



UNMIK/REG/2005/53  
20 December 2005

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**REGULATION NO. 2005/53**

**AMENDING UNMIK REGULATION NO. 2001/19  
ON THE EXECUTIVE BRANCH OF THE PROVISIONAL  
INSTITUTIONS OF SELF-GOVERNMENT IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution No. 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Acting in conformity with the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9 of 15 May 2001),

Having promulgated UNMIK Regulation No. 2001/19 of 13 September 2001, as amended, on the establishment of the Executive Branch of the Provisional Institutions of Self-Government in Kosovo, and UNMIK Regulation No. 2002/5 of 4 March 2002 and UNMIK Regulation No. 2005/15 of 16 March 2005 amending UNMIK Regulation No. 2001/19,

Having consulted with the Government and the Assembly of Kosovo,

For the purpose of amending UNMIK Regulation No. 2001/19, as amended, in order to provide for the establishment of a Ministry of Justice and a Ministry of Internal Affairs, and to set out responsibilities and functions of these new Ministries,

Recognising the final authority of the Special Representative of the Secretary-General and the related powers and responsibilities reserved to him under Chapter 8 of the Constitutional Framework for Provisional Self-Government in Kosovo,

Reaffirming the provisions governing international judges and international prosecutors in UNMIK Regulation No. 2000/6 of 15 February 2000, as amended, on the Appointment and Removal from Office of International Judges and International

Prosecutors and UNMIK Regulation No. 2000/64 of 15 December 2000, as amended, on Assignment of International Judges/Prosecutors and/or Change of Venue,

Hereby promulgates the following:

Section 1  
Amendment

As of the date on which the present Regulation enters into force, UNMIK Regulation No. 2001/19, as amended, shall be further amended, as follows:

(a) In section 2.2, new subsections (n) and (o) shall be added which read:

(n) Ministry of Justice (Annex XV);

(o) Ministry of Internal Affairs (Annex XVI);

(b) The new Annexes XV and XVI shall be as set out in Attachments I and II to the present Regulation; and

(c) As a consequence of the establishment of the new Ministries and the Kosovo Judicial Council which is to be established in a separate Regulation, Annex IX which relates to the Ministry of Public Services shall be replaced by Annex IX set out in Attachment III to the present Regulation.

Section 2  
Applicable Law

The present Regulation shall supersede any provision in the applicable law that is inconsistent with it.

Section 3  
Interim Review

At least three months after the entry into force of the present Regulation, the Special Representative of the Secretary-General shall complete an interim review of the initial performance of the Ministry of Justice and the Ministry of Internal Affairs. Upon a positive outcome of such review, the Special Representative of the Secretary-General shall assign additional competencies to the Ministry of Justice and the Ministry of Internal Affairs and these shall be reflected in UNMIK Regulation No. 2001/19, as amended.

Section 4  
Entry into Force

The present Regulation shall enter into force on 20 December 2005.

Søren Jessen-Petersen  
Special Representative of the Secretary-General

Annex XV  
Ministry of Justice

The Ministry shall:

- (i) Develop policies within the scope of its responsibilities, facilitate preparation of and implement legislation in the field of justice, including public prosecution. This shall not include matters related to the administration of the judiciary and courts;
- (ii) Manage, in cooperation with the Ministry of Finance and Economy, administrative, financial and budgetary affairs of the Ministry, and the development of administrative, technical and financial rules and rules governing support personnel and material resources to ensure the effective functioning of the prosecutorial system without limiting, hampering or interfering in any way with the operations of the Office of the Public Prosecutor and the conduct of criminal investigations;
- (iii) Provide guidance in respect of the development and implementation of the prosecutorial policy of the Office of the Public Prosecutor of Kosovo which shall not limit, hamper or interfere in any way with the operations of the Office of the Public Prosecutor and the conduct of criminal investigations;
- (iv) Provide training, including professional and vocational training, of prosecutors in cooperation with the Kosovo Judicial Institute;
- (v) Organize examinations for qualification of prosecutors, lawyers (including trial attorneys) and other legal professionals through the Kosovo Judicial Institute and other independent professional bodies;
- (vi) Ensure coordination on matters pertaining to the correctional service;
- (vii) Co-operate with appropriate organizations in respect of independent monitoring of the prosecutorial system and the correctional service;
- (viii) Provide information and statistics on the correctional service and the prosecutorial system;
- (ix) Ensure protection of personal data relating to the correctional service and the prosecutorial system;

