

**OPINION**

**Date of adoption: 14 April 2014**

**Case Nos. 120/09 & 121/09**

**R. P.**

**against**

**UNMIK**

The Human Rights Advisory Panel, on 14 April 2014,

with the following members taking part:

Marek Nowicki, Presiding Member

Christine Chinkin

Françoise Tulkens

Assisted by

Andrey Antonov, Executive Officer

Having considered the aforementioned complaints, introduced pursuant to Section 1.2 of UNMIK Regulation No. 2006/12 of 23 March 2006 on the establishment of the Human Rights Advisory Panel,

Having deliberated, including through electronic means, in accordance with Rule 13 § 2 of its Rules of Procedure, makes the following findings and recommendations:

1. **PROCEEDINGS BEFORE THE PANEL**
2. The complaints were introduced by Mrs R.P. on 4 April 2009 and registered on 30 April 2009.
3. On 19 November 2009, the Panel joined cases nos. 120/09 and 121/09 pursuant to Rule 20 of the Panel’s Rules of Procedure. On the same date, the Panel communicated the cases to the Special Representative of the Secretary-General (SRSG)[[1]](#footnote-1) for UNMIK’s comments on the admissibility of the complaints.
4. On 2 February 2010, the SRSG provided UNMIK’s response.
5. On 18 August 2010, the Panel forwarded UNMIK’s response to the complainant and invited her to submit observations, if she so wished. No response was received.
6. On 15 November 2010, the Panel learned of the death of complainant and accepted her nephew, Mr R.P., as the person entitled to pursue the complaints. For practical reasons, the Panel will continue to name Mrs R.P. as the complainant, even though that capacity should now be attributed to Mr R.P.
7. On 26 November 2010, the Panel declared the complaints admissible. On 30 November 2010, the Panel communicated the decision on admissibility to the SRSG, inviting UNMIK’s observations on the merits of the cases, together with the investigative files.
8. On 25 February 2011, the SRSG provided UNMIK’s response.
9. On 29 April 2013, the Panel requested UNMIK to confirm whether the disclosure of the investigative files concerning the cases could be considered final. On 14 June 2013, UNMIK provided its response.
10. On 10 September 2013, UNMIK provided the Panel with a copy of the investigative file concerning the complaints.
11. **THE FACTS**
12. **General background[[2]](#footnote-2)**
13. The events at issue took place in the territory of Kosovo after the establishment in June 1999 of the United Nations Interim Administration Mission in Kosovo (UNMIK).
14. The armed conflict during 1998 and 1999 between the Serbian forces on one side and the Kosovo Liberation Army (KLA) and other Kosovo Albanian armed groups on the other is well documented. Following the failure of international efforts to resolve the conflict, on 23 March 1999, the Secretary General of the North Atlantic Treaty Organisation (NATO) announced the commencement of air strikes against the Federal Republic of Yugoslavia (FRY). The air strikes began on 24 March 1999 and ended on 8 June 1999 when the FRY agreed to withdraw its forces from Kosovo. On 9 June 1999, the International Security Force (KFOR), the FRY and the Republic of Serbia signed a “Military Technical Agreement” by which they agreed on FRY withdrawal from Kosovo and the presence of an international security force following an appropriate UN Security Council Resolution.
15. On 10 June 1999, the UN Security Council adopted Resolution 1244 (1999). Acting under Chapter VII of the UN Charter, the UN Security Council decided upon the deployment of international security and civil presences - KFOR and UNMIK respectively - in the territory of Kosovo. Pursuant to Security Council Resolution No. 1244 (1999), the UN was vested with full legislative and executive powers for the interim administration of Kosovo, including the administration of justice. KFOR was tasked with establishing “a secure environment in which refugees and displaced persons can return home in safety” and temporarily ensuring “public safety and order” until the international civil presence could take over responsibility for this task. UNMIK comprised four main components or pillars led by the United Nations (civil administration), United Nations High Commissioner for Refugees (humanitarian assistance, which was phased out in June 2000), the OSCE (institution building) and the EU (reconstruction and economic development). Each pillar was placed under the authority of the SRSG. UN Security Council Resolution 1244 (1999) mandated UNMIK to “promote and protect human rights” in Kosovo in accordance with internationally recognised human rights standards.
16. Estimates regarding the effect of the conflict on the displacement of the Kosovo Albanian population range from approximately 800,000 to 1.45 million. Following the adoption of Resolution 1244 (1999), the majority of Kosovo Albanians who had fled, or had been forcibly expelled from their houses by the Serbian forces during the conflict, returned to Kosovo.
17. Meanwhile, members of the non-Albanian community – mainly but not exclusively Serbs, Roma and Slavic Muslims – as well as Kosovo Albanians suspected of collaboration with the Serbian authorities, became the target of widespread attacks by Kosovo Albanian armed groups. Current estimates relating to the number of Kosovo Serbs displaced fall within the region of 200,000 to 210,000. Whereas most Kosovo Serbs and other non-Albanians fled to Serbia proper and the neighbouring countries, those remaining behind became victims of systematic killings, abductions, arbitrary detentions, sexual and gender based violence, beatings and harassment.
18. Although figures remain disputed, it is estimated that more than 15,000 deaths or disappearances occurred during and in the immediate aftermath of the Kosovo conflict (1998-2000). More than 3,000 ethnic Albanians, and about 800 Serbs, Roma and members of other minority communities went missing during this period. More than half of the missing persons had been located and their mortal remains identified by the end of 2010, while 1,766 are listed as still missing by the International Committee of the Red Cross (ICRC) as of October 2012.
19. As of July 1999, as part of the efforts to restore law enforcement in Kosovo within the framework of the rule of law, the SRSG urged UN member States to support the deployment within the civilian component of UNMIK of 4,718 international police personnel. UNMIK Police were tasked with advising KFOR on policing matters until they themselves had sufficient numbers to take full responsibility for law enforcement and to work towards the development of a Kosovo police service. By September 1999, approximately 1,100 international police officers had been deployed to UNMIK.
20. By December 2000, the deployment of UNMIK Police was almost complete with 4,400 personnel from 53 different countries, and UNMIK had assumed primacy in law enforcement responsibility in all regions of Kosovo except for Mitrovicë/Mitrovica. According to the 2000 Annual Report of UNMIK Police, 351 kidnappings, 675 murders and 115 rapes had been reported to them in the period between June 1999 and December 2000.
21. Due to the collapse of the administration of justice in Kosovo, UNMIK established in June 1999 an Emergency Justice System. This was composed of a limited number of local judges and prosecutors and was operational until a regular justice system became operative in January 2000. In February 2000, UNMIK authorised the appointment of international judges and prosecutors, initially in the Mitrovicë/Mitrovica region and later across Kosovo, to strengthen the local justice system and to guarantee its impartiality. As of October 2002, the local justice system comprised 341 local and 24 international judges and prosecutors. In January 2003, the UN Secretary-General reporting to the Security Council on the implementation of Resolution 1244 (1999) defined the police and justice system in Kosovo at that moment as being “well-functioning” and “sustainable”.
22. In July 1999, the UN Secretary-General reported to the Security Council that UNMIK already considered the issue of missing persons as a particularly acute human rights concern in Kosovo. In November 1999, a Missing Persons Unit (MPU) was established within UNMIK Police, mandated to investigate with respect to either the possible location of missing persons and/or gravesites. The MPU, jointly with the Central Criminal Investigation Unit (CCIU) of UNMIK Police, and later a dedicated War Crimes Investigation Unit (WCIU), were responsible for the criminal aspects of missing persons cases in Kosovo. In May 2000, a Victim Recovery and Identification Commission (VRIC) chaired by UNMIK was created for the recovery, identification and disposition of mortal remains. As of June 2002, the newly established Office on Missing Persons and Forensics (OMPF) in the UNMIK Department of Justice (DOJ) became the sole authority mandated to determine the whereabouts of missing persons, identify their mortal remains and return them to the family of the missing. Starting from 2001, based on a Memorandum of Understanding (MoU) between UNMIK and the Sarajevo-based International Commission of Missing Persons (ICMP), supplemented by a further agreement in 2003, the identification of mortal remains was carried out by the ICMP through DNA testing.
23. On 9 December 2008, UNMIK’s responsibility with regard to police and justice in Kosovo ended with the European Union Rule of Law Mission in Kosovo (EULEX) assuming full operational control in the area of the rule of law, following the Statement made by the President of the United Nations Security Council on 26 November 2008 (S/PRST/2008/44), welcoming the continued engagement of the European Union in Kosovo.
24. On the same date, UNMIK and EULEX signed an MoU on the modalities, and the respective rights and obligations arising from the transfer from UNMIK to EULEX of cases and the related files which involved on-going investigations, prosecutions and other activities undertaken by UNMIK International Prosecutors. Shortly thereafter, similar agreements were signed with regard to the files handled by international judges and UNMIK Police. All agreements obliged EULEX to provide to UNMIK access to the documents related to the actions previously undertaken by UNMIK authorities. Between 9 December 2008 and 30 March 2009, all criminal case files held by the UNMIK DOJ and UNMIK Police were supposed to be handed over to EULEX.
25. **Circumstances surrounding the disappearance and killing of Mr R.P. and Mr M.P.**
26. The complainant is the mother of Mr R.P. (case no. 120/09) and the wife of Mr M.P. (case no. 121/09). In her submissions to the Panel, she states that between 15 and 17 July 1999 her husband and son were travelling from Montenegro, in a Mercedes truck, to transport goods for a named private entrepreneur. Their vehicle reportedly broke down during the trip, in the proximity of Klinë/Klina Municipality. She states that, since that time, they were unaccounted for until their mortal remains were identified and handed over to the family in 2005.
27. The names of Mr R.P. and Mr M.P. appear in two lists of missing persons communicated by the ICRC to UNMIK Police on 12 October 2001 and 11 February 2002 respectively, for which ante-mortem data had been collected. Their names are also included in the databases compiled by the UNMIK OMPF and by the ICMP; the entries concerning Mr R.P. and Mr M.P. in the ICMP online database, read in relevant fields “Sufficient Reference Samples Collected” and “ICMP has provided information on this missing person(s) … to authorized institution”.
28. The complainant submitted to the Panel documents (death certificates, identification and confirmation of identity certificates) from the former OMPF and the ICMP according to which the mortal remains of Mr R.P. and Mr M.P. were discovered on 1 June 2005 in Klinë/Klina. They were identified through DNA tests by the ICMP in November 2005 and handed over to the family in December 2005. The death certificate for Mr R.P., dated 22 November 2005, states that the cause of his death was unascertained; while a death certificate for Mr M.P., dated 24 November 2005, states that his death was caused by a gunshot to the chest.

