

REGULATION NO. 1999/24

UNMIK/REG/1999/24

12 December 1999

ON THE LAW APPLICABLE IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council [resolution 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 on the Authority of the Interim Administration in Kosovo,

For the purpose of defining the law applicable in Kosovo,

Hereby promulgates the following:

Section 1

APPLICABLE LAW

1.1 The law applicable in Kosovo shall be:

- (a) (a) The regulations promulgated by the Special Representative of the Secretary-General and subsidiary instruments issued thereunder; and
- (b) (b) The law in force in Kosovo on 22 March 1989.

In case of a conflict, the regulations and subsidiary instruments issued thereunder shall take precedence.

1.2 If a court of competent jurisdiction or a body or person required to implement a provision of the law determines that a subject matter or situation is not covered by the laws set out in section 1.1 of the present regulation but is covered by another law in force in Kosovo after 22 March 1989 which is not discriminatory and which complies with section 1.3 of the present regulation, the court, body or person shall, as an exception, apply that law.

1.3 In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards, as reflected in particular in:

- (a) (a) [The Universal Declaration on Human Rights](#) of 10 December 1948;

- (b) (b) [The European Convention for the Protection of Human Rights and Fundamental Freedoms](#) of 4 November 1950 and the Protocols thereto;
- (c) (c) [The International Covenant on Civil and Political Rights](#) of 16 December 1966 and the [Protocols](#) thereto;
- (d) (d) [The International Covenant on Economic, Social and Cultural Rights](#) of 16 December 1966;
- (e) (e) [The Convention on the Elimination of All Forms of Racial Discrimination](#) of 21 December 1965;
- (f) (f) [The Convention on Elimination of All Forms of Discrimination Against Women](#) of 17 December 1979;
- (g) (g) [The Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment](#) of 17 December 1984; and
- (h) (h) [The International Convention on the Rights of the Child](#) of 20 December 1989.

1.4 No person undertaking public duties or holding public office in Kosovo shall discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, natural, ethnic or social origin, association with a national community, property, birth or other status. In criminal proceedings, the defendant shall have the benefit of the most favourable provision in the criminal laws which were in force in Kosovo between 22 March 1989 and the date of the present regulation.

1.5 Capital punishment is abolished.

Section 2 IMPLEMENTATION

Courts in Kosovo may request clarification from the Special Representative of the Secretary-General in connection with the implementation of the present regulation. The Special Representative of the Secretary-General shall provide such clarification for the consideration of the courts in the exercise of their functions.

Section 3 ENTRY INTO FORCE

The present regulation shall be deemed to have entered into force as of 10 June 1999.

Section 4 TRANSITIONAL PROVISION

All legal acts, including judicial decisions, and the legal effects of events which occurred, during the period from 10 June 1999 up to the date of the present regulation, pursuant to the laws in force during that period under section 3 of UNMIK [Regulation No. 1999/1](#) of 25 July 1999, shall remain valid, insofar as they do not conflict with the standards referred to in section 1 of the present regulation or any UNMIK regulation in force at the time of such acts.

Bernard Kouchner
Special Representative of the Secretary-General