- (x) Ensure cooperation in correctional matters with appropriate entities inside Kosovo;
- (xi) Assist in the recruitment, training and evaluation of personnel for the correctional service;
- (xii) Develop and implement policies to ensure fair and effective access of members of all communities to the justice system;
- (xiii) Provide assistance to victims of crime, and in particular victims of domestic violence and trafficking in human beings, and oversee the office of the Victims Assistance Coordinator as established by UNMIK Regulation No. 2001/4;
- (xiv) Assist UNMIK where appropriate in the exercise of its responsibility for international legal cooperation, including cooperation with the European Court of Human Rights, the International Criminal Court and the International Criminal Tribunal for the former Yugoslavia;
- (xv) Represent the Government in disputes and procedures before courts and arbitration tribunals;
- (xvi) Provide expert support for the preparation by the Government of agreements in the area of international cooperation to be concluded in conformity with the Constitutional Framework;
- (xvii) Perform any other tasks assigned to the Ministry by law.

Annex XVI

Ministry of Internal Affairs

The Ministry shall:

- (i) Develop policies within the scope of its responsibilities, facilitate preparation of and implement legislation in the field of public order and safety;
- (ii) Administer financial and budgetary affairs of the Kosovo Police Service and the Ministry in cooperation with the Ministry of Finance and Economy;
- (iii) In coordination with UNMIK, be responsible for the implementation of Integrated Border Management in respect of the established border/boundary crossing arrangements in accordance with standards set by the European Union, and in particular for the effective coordination between the police and other public authorities involved in border crossing control;
- (iv) Implement the applicable law on the movement of persons into and out of Kosovo and, in coordination with UNHCR, assist in the consideration of applications for refugee status in accordance with the applicable law;
- (v) Cooperate, acting through UNMIK, with external services, agencies and international organizations which have responsibilities in the field of public order and safety;
- (vi) Perform functions in disciplinary proceedings against police officers, in conformity with the applicable law and the Senior Police Appointments and Discipline Committee (SPADC);
- (vii) Develop and implement a strategy on the public relations of the Ministry and on the cooperation between the Ministry and other public bodies with responsibilities in the field of public order and safety;
- (viii) Assist in the administration and maintenance of the central civil registry and database;
- (ix) Assist in the administration of policies related to civil documents and exercise responsibility for the registration of vehicles;
- (x) Collect, maintain and analyze statistical data and information in the field of public order and safety;

- (xi) Perform functions relating to emergency preparedness pursuant to paragraph 5.5 of the Constitutional Framework for Provisional Self-Government;
- (xii) Perform other functions assigned to the Ministry by law.

Annex IX

Ministry of Public Services

The Ministry shall:

- (i) Develop and oversee the implementation of policies for a multi-ethnic, impartial, professional and accountable Civil Service;
- (ii) Develop, and coordinate the implementation of, policies for training and capacity development of the Civil Service;
- (iii) Administer the Civil Service payroll and payments system;
- (iv) Provide engineering and building management services for the Provisional Institutions of Self-Government;
- (v) Develop the information technology standards and services to be used by the Provisional Institutions of Self-Government and coordinate the provision of information technology services to the Provisional Institutions of Self-Government;
- (vi) Develop and oversee the implementation of policies for the provision of procurement services in conformity with Ministry of Finance and Economy rules and procedures;
- (vii) Assist in the administration of policies related to NGO registration;
- (viii) Supervise the collection, maintenance, analysis and publication of official statistics.