

**REGULATION NO. 2006/26**

**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 on the Establishment of the Executive Branch of the Provisional Institutions of Self-Government in Kosovo, which has been subsequently amended by UNMIK Regulation No. 2002/5 of 4 March 2002, UNMIK Regulation No. 2005/15 of 16 March 2005 and UNMIK Regulation No. 2005/53 of 20 December 2005,

Having consulted with the Government and the Assembly of Kosovo,

Having assessed as positive the outcome of the interim review required pursuant to Section 3 of UNMIK Regulation No. 2005/53,

For the purpose of amending UNMIK Regulation No. 2001/19, as amended, in order to provide for the assignment of additional competencies to the Ministry of Justice and the Ministry of Internal Affairs,

Reaffirming the final authority of the SRSG and the related powers and responsibilities reserved to him under Chapter 8 of the Constitutional Framework for Provisional Self-Government in Kosovo,

Without prejudice to the responsibility of UNMIK to monitor through international staff and police officers the exercise of all competencies transferred to the Ministries of Justice and Internal Affairs, and to intervene, where authorized and necessary on behalf of the SRSG, and the obligation of the Ministries of Justice and Internal Affairs and of their staff to cooperate fully with UNMIK in these respects;

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, Annex XV and Annex XVI attached to UNMIK Regulation No. 2001/19, as amended, relating respectively to the Ministry of Justice and the Ministry of Internal Affairs, shall be replaced by Annex XV and Annex XVI attached to the present Regulation.

### Section 2 Transfer of Kosovo Consolidated Budget staff

2.1 The Ministry of Justice shall take over and assume authority for employment of staff other than internationals engaged by the Department of Justice whose salaries are paid from the Kosovo Consolidated Budget and whose responsibilities fall within competencies which are transferred to the Ministry pursuant to UNMIK Regulation No. 2005/53 or this Regulation. Such staff shall continue as Civil Servants in the employment of the Ministry of Justice.

2.2 Notwithstanding the change of the employing authority, the contracts of employment of the staff referred to in section 2.1 shall remain unchanged in all other respects, including duration.

### Section 3 Applicable Law

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

Section 4  
Entry into Force

The present Regulation shall enter into force on 27 April 2006.

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 through 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) Provide information and statistics on all activities conducted under the authority of the Ministry, while ensuring the protection of personal data in compliance with the applicable law;
- (vii) Exercise executive oversight over the correctional service and the probation service, except that in emergency situations at Dubrava prison UNMIK will retain and exercise the authority to command and control all operations. UNMIK shall determine when an emergency situation occurs and its duration;
- (viii) Develop and implement policies to ensure fair and effective access of members of all communities to the justice system in compliance with UNMIK Regulation No. 2006/25 on a Regulatory Framework for the Justice System in Kosovo;

- (ix) Exercise responsibility in seeking, obtaining, providing and verifying information relating to the location and fate of missing persons, and returning the remains of missing persons, utilizing the assistance and expertise of personnel of the Office of Missing Persons and Forensics and other specialists, subject to UNMIK's authority over all investigations of individual cases of disappearance;
- (x) Exercise responsibility for matters pertaining to forensic medicine including the administration of the Medical Examiners' Office, subject to UNMIK's supervision over the required certification and training of the Medical Examiners' Office personnel and their compliance with international standards. UNMIK, however, will retain direct control over all forensic examination and expert reports relating to criminal cases under the responsibility of international prosecutors, including cases of organized crime, crime against ethnic minorities, terrorism and trafficking in persons;
- (xi) 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;
- (xii) Assist UNMIK where appropriate in the exercise of its responsibility for international legal assistance and cooperation, including cooperation with the European Court of Human Rights, the International Criminal Court and the International Criminal Tribunal for the former Yugoslavia;
- (xiii) Represent the Government in disputes and procedures before courts and arbitration tribunals;
- (xiv) 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; and
- (xv) Perform any other tasks assigned to the Ministry by law.

Annex XVIMinistry of Internal Affairs

The Ministry shall:

- (i) Administer the financial and budgetary affairs of the Ministry of Internal Affairs in cooperation with the Ministry of Finance and Economy;
- (ii) Develop policies within the scope of its responsibilities, facilitate preparation of and implement legislation in the field of public order and safety;
- (iii) Oversee the Kosovo Police Service, subject to the authority of the SRSG acting through the Police Commissioner, and without interfering with the operations of the Kosovo Police Service and the conduct of criminal investigations;
- (iv) Oversee the budgetary and financial administration of the Kosovo Police Service in consultation with the Police Commissioner who shall be responsible for the management of that budget;
- (v) Issue guidance to the Kosovo Police Service Deputy Police Commissioner on the training of police officers in coordination with the Police Commissioner and in compliance with the Standards of the Kosovo Board on Public Safety Standards and Education;
- (vi) Acting through the Police Inspectorate, oversee the management and performance of the Kosovo Police Service including disciplinary proceedings against Police Officers in conformity with the applicable law and the Senior Police Appointments and Disciplinary Committee (SPADC);
- (vii) Submit the budget proposals for the Police Inspectorate to the Ministry of Finance and Economy on behalf of the Police Inspectorate;
- (viii) In consultation with the Kosovo Police Service and UNMIK, exercise responsibility for the implementation of Integrated Border Management in respect of the established border/boundary crossing points in accordance with standards set by the European Union, for the effective coordination between the police and other public

authorities involved in border crossing control, without interfering with the operations of the Kosovo Police Service and the conduct of criminal investigations;

- (ix) In coordination with UNMIK implement the applicable law on the movement of persons into and out of Kosovo and, assist in the consideration of applications for refugee status in accordance with the applicable law, in cooperation with UNHCR;
- (x) Cooperate, acting through UNMIK, with services, agencies and international organizations which have responsibilities in the field of public order and safety;
- (xi) Develop and implement a strategy on the public relations of the Ministry;
- (xii) Develop and implement together with the Kosovo Police Service a strategy on cooperation with other public bodies with responsibilities in the field of public order and safety, including but not limited to Municipal Community Safety Council(s) (MCSC) and Local Public Safety Committee(s) (LPSC);
- (xiii) Assist UNMIK in the administration and maintenance of the central civil registry and database which is under the authority and control of the SRSG;
- (xiv) Assist UNMIK in the administration of Identity Cards and Travel Documents which are issued under the authority and control of the SRSG and exercise responsibility for issuance of all other civil documents and the registration of vehicles;
- (xv) Collect, maintain and analyze statistical data and information in the field of public order and safety, in accordance with the applicable law;
- (xvi) Perform functions relating to civil emergency preparedness pursuant to paragraph 5.5 of the Constitutional Framework for Provisional Self-Government; and
- (xvii) Perform other functions assigned to the Ministry by law.