**C. The investigation**

1. In the present case, the Panel received from UNMIK investigative documents previously held by the UNMIK OMPF and the UNMIK Police WCU. The Panel notes that UNMIK has confirmed that all available documents have been provided.
2. Concerning disclosure of information contained in the files, the Panel recalls that UNMIK has made available investigative files for the Panel’s review under a pledge of confidentiality. In this regard, the Panel must clarify that, although its assessment of the present case stems from a thorough examination of the available documentation, only limited information contained therein is disclosed. Hence a synopsis of relevant investigative steps taken by investigative authorities is provided in the paragraphs to follow.

*Information of UNMIK Police Intelligence Unit*

1. The investigative file contains a memorandum, dated 20 April 2000, with a request from the UNMIK Police Chief of Information Centre to the Mitrovicë/Mitrovica UNMIK Police Regional Commander, which in the field “subject” reads “Concentration Camps”. In the memorandum it is requested that the Mitrovicë/Mitrovica UNMIK Police provide follow-up to a “diplomatic request that for the sensitivity of the situation we would appreciate a special treatment from your assigned officers”. It is further stated that there was information about the existence of a concentration camp “behind the social security building” in Mitrovicë/Mitrovica “where are kept some citizens against their will”.
2. A response memorandum to the request above is also included in the file, dated 27 April 2000, from the UNMIK Police Mitrovicë/Mitrovica Regional HQ Intelligence to the Chief of Information Centre, forwarding a report entitled “KLA Prisons on the Territory of AP KiM and in Republic Albania”. The report contains a full list of 111 KLA clandestine detention centres indicating their precise location throughout Kosovo and the northern part of Albania. For some detention centres, the report also indicates the KLA members allegedly in charge or operating in the centres as well as the names of those detained there. Under the heading “Srbica” the reports states, along with other information, “2 prisons in Srbica. In those prisons are [Mr R.P.] (1961), etc.”
3. There is no further documentation in the file concerning this matter.

