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Federal Republic of Yugoslavia (Kosovo): No impunity for the international community

The international community's commitment to fighting impunity is being scrutinized as an Austrian member of the UN Civilian Police (CIVPOL) illegally left Kosovo while under investigation on suspicion of torturing and ill-treating an Albanian detainee, Amnesty International stated.

Amnesty International called on the Austrian government to take immediate steps to ensure that the suspect is brought to justice.

The allegations that the police officer's flight may have been assisted by other Austrian personnel serving in the international community in Kosovo are even more serious since the flight was apparently carried out with the knowledge of the Austrian government. The continuing refusal to extradite the officer to face the charges -- despite an international arrest warrant -- challenges the Austrian government's commitment to universal justice.

Given the need to establish the rule of law in Kosovo, Amnesty International welcomes the decision of the United Nations Mission in Kosovo (UNMIK) to waive immunity for suspects in this case. UNMIK has decided that all police officers -- whether international or domestic -- reasonably suspected of participating in the torture and ill-treatment of a detainee, should be brought to justice, and that justice should be seen to be done.

"The Austrian government must now take firm action to ensure that it does not hinder the path to justice and ensure that any suspect of participating in human rights violations is brought to justice," Amnesty International said.

Background

According to the United Nations Mission in Kosovo (UNMIK), on 26 February 2002 four police officers - including three Kosovo Police Service (KPS) and one international police officer working for CIVPOL were arrested on suspicion of maltreatment in the course of duty, extraction of a statement under duress, abuse of office and official authority and grave bodily injury. Following the arrest, all four suspects were placed in investigative detention and measures were immediately taken by UNMIK to waive the rights of the police officer to the immunity from legal process provided to UNMIK and KFOR personnel in Kosovo under UNMIK Regulation 2000/47. Section 6.1 of the same regulation provides that the UN Secretary-General may waive the immunity of any UNMIK personnel in any case where, in his opinion, the immunity would impede the course of justice.

According to reports the police officer was driven by Austrian officers across the border into Macedonia, from where he was flown to Austria. Amnesty International has been informed by a UNMIK spokesperson that the CIVPOL investigation into the case has been completed and that the investigators have

confirmed that criminal acts occurred, both in connection with the treatment of the Kosovo Albanian prisoner and in connection with the Austrian police officer's exit from Kosovo. CIVPOL then handed the case file to an international investigative judge who agreed with CIVPOL's findings and formally indicted the suspect.

A copy of the letter to the Austrian Government is available on request from Amnesty International's press office.

Public Document

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