited co-operation with them. Continued violence characterized the northern part of the city of Mitrovica. Neither UNMIK nor KFOR demonstrated determination to arrest the criminal elements, the members of the "Bridge Watchers," on the contrary; in some cases, they were accommodated in post-war institutions, as it was the case of Ivanovic, who although incriminated, gave the opportunity to take part in the elections. The cases of accommodation with law offenders were a kind of legitimization of illegal structures. Likewise, UNMIK closed its eyes in front of Serbian security officers who, although without uniforms, significantly challenged UNMIK's authority, and, together with the "Bridge Watchers," were the instigators of violence against international police and KFOR troops. Reducing the number of international police in the north of the city in 2004, just shortly after the violent riots in March, was another early step that favored the activities of uniformed police officers of the MUP.

UNMIK, by the end of its mandate, did not succeed to win the battle with parallel structures and to install its full powers on judicial proceedings in Kosovo. The lack of legal services for citizens in northern Mitrovica favored the reactivation of Serb parallel courts in northern municipalities. Until 2003, they functioned freely for both criminal and civil cases. UNMIK opened courts in the north of the city of Mitrovica, located in the same building of the parallel Serbian courts. This confused Serbian citizens who were often approached by both systems, depending on the cases. UNMIK was not determined to dismantle civil courts like it did with criminal ones. Regarding criminal cases after 2003, there was a positive development since KFOR ordered courts to stop dealing with those cases. In this regard, UNMIK extended its authority, and with the passing of time it gained more powers. However, UNMIK did not solve the issue of previous decisions of the parallel Courts, despite of OSCE's recommendation, especially for civil-related cases. Very often the parallel courts themselves became human rights violators.

The concern expressed by observers of Kosovo's political developments about the necessity to take action quickly in order to control the north, proved to be right. Over

the years, parallel structures became increasingly difficult to dismantle. UNMIK did not succeed to build the confidence of the Serbian community. Furthermore, they almost surrendered to the pressure of Serbs, in the northern part of Mitrovica. UNMIK chose to negotiate with Belgrade, with the hope to resolve the issue of parallel structures, but the expectation that Serbia would help to solve the problem that it itself had created was unrealistic and proof that they did not sufficiently understand the complexity of the conflict in Kosovo.

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