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Kosovo



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Intérimaire des Nations Unies au
Kosovo

UNMIK/DIR/2003/8
8 April 2003

ADMINISTRATIVE DIRECTION NO. 2003/8

IMPLEMENTING UNMIK REGULATION NO. 2000/36
ON THE LICENSING AND REGULATION OF THE BROADCAST MEDIA
IN KOSOVO

AND UNMIK REGULATION NO. 2000/37 ON THE CONDUCT OF THE
PRINT MEDIA IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under section 6 of UNMIK Regulation No. 2000/36 of 17 June 2000 On the Licensing and Regulation of the Broadcast Media in Kosovo and under section 5 of UNMIK Regulation No. 2000/37 of 17 June 2000 On the Conduct of the Print Media in Kosovo,

For the purpose of providing an effective mechanism for prompt enforcement of sanctions imposed by the Temporary Media Commissioner ("the TMC") involving the payment of a fine,

Hereby issues the following Administrative Direction:

Section 1
Enforcement Procedure for Fines

1.1 A fine imposed pursuant to a decision of the TMC under section 3.1 (c) of UNMIK Regulation No. 2000/36 or under section 2.1 (c) of UNMIK Regulation No. 2000/37 ("a fine") shall be enforceable once it has become final. If a fine has remained unpaid, in full or in part, 14 days after it has become final, the TMC may apply for an order to enforce the fine, in accordance with the procedure set forth below.

1.2 A fine shall become final upon:

(a) The date of the written decision of the Media Appeals Board upholding or modifying the fine; or

(b) On the 31st day following the issuance of the written decision imposing the fine, if no appeal has been lodged against the decision with the Media Appeals Board by that time.

1.3 An application to enforce a fine shall be filed by the TMC with the district court (“the court”) with jurisdiction over the place where the natural or legal person against whom the fine has been imposed (“the debtor”) resides.

1.4 The place in which the debtor resides shall be determined:

(a) In the case of a broadcast licensee, by reference to the address as registered with the TMC;

(b) In the case of any other legal person, by reference to the place where that person has its registered business address; or

(c) In the case of any natural person, by reference to the place where that person has his or her principal place of residence.

1.5 The application shall be heard by a single international judge who shall decide thereon within 30 days of the filing of the application.

1.6 The application shall be accompanied by:

(a) A copy of the TMC’s decision imposing the fine;

(b) A copy of the Media Appeals Board’s decision upholding or modifying the fine or a written statement signed by the TMC certifying that no appeal was brought against the fine within the period of 30 days following the issuance of the fine;

(c) A written statement signed by the TMC certifying that the fine remains unpaid in full or in part as at the date of the application;

(d) Any claim for interest in respect of late payment of the fine, which shall (if claimed) accrue at the rate of 10 per cent per annum from the date upon which the fine became final; and

(e) Information about the bank account held in the name of or for the account of the debtor, including the number of such account and the name of the bank, if an order under section 1.10(a) is sought.

1.7 The court shall serve a copy of the application upon the debtor within 7 days of the date on which the application was filed with the court.

1.8 The debtor shall file with the court a reply within 7 days of the date of service of the application upon the debtor, which shall include:

(a) A written statement signed by or on behalf of the debtor, stating whether or not the fine has been paid in full or in part and, if so, giving full details of the full or partial payment;

(b) All documentary evidence relating to the full payment or partial payment of the fine, if appropriate.

1.9 Upon receipt of the debtor's reply, or if no reply has been received 7 days after service of the application upon the debtor, the court shall convene an oral hearing in respect of the application at the earliest practicable date and shall notify the TMC and the debtor of that date. The hearing shall proceed in the absence of a debtor who has been duly notified.

1.10 At the hearing in respect of the application, if the court is satisfied that the fine has become final and has remained unpaid in full or in part, the court shall order the enforcement of the fine, or the part that remains unpaid, together with interest accrued to the date of the hearing (if claimed) and any costs, including legal fees occasioned to the TMC by reason of the application (if claimed) and:

(a) May order that that no withdrawal may be made from any bank account held in the name of or for the account of the debtor until the court revokes such order pursuant to section 1.14, other than for the purpose of satisfying the order of enforcement or as otherwise specified in the court's order; and

(b) May order the seizure and sale of any assets of the debtor in full or partial satisfaction of the fine.

1.11 An order issued pursuant to section 1.10 shall enter into force upon signature by the judge and shall not be subject to appeal.

1.12 In considering whether to issue an order under section 1.10(a) against a natural person and the terms of such order, the court shall take into account the debtor's need to provide for his or her essential welfare and that of his or her dependants in accordance with the applicable law.

1.13 If an order is made under section 1.10(a) above, the number of any bank account concerned shall be specified and a copy of the order shall be served forthwith by the court upon the bank where the account is held in the name of or for the account of the debtor.

1.14 The court shall revoke an order made under section 1.10(a) upon an application made by the debtor or on his or her behalf or by a third party whose interests are affected by the order if:

(a) The TMC confirms that full payment of the fine has been effected; or

(b) It is otherwise established to the satisfaction of the court that the fine has been paid in full, together with any interest and costs ordered by the court.

1.15 A decision to revoke an order made under section 1.10(a) shall enter into force upon signature by the judge and shall be promptly delivered to the TMC, the debtor and the bank where the account is held in the name of or for the account of the debtor.

Section 2
Entry into Force

The present Administrative Direction shall enter into force on 8 April 2003 and shall apply to applications for enforcement submitted after the entry into force of the present Administrative Direction which relate to unpaid monetary sanctions legally imposed by the TMC at any time.

Michael Steiner
Special Representative of the Secretary-General