*The MPU investigation*

1. It appears from the investigative file that missing persons files concerning Mr R.P. and Mr M.P. were opened by the UNMIK MPU at some time in 2001 (both under case no. 2001-011304).
2. The investigative file contains a memorandum, dated 16 April 2004, addressed from the UNMIK Missing Person Office in Belgrade to the head of the UNMIK OMPF and of the MPU, whose “subject” field reads “MP [R.P. and M.P.] (MPU 2001-001034). In the main text of the memorandum it is stated that “statements” regarding the above-mentioned missing persons were being forwarded. Attached to the memorandum is the copy of a witness statement taken from the complainant, Mrs R.P., at the UNMIK Belgrade Office on 15 April 2004.
3. In her statement, the complainant states that her husband and her son had gone missing since 15 July 1999. Her son, Mr R.P., was employed as a truck driver in a transport company owned by a named person, Mr J.R. The company was located at a specified address in Niš, Serbia proper. On 12 July 1999, Mr J.R., had asked Mr R.P. to drive a truck from Cetinje, in Montenegro, to Kosovo, to deliver goods for a named Kosovo Albanian customer, Mr N. (only first name provided). The latter was the owner of a named company, based in Prishtinë/Priština who had often used the services of their transport company and who knew Mr R.P. and Mr M.P. very well. On 13 July 1999, Mr R.P. and his father had left for Montenegro with a Mercedes truck (registration plate provided). On 14 July 1999, the complainant received a telephone call from her son in Montenegro, who informed her that they had loaded the truck with goods and were on their way to Niš, planning to deliver the goods in Prishtinë/Priština on the following day. That was the last time she heard from her son. On 17 July 1999, she received a telephone call from the owner of the transport company who told her that he had been informed by Mr N. that her husband and son had gone missing in Kosovo. She obtained the telephone number of Mr. N. She called him and he told her that, on 14 July 1999, he had agreed with Mr R.P. to meet him in Rožaje, in Montenegro, and from there, to move together to Prishtinë/Priština. According to Mr N.’s account, Mr R.P. was in the truck with N.’s brother, while he and Mr M.P. were following in his van. Near Klinë/Klina the brakes of the truck failed, Mr R.P. managed to stop it eventually; however, in this process the brother of Mr N. jumped out of the truck and injured his shoulder. The complainant states that Mr N. decided to take his brother to the hospital in Prishtinë/Priština and, notwithstanding their request to be taken along, he left Mr R.P. and Mr M.P. behind, saying that they were safe since there was a KFOR post nearby. A few hours later Mr N. went back, but he could not find any trace of Mr R.P. and Mr M.P., nor of the truck. The complainant states that a few weeks later Mr N. sent her money (1000 dinars). She also states that in May 2002, she received the phone call from an unknown woman who told her she had got the number from “the Albanian” who knew her son and husband and that they were still alive. In August 2003, she visited the house of Mr N. in Prishtinë/Priština but she was not allowed in. She states that she believed Mr N. was “involved somehow in the kidnapping of my son and husband”, although she did not have any evidence to prove this. Also she states that she had not provided blood samples thus far for the purpose of DNA testing.
4. In the file is also the printout of an MPU report generated on 22 July 2004, concerning the case of Mr M.P., indicated as MPU case file no. 2001-001034. The report indicates that the file was opened on 11 April 2001 and that Mr M.P. had gone missing on 16 July 1999 along with his son, near Klinë/Klina.
5. The Panel is also in possession of the English translation of a letter sent to the UNMIK DOJ by the “Association of Families of Kidnapped and Missing Persons in Kosovo and Metohija” (the Association), dated 1 December 2004. With this letter, the Association forwarded to the DOJ eleven criminal reports, including one from the complainant concerning the disappearance of Mr R.P. and Mr M.P. According to the footnote on the document, the criminal report (not attached) was translated by an interpreter of the DOJ on 21 February 2005.
6. The investigative file also contains copies of OMPF and ICPM documents issued following the discovery of the mortal remains later identified as those of Mr R.P. and Mr M.P. However included in the file are only the documents (autopsy report, death certificate, comparison table ante-mortem post-mortem, DNA report) concerning Mr M.P, referred to, this time, as MPU case no. 2001-00134. According to these documents, on 1 June 2005, the mortal remains of Mr M.P. were discovered in Klinë/Klina. On 20 June 2005, the OMPF carried out an autopsy on the mortal remains, which determined that death had been caused by a gunshot wound to the chest. An autopsy report was issued on 14 October 2005. On 24 October 2005, the ICPM established through DNA test the mortal remains to be those of Mr M.P. On 16 November 2005, a comparison was made by the OMPF between the ante-mortem and post-mortem information concerning the mortal remains believed to be those of Mr M.P., with positive results. On 24 November 2005, the OMPF issued a confirmation of identity certificate in this respect. Included in the file is also an undated Ante-Mortem Information for Mr M.P.
7. Although not included in the investigative file submitted by UNMIK, the Panel has been provided by the complainant with a copy of the death certificate, identification certificate and certificate of identity based on DNA tests concerning her son, Mr R.P., which were issued in the same timeframe (see § 24 above).
8. On 8 December 2005, the mortal remains of Mr R.P. and Mr M.P. were handed over to their family.

