



01 March 2013

### **Human Rights Advisory Panel finds UNMIK failed to investigate abductions and killings occurred after its arrival in Kosovo**

On 6 December 2012, during its 56<sup>th</sup> session held in Prishtinë/Priština, the Human Rights Advisory Panel (the Panel) adopted its first opinion to date concerning abductions and killings that occurred after UNMIK's deployment in Kosovo in June 1999. In the case of S.C. the Panel found that UNMIK had violated Article 2 of the European Convention of Human Rights (ECHR), which protects the right to life under its procedural limb, by failing to conduct an effective investigation into the abduction and killing of the complainant's husband and son.

The details of the case concern the abduction of Ah.C. and An.C. by members of the Kosovo Liberation Army in Prizren in July 1999. The complainant stated that she immediately reported her husband and son's abduction to UNMIK Police. However, she was never contacted again by UNMIK Police with regard to any investigation. The mortal remains of Ah.C. and An.C. were discovered in a mass grave by investigators of the International Criminal Tribunal for the former Yugoslavia in 2000. They were subsequently identified and handed over to the family in 2003. The complainant complained that UNMIK failed to investigate the incident and to bring perpetrators to justice.

In its findings concerning Article 2 of the ECHR, the Panel considered the obligation of the competent authorities to conduct an effective investigation into suspicious deaths and disappearances, which is well established in international human rights law. The Panel found that this obligation was an integral part of UNMIK's mandate and was therefore fully applicable in Kosovo. The Panel acknowledged the many challenges of UNMIK's deployment in the aftermath of the conflict. However, despite these difficulties, the Panel determined that each case will be assessed as to whether UNMIK took all reasonable and practicable steps to establish the fate and whereabouts of the missing persons and to bring perpetrators to justice.

In the case of S.C., the Panel found that there was no indication that any investigative activity was ever undertaken by UNMIK Police, except for the recording of the personal details of the missing persons. The Panel recognized that locating the mortal remains of Ah.C. and An.C. was in itself an important achievement. However, the Panel also stressed that the obligation to conduct an investigation did not come to an end with the discovery of the bodies, especially as they showed signs of violent death. The Panel therefore concluded that UNMIK had failed to carry out an adequate investigation into the abduction and killing of Ah.C. and An.C., thus violating Article 2 of the ECHR.

The Panel recommended in this case that UNMIK must endeavor, with all diplomatic means available to it, to obtain assurances from EULEX and the Kosovo authorities that the investigation into the case of Ah.C. and An.C. is carried out in compliance with the requirements of Article 2. The Panel also recommended that UNMIK makes a public apology to the complainant and her family with respect to UNMIK's failures and that UNMIK takes appropriate steps towards payment of adequate compensation to the complainant for moral damage.

The Panel further recommended that UNMIK takes appropriate steps, through other UN affiliated entities operating in Kosovo, local bodies and NGOs, for the realisation of a full and comprehensive reparation programme for the victims of all communities of serious violations of human rights that occurred during and in the aftermath of the Kosovo conflict; and that UNMIK advocates before the United Nations for the allocation of adequate human and financial resources to ensure that human rights standards are upheld at all times by the UN, including when exercising temporary administration over a territory.

Approximately 250 complaints concerning killings and disappearances that occurred in Kosovo after UNMIK's deployment have been filed with the Panel. More opinions on the merits of these complaints are forthcoming.

*The opinion is currently available in English and Serbian language, Albanian version is still under translation.*

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*This press release is a document produced by the Secretariat of the Human Rights Advisory Panel. It does not bind the Panel.*

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