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UN must make up for failure to investigate Kosovo missing

The UN Interim Administration Mission in Kosovo (UNMIK) singularly failed to investigate the abduction and murders of Kosovo Serbs in the aftermath of the 1998-1999 conflict, Amnesty International said in a report published today.

It comes on the eve of a UN Security Council debate on Kosovo on 29 August.

“UNMIK’s failure to investigate what constituted a widespread, as well as a systematic, attack on a civilian population and, potentially, crimes against humanity, has contributed to the climate of impunity prevailing in Kosovo,” said Sian Jones, Amnesty International’s expert on Kosovo.

“There is no statute of limitations on crimes against humanity. They must be investigated and the families of the abducted and murdered must receive redress. The UN should not be allowed to shirk its responsibility any longer.”

In [*Kosovo: UNMIK’s Legacy: The failure to deliver justice and reparation to the relatives of the abducted*](#), Amnesty International reveals how UNMIK failed to investigate reports of abductions and killings, despite being charged by the UN Security Council with protecting human rights in Kosovo.

The report is based on the initial findings of the Human Rights Advisory Panel (HRAP) set up by UNMIK to receive complaints from those who consider their rights to have been violated by UNMIK. The HRAP has received some 150 complaints from relatives of missing persons – primarily Kosovo Serbs believed to have been abducted by members of the Kosovo Liberation Army (KLA). Each complainant claimed that UNMIK had failed to investigate the abduction and subsequent murder of their relative or relatives.

The panel found that in several cases UNMIK was not able to present any evidence that an investigation took place, while in others UNMIK police appear to have given up on the investigation after the victim’s body had been handed over to the relatives. In one case UNMIK police were even unaware that the bodies of a missing husband and son had been found and returned to their family for burial.

In spite of the panel’s findings and recommendations, no further measures appear to have been taken by UNMIK to provide redress and reparation.

Although the report focuses on the abductions of Kosovo Serbs, allegedly by the KLA, Amnesty International’s own research has led to similar findings with regard to UNMIK’s failure to investigate enforced disappearances of ethnic Albanians by Serb forces.

Since 1999-2000, Amnesty International has monitored UNMIK’s progress in a number of emblematic cases of enforced disappearance and abduction. In five cases, involving the enforced disappearances of 27 ethnic Albanians, no-one has yet been brought to justice. In 10 other cases involving the abduction of 13 Serbs and Roma, only one perpetrator has been brought to justice, but by the Serbian authorities.

For nearly a decade after the conflict, UNMIK police and prosecutors failed to initiate prompt, effective, independent, impartial and thorough investigations into many reports of enforced disappearances and abductions. As a result, very few of those suspected of criminal responsibility for the war crimes and crimes against humanity have been brought to justice in international or domestic courts.

“Years have passed and the fate of the majority of the missing on both sides of the conflict is still unresolved, with their families still waiting for justice. The cases considered to date by the HRAP reveal how the victims of human rights violations have been left in limbo due to the lack of will within the UN system to ensure they receive appropriate compensation and other reparation,” said Sian Jones.

UNMIK’s responsibilities for police and justice ended on 9 December 2008, when the European Union Rule of Law Mission in Kosovo (EULEX) took over its policing, prosecutorial and judicial functions. This included responsibility for the investigation and prosecution of serious crimes, including crimes under international law. EULEX inherited 1,187 war crimes cases which UNMIK had failed to investigate

“While it is now up to EULEX to open investigations into cases of post-war abduction and murder, UNMIK must make sufficient funds available to provide the relatives of the missing with adequate and effective compensation for moral damages and their pain and suffering, in accordance with international law and standards,” said Sian Jones.

“The legacies of the Kosovo conflict must be resolved – this includes resolving the fate of missing persons from all communities in Kosovo, bringing to account those responsible for war crimes and crimes against humanity, and providing reparation. Only when that happens can the scars of the past conflict start to heal.”