*The WCU Investigation*

1. The investigative file contains a printout from the WCU database generated on 10 September 2005 which refers to Investigation Number 0384/INV/04 and the MPU case files on Mr R.P. and M.P., here indicate as MPU case file no. 2001-001034. In the fields “Investigation Type” and “Date”, the report states, respectively, “Ante Mortem” and “17 Apr 04”. The field “Request Summary” reads: “there is a lack of information. Re-allocated on 6/11/04 to Christian. Re-allocated on 5/04/05 to Igor”. Under “Invest. Notes”, the report states “Refer to the investigator report. So far there is no information leading to MP’s location”. In the fields “Results” and “Date of Result”, the report reads, respectively, “Pending” and “7/05/2005”.
2. The file also contains an Ante Mortem Investigation Report of the WCU, referring to investigation no. 0384/INV/04 and the cases of Mr R.P. and Mr M.P., here indicated as MPU case file no. 2001-001034. The report, started on 17 June 2005 and completed on 5 July 2005, names two witnesses in the case, namely Mrs R.P., the mother of Mr R.P. and wife of Mr M.P., and Mr N.B. (the same person as the Mr N. of § 32), indicated as “eye-witness”. His full contact details, including address and telephone number, are included in the report. Under the field “Status” the report states “Inactive”. In the fields “Nature of Information”, and “Background of Information”, the report summarises the account of the facts as provided by Mrs R.P. to the UNMIK Belgrade Missing Persons Office (see § 32 above). In the field “Further Investigation” the report states that the investigators had tried to contact Mr J.R., the owner of the transport company for which Mr R.P. was working, however, “the number was wrong”. Therefore investigators had gone to the “Ministry of Trade and Industry and Commercial Court” looking for records concerning a certain company indicated by Mrs R.P. and, in that way, had obtained the contact details of Mr N.B. In the same field “Further Investigation” the report further states that, by using internet resources, investigators had found information of the Humanitarian Law Centre with respect to the disappearance of Mr R.P. and Mr M.P. According to this account, the “Albanian” for whom Mr R.P. and Mr M.P. were transporting goods from Montenegro, had told Mrs R.P. that, on 16 June 1999, Mr R.P. and his brother (the brother of the “Albanian”) were driving the Mercedes truck, while he and Mr M.P. were following with another vehicle. Near the bridge in Klinë/Klina, the truck’s breaks “malfunctioned” and “as her son struggled to stop the vehicle, the Albanian’s brother fell out and slightly injured his shoulder”. Since the “Albanian” decided to take his brother to the hospital, they parked the truck by the bridge and asked him not to leave them alone on the road. The “Albanian” had responded that there was no need to worry as there was a KFOR post nearby. The report further mentions another internet source, reportedly stating information given by the wife of Mr R.P. No other details are added in this part of the report, except the name of Mr N.B., the “Albanian” for whom Mr R.P. and Mr M.P. were transporting goods and his telephone number. In the field “Witness Interviewed” the report states that the first witness interviewed was Mrs R.P. and that her statement was attached to the report. Enclosed with the report is a copy of the statement that Mrs R.P. had provided to the UNMIK Belgrade Missing Persons Office in April 2004 (see §§ 31-32 above). The second witness interviewed was Mr N.B.
3. In the field “Statement of Witness”, the same Ante Mortem Investigation Report, reflects the statement of Mr N.B. which, however, bears no signature. Reportedly, in his statement to the WCU, Mr N.B. stated that he wanted to organise the transport of vacuum cleaners from a factory in Niš, Serbia proper, to Prishtinë/Priština. He had called Mr B. (nickname for Mr J.R. of §§ 32 and 39 above), owner of a transport company in Niš, and asked him whether he would be willing to arrange the transport notwithstanding the security situation in the immediate aftermath of the war (no dates are provided throughout the statement). As Mr B. had agreed to arrange the delivery of the goods, Mr N.B. waited for the truck at the “Novi Pazar – Zubinpotok entrance” in Mitrovicë/Mitrovica, in order to escort it into Kosovo. When the truck arrived Mr R.P. was driving on his own. They went to Mr N.B.’s warehouse in Prishtinë/Priština to offloads the goods and then Mr N.B. asked Mr R.P. if he could transport another load of “appliances” from Cetinje in Montenegro to Prishtinë/Priština. As this was agreed by Mr B., they made arrangements to meet in a named place in Serbia proper so that Mr B. could bring some fuel there for the truck and also Mr R.P.’s father, who wanted to help his son in the trip. Mr R.P. and Mr M.P. then drove to Montenegro and back into Kosovo, where they met Mr N.B. “at the checkpoint under control of Italian KFOR”. He asked Mr R.P. and Mr M.P. to be in the vehicle with him and let his brother, Mr Ne.B., drive the truck as that would have been safer for them and the shipment; however Mr R.P. allegedly refused because the truck’s brakes had a problem. Thereafter Mr M.P. went in his vehicle, while his brother went into the truck with Mr R.P. He stated that after 5 Km the truck started to drive very fast. At the beginning the truck was behind but after increasing its speed it overtook them until Mr R.P. managed to stop it uphill. In that moment Mr R.P. got off the truck, came to his vehicle and told him that his brother, Mr Ne.B., had become scared during the drive and had jumped off the truck. He ran back to look for his brother, but it was very dark. He stopped a private vehicle passing on the road and asked the driver to assist in finding his brother. After a while the same vehicle came back with Mr Ne.B. The latter was unconscious and his head was bleeding, so Mr N.B. decided to take him to the hospital. He asked Mr R.P. and Mr M.P. to go back to the Italian checkpoint as they were heading to the hospital. Under KFOR escort, he first took his brother to the hospital in Banjë/Banja village, and from there to the one in Pejë/Peč, as the situation of his brother had been diagnosed as serious by the doctors. On the way to Pejë/Peč he passed by the Italian checkpoint but he could not see the truck there. After leaving his brother in the hospital and making his way back to Prishtinë/Priština to inform his family members, he saw the headlights of the truck by the Klinë/Klina bridge. He spoke to Mr R.P. and Mr M.P. and asked them to go back but they insisted they wanted to go to Prishtinë/Priština. He said he would first go to Prishtinë/Priština to his family and then back to the hospital and that, he “would come across with them on the way back”. Mr N.B. went back home and changed his vehicle, then he returned using the same road; however there was no trace of the truck. He collected his brother from the hospital and together they went to the Italian checkpoint. He did not see the truck there and thought that Mr R.P. and Mr M.P. had gone to Montenegro. He called the owner of the transport company, Mr B., who said he had not received any call or news from Mr R.P. and Mr M.P. One month later, Mrs R. P. called him and told him that Mr B. had not given her any money and that she needed help as her nephew was sick. For this reason, he had sent her money “a few times”. Afterwards Mrs R.P. called him saying that “she had gone to court” and that was the last time they had spoken.
4. The field “Conclusion” of the Ante Mortem Investigation report states: “there is no information leading to a possible MP’s location. This case should remain pending inactive within the WCU”. It is stated that, on 10 August 2005, the report had been signed for approval by one WCU team leader.
