
The EULEX Mission in Kosovo and its Role in the Justice Sector

On 5 December 2011 **Alberto Perduca**, former Head of Justice Component at the EULEX Mission in Kosovo and Deputy Chief Prosecutor at the Public Prosecutor's Office in Turin, delivered a lecture at the Faculty of Political Science "Roberto Ruffilli" in Forlì in the framework of the Master of Arts in Interdisciplinary Research and Studies on Eastern Europe (MIREES).

In the introductory part of his lecture "**The EULEX Mission in Kosovo and its Role in the Justice Sector**", the speaker presented the specific status of Kosovo, whose statehood or sovereignty are still contested, being partially recognized by 22 out of 27 members of the European Union (EU) and by 85 out of 193 United Nations (UN) member states. Explaining the purpose of the European Union Rule of Law Mission in Kosovo (EULEX), the speaker related them to past events: after the Kosovo War and the 1999 NATO bombing of Yugoslavia, the territory came under the interim administration of the United Nations Mission in Kosovo (UNMIK), most of whose roles were subsequently assumed by the EULEX in December 2008.



The speaker then proceeded to the main goal of **EULEX mission**, which is to assist and to support the local Kosovar institutions in providing the rule of law, in particular in the police, judiciary and customs areas, based on the principles of joint 'partnership for justice'. The significance of the EULEX's mission becomes clearer, if adding to the guest's words that the EULEX is the largest civilian mission ever launched under the Common Security and Defense Policy, whose mandate is particularly long-termed (**it will last at least** until 14 June 2012, according to official documents).

Presenting the **three components of the mission** (police, justice and customs), the speaker focused on one of the central aims of the Justice Component of EULEX, which is to improve and strengthen Kosovo's judiciary in order to make it fully multi-ethnic, impartial, free from political influence and capable of holding fair trials according to international standards and best European practices. As the former Head of Justice Component, the speaker clarified the peculiarities of Kosovo's new legislation, stressing that its legal framework is quite modern, adapted to EU standards and gives Kosovo a legal framework characteristic of a state. According to his words, the new law against money laundering even surpasses old European laws in the respective area. Another very progressive rule regards the possibility to sign an agreement between the prosecutor and an accused person.

The guest then presented **difficulties** experienced by the EULEX judges and prosecutors in assisting the local judicial authorities. These difficulties include initial weakness and fragility of the progress towards sustainability and accountability in setting up and strengthening an independent multi-ethnic justice system, protecting its institutions from political interference and reaching international standards and European practices. The speaker elaborated on the cooperation of EULEX judges and prosecutors with their local counterparts in investigation of cases related to war crimes, terrorism, organized crime, corruption, inter-ethnic crimes, financial/economic crimes etc., in prosecution, adjudication and law enforcement. In his speech, Dr. Perduca defined the EULEX

mission as a very relevant, successfully done 'working plan' that contributed to retrieving the trust of the population in the judiciary, investigating urgent cases and protecting fundamental human rights.

The lecture by a renowned expert with experience of work in Kosovo aroused a great interest of the audience. Leaving more acute questions than clear and direct answers, it was followed by a lively discussion regarding the political role, assumed by the EULEX in the wake of the unilateral declaration of Kosovo's independence, the case of human organ trafficking in Kosovo, and other relevant issues.

Ganna Klynova
*MA Candidate at MIREES
Interdisciplinary Research and Studies on Eastern Europe
University of Bologna - Forlì campus*