



At the attention of Mr. Mats Mattsson
Head of Executive Division

Pristina, 22 January 2014

Dear Head of Executive Division,

There is a perception among ordinary citizens of Kosovo that the local justice system is neither fully independent nor impartial; that the justice system too often serves those wealthy or well-connected members of society and that some persons are simply 'untouchable'. Regrettably, those perceptions are not without foundation.

While the Kosovo Judicial Council is consciously striving to assert the independence of judges, the reality is that political, ethnic and social tensions create pressures on judges that compromise their independence and impartiality. An obvious example is the public exhortations made by several senior politicians in war crimes cases. Further, within certain communities there is a perception they do not have access to a local justice system which has abandoned them. Conditions such as these – whether real or perceived – create an environment in which peace and stability will not thrive.

We, as EULEX judges, accept that, sooner or later, the local judiciary must assume responsibility and ownership for the more sensitive cases currently handled by EULEX judges. We refer in particular to war crimes cases, serious corruption and organized crime cases – particularly those with high-profile defendants. However, within the local judiciary there is a perception that local judges are currently unable to deal effectively with these types of cases. Some local judges are reluctant to adjudicate in such cases - especially war crimes cases with Albanian defendants - because of the social and political pressures they would inevitably face.

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Having worked with the local judiciary since 2008, we believe that we have not yet reached the stage where the more complex and very sensitive cases, such as war crimes, serious corruption and organized crime, should be completely handed-over to the local judiciary. Any transition from majority international panels to majority local panels should be gradual and determined by the achievement of substantive indicators and not dictated entirely by political expediencies.

Substantive progress has been made. EU presence in Kosovo has the potential to be a real success story for international intervention and assistance. Kosovo is, however, at a distinct crossroads and success cannot be assured. It would be a great pity to squander the successes that have been achieved by EULEX with a hasty or abrupt exit. A gradual hand-over to the local judiciary is essential if we are to instil confidence in the administration of justice.

The ordinary people of Kosovo have confidence in EULEX judges to adjudicate in sensitive cases in a fair and just way without fear or favour.

We respectfully request that you bring this matter to the attention of the Head of Mission in order to ensure that a strategy is put in place that will preserve the executive mandate for EULEX judges in war crimes, serious corruption and organised crime cases.

Yours sincerely,

Judge Hajnalka Karpati

Judge Annemarie Meister

Judge Malcolm Simmons

Judge Tore Thomassen

Judge Timo Vuojolahti

Judge Bertil Ahnborg

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