5. It appears that the case was reviewed by the WCIU in July 2007. The investigative file contains the printout of a WCIU database, generated on 19 October 2007, containing a Case Report on the case of Mr R.P. and Mr M.P., recorded as case file no. 2005-00107. In the field “Type of Crime” the report states “Missing Person (Suspected Abduction). Under the fields “Date in” and “Status”, the report reads, respectively “8/16/2005” and “Inactive”. Under “Summary”, the report states that the missing persons had left to go from Pejë/Peč to transport some goods to Mr N. (only his first name is provided in this report) an “Albanian from Prishtinë/Priština”, who also joined them on the truck. The truck had reportedly broken down by the bridge near Klinë/Klina and Mr N. “allegedly head to Pristina in order to find a car mechanic to get the truck repaired”. The next day Mr N. had informed their family that he had not found them on the way back. The report further states that, on 8 December 2005, the mortal remains of Mr R.P. and Mr M.P. had been handed over to their family.
6. The file also contains a Case Analysis Report of the WCU prepared on 21 October 2007 and reviewed for approval on 25 October 2007. Apart from the information contained in the report mentioned above (§ 41), the report, under the field “Investigator Recommendation/Opinion” states “as the file lacks [N.]’s statement I consider the case should not be closed without at least this piece of evidence. So I suggest that further investigation is carried out by KPS or International Police”. The report also bears a handwritten note stating that the case had been further reviewed on 21 November 2007 and that the suggestion was made to change the classification of the case to “D3” as there was “no circumstantial evidence” that the case was “related to a war crime case”.
7. It transpires from the file submitted by UNMIK that the case was further reviewed by the Kosovo Special Prosecution Office (SPRK) in July 2009. Included in the file is a Request to Conduct Investigation against unknown perpetrators, dated 27 July 2009, issued by an International Prosecutor of the SPRK with respect to the case of Mr R.P. and Mr M.P. (here referred to as “UNMIK Police number 2000-00107). This document contains the same summary of facts as in the UNMIK WCIU Case Analysis Report of October 2007 (see § 41 above); in addition, it states that “the remains of [M.P.] were found and turned over to the family”. With this request, the International Prosecutor requests the head of the EULEX War Crimes Police “to conduct the following investigative actions: try to find the MP via I.O.; interview the relatives of the MP, the witness and the reporting party” and to present the findings in a report.
8. The file also contains another document of the EULEX SPRK, dated 28 July 2009, assessing the case of Mr R.P. and Mr M.P., also here referred to as UNMIK Police number 2002-00067. In the field “date of initial report” the document states “18-08-2002” and under “Factual Circumstances” it is stated the victims went missing from Klinë/Klina and that “they had gone to the hospital and were never seen again”. The document further states: “This case is exactly the same as 2005-00107: according to that file the remains were found back and returned to the family”. In the field “Autopsy” the document states “No”, and under “Remarks”: “This case is not a war crime due to the date of the event. The file list one Albanian, there is only a first name and an old phone number mentioned in the file … Statements of the family members are missing in the file”. Under the field “Decision” the document states “Provisional closing copy (pending the original file). Case included in the file 2005-00107).
9. The last document included in the file is a copy of a ruling the EULEX SPRK International Prosecutor, dated 19 August 2009, to dismiss the criminal report concerning the killing of Mr R.P. and Mr M.P., here referred to as UNMIK Police no. 2006-00034. The ruling states that “the case file contains no element that can lead to the identification of a possible suspect” and that, moreover, “the facts were committed outside of war crime time frame and this file is included in file 2005-00107”.
10. It is not clear from the investigative file whether the former UNMIK WCIU case no. 2005-00107 is still pending with the SPRK.
11. **THE COMPLAINTS**
12. The complainant complains about UNMIK’s alleged failure to properly investigate the disappearance and killing of her son and husband. In this regard the Panel deems that the complainant invokes a violation of the procedural limb of Article 2 of the European Convention on Human Rights (ECHR).
13. The complainant also complains about the mental pain and suffering allegedly caused to her and her family by this situation. In this regard, she relies on Article 3 of the ECHR.
14. **THE LAW**
15. **Alleged violation of the procedural obligation under Article 2 of the ECHR**
	1. **The scope of the Panel’s review**
16. In determining whether it considers that there has been a violation of Article 2 (procedural limb) of the ECHR, the Panel is mindful of the existing case-law, notably that of the European Court of Human Rights. However, the Panel is also aware that the complaints before it differ in some significant ways from those brought before that Court. First, the respondent is not a State but an interim international territorial administration mandated to exercise temporary responsibilities in Kosovo. No suspicion attaches to UNMIK with respect to the substantive obligations under Article 2 of the ECHR. Second, as in a limited number of cases before the European Court, those suspected of being responsible for the alleged killings and/or abductions are in all cases before the Panel non-state actors, mostly but not exclusively connected to the conflict. These are factors for the Panel to take into consideration as it assesses for the first time the procedural positive obligations of an intergovernmental organisation with respect to acts committed by third parties in a territory over which it has temporary legislative, executive and judicial control.
17. Before turning to the examination of the merits of the complaints, the Panel needs to clarify the scope of its review.
18. The Panel notes that with the adoption of the UNMIK Regulation No. 1999/1 on 25 July 1999 UNMIK undertook an obligation to observe internationally recognised human rights standards in exercising its functions. This undertaking was detailed in UNMIK Regulation No. 1999/24 of 12 December 1999, by which UNMIK assumed obligations under the following human rights instruments: the Universal Declaration of Human Rights, the European Convention on Human Rights and Protocols thereto, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, [the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](http://untreaty.un.org/English/TreatyEvent2001/pdf/07e.pdf), the Convention on the Rights of the Child.
19. The Panel also notes that Section 1.2 of UNMIK Regulation No. 2006/12 of 23 March 2006 on the Establishment of the Human Rights Advisory Panel provides that the Panel “shall examine complaints from any person or group of individuals claiming to be the victim of a violation by UNMIK of (their) human rights”. It follows that only acts or omissions attributable to UNMIK fall within the jurisdiction *ratione personae* of the Panel. In this respect, it should be noted, as stated above, that as of 9 December 2008, UNMIK no longer exercises executive authority over the Kosovo judiciary and law enforcement machinery. Therefore UNMIK bears no responsibility for any violation of human rights allegedly committed by those bodies. Insofar as the complainants complain about acts that occurred after that date, they fall outside the jurisdiction *ratione personae* of the Panel.
20. Likewise, the Panel emphasises that, as far as its jurisdiction *ratione materiae* is concerned, as follows from Section 1.2 of UNMIK Regulation No. 2006/12, it can only examine complaints relating to an alleged violation of human rights. This means that it can only review acts or omissions complained of for their compatibility with the international human rights instruments referred to above (see § 52). In the particular case of killings and disappearances in life-threatening circumstances, it is not the Panel’s role to replace the competent authorities in the investigation of the case. Its task is limited to examining the effectiveness of the criminal investigation into such killings and disappearances, in the light of the procedural obligations flowing from Article 2 of the ECHR.
21. The Panel further notes that Section 2 of UNMIK Regulation No. 2006/12 provides that the Panel shall have jurisdiction over complaints relating to alleged violations of human rights “that had occurred not earlier than 23 April 2005 or arising from facts which occurred prior to this date where these facts give rise to a continuing violation of human rights”. It follows that events that took place before 23 April 2005 generally fall outside the jurisdiction *ratione temporis* of the Panel. However, to the extent that such events gave rise to a continuing situation, the Panel has jurisdiction to examine complaints relating to that situation (see European Court of Human Rights (ECtHR), Grand Chamber [GC], *Varnava and Others v. Turkey*, nos. 16064/90 and others, judgment of 18 September 2009, §§ 147-149; ECtHR, *Cyprus v. Turkey* [GC] no. 25781/94, judgment of 10 May 2001, § 136, ECHR 2001-IV).
	1. **The parties’ submissions**
22. The complainant in substance alleges violations concerning the lack of an adequate criminal investigation into the disappearance and killing of Mr R.P. and Mr M.P. The complainant also states that she not informed as to whether an investigation was conducted and what the outcome was.
23. In his comments on the admissibility and merits of the complaints, the SRSG acknowledges UNMIK’s policing responsibility in the territory of Kosovo under UNSC Resolution 1244(1999). The SRSG states that this policing responsibility entails that “UNMIK had a mandate to protect people in Kosovo against criminal activities and to conduct effective investigations into crimes”.
24. Nonetheless, according to the SRSG, when examining the complaint, it shall be taken into account that Mr R.P. and Mr M.P. went missing in the immediate aftermath of the NATO bombing and during the first months of UNMIK’s deployment, when the crime rate in Kosovo was at its highest. The SRSG refers to the Report of the UN Secretary-General to the Security Council on the situation in Kosovo of 12 July 1999 stating that, by August 1999, a large number of Kosovo Serbs had left to Serbia proper, prompted by numerous incidents committed against Kosovo Serbs, including abductions and killings. As a result, UNMIK received hundreds of reports regarding abductions and killings which it was required to deal with.
25. However, the existence of “special circumstances” affecting UNMIK’s ability to investigate crimes “in particular in the initial phase of its mission when its main focus was directed towards building up its own and local policing capacities” shall also be taken into account. Among these, the SRSG states that UNMIK had no sole control over the recruitment or selection of international police officers deployed by UN member states and that, often, these police officers had insufficient experience to effectively investigate inter-ethnic crimes in a post conflict context. Another problem was the regular rotation of police officers which often led to a lack of investigation continuity. The SRSG states that, due to the structural limitations of the “UN’s operational mechanism” which, not having a standing police force of its own, has to rely on member states’ contributions, the investigations of the UNMIK Police cannot be compared to the investigations carried out by normal police in member states. The SRSG argues that the standards set by the European Convention of Human Rights “cannot be the same for UNMIK as for a State with a functioning, well-organised police apparatus in place and with police officers it can carefully select, recruit, and train”.
26. Concerning UNMIK’s investigation into the case of Mr R.P. and Mr M.P., the SRSG states at the outset that it is not clear from the investigative documents when their disappearance was exactly reported to UNMIK; however it is “certain” that on 16 April 2004 the UNMIK OMPF had received a witness statement of the complainant, which had been taken by the UNMIK Belgrade Office. On 1 June 2005, the bodies of Mr R.P. and Mr M.P were found and autopsies were conducted thereafter.
27. The SRSG states that, in July 2005, upon identifying and locating Mr N., the “Albanian” mentioned in the complainant’s statement, UNMIK Police interviewed him. In this respect, the SRSG acknowledges that there was an “inexplicable delay of one year” between the statement of the complainant and time UNMIK took the statement of Mr N. He also states that the statement “was not signed by the witness but by an UNMIK investigator” and that in this statement, Mr N. “confirmed essentially” the account of the events given by the complainant, with some “additions and discrepancies”.
28. The SRSG also states that on 10 August 2005, the UNMIK WCU finalised an Ante Mortem Investigation on the case of Mr R.P. and Mr M.P. and, on 16 August 2005, recorded the case into its system as “inactive”. In the meantime, between November and December 2005, the bodies discovered in June 2005 were identified as those of Mr R.P. and Mr M.P and handed over to their family.
29. In October 2007, an UNMIK WCU investigator reviewed the case noting that the case file did not contain Mr N.’s statement and stated that the file could not “be closed without this piece of evidence”. It is the SRSG’s opinion that the reviewing investigator “did not have at his disposal the Ante Mortem Investigation Report of 10 August 2005 and did not have knowledge about the fact that [N.] had been interviewed” by the WCU.
30. The SRSG further states that, as the case was reviewed by EULEX WCIU in July 2009, the responsible prosecutor decided to continue the investigation, although the basis was not clarified. The SPRK did not include the case in the “prioritised case list” and therefore no active investigative actions had been taken.
31. The SRSG argues that, taking into account the vast number of abductions and disappearances that UNMIK needed to investigate and “the inherent deficiencies of a field mission police force”, the investigative actions carried out by UNMIK in this case seem “appropriate and sufficient”. The SRSG acknowledges that there have been some failures in the investigation, such as the one year delay before the statement of Mr N. was taken in 2005, only after the bodies of Mr R.P. and Mr M.P. were found. He also acknowledges that this statement “leaves some unexplained issues, for example why [Mr N.] did not take [Mr R.P. and Mr M.P.] with him to Pristina the second time they met”. However, in his opinion “there are no indications that [Mr N.] had been involved in a criminal abduction or killing of [Mr R.P. and Mr M.P.]”. As the investigators had no other leads as to who could be the perpetrators, the decision that the investigation should remain “open but inactive”, “does not seem unreasonable” in those circumstances. In view of the above, the SRSG argues that the investigation should be considered effective.
	1. **The Panel’s assessment**

*Submission of relevant files*

1. The SRSG observes that all available files regarding the investigation have been presented to the Panel.
2. The Panel notes that Section 15 of UNMIK Regulation No. 2006/12 states that the Panel may request the submission from UNMIK of any documents and that the SRSG shall cooperate with the Panel and provide the necessary assistance including, in particular, in the release of documents and information relevant to the complaints. The Panel in this regard refers to the case-law of the European Court of Human Rights that inferences shall be drawn from the conduct of the respondent party during the proceedings, including from its failure “to submit information in their hands without a satisfactory explanation” (see ECtHR, *Çelikbilekv. Turkey*, no. 27693/95, judgment of 31 May 2005*,* § 56).
3. The Panel also notes that the proper maintenance of investigative files concerning crimes such as killings and disappearances, from the opening of the investigation to their handing over, is crucial to the continuation of such investigations and could thus raise *per se* issues under Article 2.
4. The Panel itself is not in the position to verify the completeness of the investigative files received. The Panel will therefore assess the merits of the complaints on the basis of documents made available (in this sense, see ECtHR, *Tsechoyev v. Russia*, no. 39358/05, judgment of 15 March 2011, § 146).
5. *General principles concerning the obligation to conduct an effective investigation under Article 2*
6. The Panel notes that the positive obligation to investigate disappearances is widely accepted in international human rights law since at least the case of the Inter-American Court of Human Rights *Velásquez-Rodríguez* (see Inter-American Court of Human Rights (IACtHR), *Velásquez-Rodríguez v. Honduras*, judgment of 29 July 1988, Series C No. 4). The positive obligation has also been stated by the HRC as stemming from Article 6 (right to life), Article 7 (prohibition of cruel and inhuman treatment) and Article 9 (right to liberty and security of person), read in conjunction with Article 2(3) (right to an effective remedy) of the ICCPR (see HRC, General Comment No. 6, 30 April 1982, § 4; HRC, General Comment No. 31, 26 May 2004, §§ 8 and 18, CCPR/C/21/Rev.1/Add. 13; see also, among others, HRC, *Mohamed El Awani, v. Libyan Arab Jamahiriya*, communication no. 1295/2004, views of 11 July 2007, CCPR/C/90/D/1295/2004). The obligation to investigate disappearances and killings is also asserted in the UN Declaration on the Protection of all Persons from Enforced Disappearances (A/Res/47/133, 18 December 1992), and further detailed in UN guidelines such as the UN Manual on the Effective Prevention and Investigation of Extra-Legal Arbitrary and Summary Executions (1991) and the “Guidelines for the Conduct of United Nations Inquiries into Allegations of Massacres” (1995). The importance of the obligation is confirmed by the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance in 2006, which entered into force on 23 December 2010.
7. In order to address the complainant’s allegations, the Panel refers, in particular, to the well-established case-law of the European Court on Human Rights on the procedural obligation under Article 2 of the ECHR. The Court has held that “[The] obligation to protect the right to life under Article 2 of the Convention, read in conjunction with the State's general duty under Article 1 of the Convention to “secure to everyone within [its] jurisdiction the rights and freedoms defined in [the] Convention”, requires by implication that there should be some form of effective official investigation when individuals have been killed (see, *mutatis mutandis*, ECtHR, *McCann and Others v. the United Kingdom*, judgment of 27 September 1995, § 161, Series A no. 324; and ECtHR, *Kaya v. Turkey*, judgment of 19 February 1998, § 105, *Reports of Judgments and Decisions* 1998-I; see also ECtHR, *Jasinskis v. Latvia*, no. 45744/08, judgment of 21 December 2010, § 71). The duty to conduct such an investigation arises in all cases of killing and other suspicious death, whether the perpetrators were private persons or State agents or are unknown (see ECtHR, *Kolevi v. Bulgaria*, no. 1108/02, judgment of 5 November 2009, § 191).
8. The European Court has also stated that the procedural obligation to provide some form of effective official investigation exists also when an individual has gone missing in life-threatening circumstances and is not confined to cases where it is apparent that the disappearance was caused by an agent of the State (see ECtHR [GC], *Varnava and Others v. Turkey*, cited in § 55 above, at § 136).
9. The authorities must act of their own motion once the matter has come to their attention, and they cannot leave it to the initiative of the next-of-kin either to lodge a formal complaint or to take responsibility for the conduct of any investigative procedure (see ECtHR, *Ahmet Özkan and Others v. Turkey*, no. 21689/93, judgment of 6 April 2004, § 310; see also ECtHR, *Isayeva v. Russia*, no. 57950/00, judgment of 24 February 2005, § 210).
10. Setting out the standards of an effective investigation, the Court has stated that “beside being independent, accessible to the victim’s family, carried out with reasonable promptness and expedition, affording a sufficient element of public scrutiny of the investigation and its results, the investigation must also be effective in the sense that is capable of leading to a determination of whether the death was caused unlawfully and if so, to the identification and punishment of those responsible (see ECtHR [GC]*, Varnava and Others v. Turkey*, cited in § 55 above, at § 191; see also ECtHR, *Palić v. Bosnia and Herzegovina*, no. 4704/04, judgment of 15 February 2011, § 63). This is not an obligation of results but of means. The authorities must take whatever reasonable steps they can to secure the evidence concerning the incident, including, inter alia eye-witness testimony, forensic evidence and, where appropriate, an autopsy which provides a complete and accurate record of injury and an objective analysis of the clinical findings, including the cause of death. Any deficiency in the investigation which undermines its ability to establish the cause of death or the person or persons responsible will risk falling foul of this standard (see ECtHR, *Ahmet Özkan and Others v. Turkey*, cited above, at § 312; and *Isayeva v. Russia*, cited above, at § 212).
11. In particular, the investigation’s conclusion must be based on thorough, objective and impartial analysis of all relevant elements. Failing to follow an obvious line of enquiry undermines to a decisive extent the investigation’s ability to establish the circumstances of the case and the identity of those responsible (see ECtHR, *Kolevi v. Bulgaria*, cited in § 71 above, at § 201). Nevertheless, the nature and degree of scrutiny which satisfy the minimum threshold of the investigation’s effectiveness depend on the circumstances of the particular case. They must be assessed on the basis of all relevant facts and with regard to the practical realities of the investigation work (see ECtHR, *Velcea and Mazăre v. Romania*, no. 64301/01, judgment of 1 December 2009, § 105).
12. Specifically with regard to persons disappeared and later found dead, the Court has stated that the procedures of exhuming and identifying mortal remains do not exhaust the obligation under Article 2 of the ECHR. The Court holds that “the procedural obligation arising from a disappearance will generally remain as long as the whereabouts and fate of the person are unaccounted for, and it is thus of a continuing nature” (ECtHR, *Palić v. Bosnia and Herzegovina*, cited in § 74 above, at § 46; in the same sense ECtHR [GC], *Varnava and Others v. Turkey*, cited in § 53 above, at § 148, *Aslakhanova and Others v. Russia*, nos. 2944/06 and others, judgment of 18 December 2012, § 122). However, the Court also stresses that this procedural obligation “does not come to an end even on discovery of the body .... This only casts light on one aspect of the fate of the missing person and the obligation to account for the disappearance and death, as well as to identify and prosecute any perpetrator of unlawful acts in that connection, will generally remain” (ECtHR, *Palić v. Bosnia and Herzegovina*, cited above, at § 46; in the same sense ECtHR [GC], *Varnava and Others v. Turkey*, cited in § 55 above, at § 145). While the location and the subsequent identification of the mortal remains of the victim may in themselves be significant achievements, the procedural obligation under Article 2 continues to exist (see ECtHR, *Palić v. Bosnia and Herzegovina*, cited above, at § 64).
13. On the requirement of public scrutiny, the Court has further stated that there must be a sufficient element of public scrutiny of the investigation or its results to secure accountability in practice as well as in theory. The degree of public scrutiny required may well vary from case to case. In all cases, however, the victim's next-of-kin must be involved in the procedure to the extent necessary to safeguard his or her legitimate interests (see ECtHR, *Ahmet Özkan and Others*, cited in § 73 above, at §§ 311‑314; ECtHR, *Isayeva v. Russia*, cited in § 73 above, at §§ 211-214 and the cases cited therein; ECtHR [GC], *Al-Skeini and Others v. the United Kingdom*, judgment of 7 July 2011, no. 55721/07, § 167, ECHR 2011).
14. The Court has also underlined the great importance of an effective investigation in establishing the truth of what transpired, not only for the families of victims, but also for other victims of similar crimes, as well as the general public, who have the right to know what occurred (ECtHR [GC], *El-Masri v. The Former Yugoslav Republic of Macedonia*, no. 39630/09, judgment of 13 December 2012, § 191). The United Nations also recognises the importance of the right to truth. In the words of the United Nations Secretary-General, “the right to truth implies knowing the full and complete truth about the violations and the events that transpired, their specific circumstances and who participated in them. In the case of missing persons … it also implies the right to know the fate and whereabouts of the victim” (see Report of the UN Secretary-General, Missing Persons, UN Document A/67/267, 8 August 2012, § 5; see also UN Human Rights Council, Resolutions 9/11 and 12/12: Right to the Truth, 24 September 2008 and 12 October 2009; see also the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, Framework Principles for securing the accountability of public officials for gross and systematic human rights violations committed in the context of State counter-terrorist initiatives; UN Document A/HRC/22/52, 1 March 2013).
15. *Applicability of Article 2 to the Kosovo context*
16. The Panel is conscious of the fact that the disappearance and killing of Mr R.P. and Mr M.P. took place shortly after the deployment of UNMIK in Kosovo in the immediate aftermath of the armed conflict, when crime, violence and insecurity were rife.
17. On his part, the SRSG does not contest that UNMIK had a duty to investigate the present case under ECHR Article 2. However, according to the SRSG, the unique circumstances pertaining to the Kosovo context and to UNMIK’s deployment in the first phase of its mission shall be taken into account when assessing whether this investigation is in compliance with Article 2 of the ECHR. In substance, the SRSG argues that it is not possible to apply to UNMIK the same standards applicable to a State in a normal situation.
18. The Panel considers that the SRSG’s arguments raise two main questions: first, whether the standards of Article 2 continue to apply in situation of conflict or generalised violence and, secondly, whether such standards shall be considered fully applicable to UNMIK.
19. As regards the applicability of Article 2 to UNMIK, the Panel recalls that with the adoption of the UNMIK Regulation No. 1999/1 on 25 July 1999 UNMIK undertook an obligation to observe internationally recognised human rights standards in exercising its functions. This undertaking was detailed in UNMIK Regulation No. 1999/24 of 12 December 1999, by which UNMIK assumed obligations under certain international human rights instruments, including the ECHR. In this respect, the Panel has already found that it is true that UNMIK’s interim character and related difficulties must be duly taken into account with regard to a number of situations, but under no circumstances could these elements be taken as a justification for diminishing standards of respect for human rights, which were duly incorporated into UNMIK’s mandate (see HRAP, *Milogorić and Others,* nos. 38/08 and others, opinion of 24 March 2011, § 44; *Berisha and Others,* nos. 27/08 and others, opinion of 23 February 2011,§ 25; *Lalić and Others*, nos. 09/08 and others, opinion of 9 June 2012, § 22).
20. Concerning the applicability of Article 2 to situations of conflict or generalised violence, the Panel recalls that the European Court on Human Rights has established the applicability of Article 2 to post-conflict situations, including in countries of the former Yugoslavia (see, among other examples, ECtHR, *Palić v. Bosnia and Herzegovina,* cited in § 74 above, and ECtHR, *Jularić v. Croatia*, no. 20106/06, judgment of 20 January 2011). The Court has further held that that the procedural obligation under Article 2 continues to apply in “difficult security conditions, including in a context of armed conflict” (see ECtHR [GC], *Al-Skeini and Others v. the United Kingdom*, cited in § 77 above, at § 164; see also ECtHR, *Güleç v. Turkey*, judgment of 27 July 1998, § 81, Reports 1998-IV; ECtHR, *Ergi v. Turkey*, judgment of 28 July 1998 , §§ 79 and 82, Reports 1998-IV; ECtHR, *Ahmet Özkan and Others v. Turkey*, cited in § 73 above, at §§ 85-90, 309-320 and 326-330; *Isayeva v. Russia*, cited in § 73 above, at §§ 180 and 210; ECtHR, *Kanlibaş v. Turkey*, no. 32444/96, judgment of 8 December 2005, §§ 39-51).
21. The Court has acknowledged that “where the death [and disappearances] to be investigated under Article 2 occur in circumstances of generalised violence, armed conflict or insurgency, obstacles may be placed in the way of investigators and concrete constraints may compel the use of less effective measures of investigation or may cause an investigation to be delayed” (see, ECtHR [GC], *Al-Skeini and Others v. the United Kingdom,* cited above, at § 164; ECtHR, *Bazorkina v. Russia*, no. 69481/01, judgment of 27 July 2006, § 121). Nonetheless, the Court has held that “the obligation under Article 2 to safeguard life entails that, even in difficult security conditions, all reasonable steps must be taken to ensure that an effective, independent investigation is conducted into alleged breaches of the right to life (see, amongst many other examples, ECtHR, *Kaya v. Turkey*, cited in § 71 above, at §§ 86‑92; ECtHR, *Ergi v Turkey,* cited above, at §§ 82-85; ECtHR [GC], *Tanrıkulu v. Turkey*, no. 23763/94, judgment of 8 July 1999, §§ 101-110, ECHR 1999-IV; ECtHR, *Khashiyev and Akayeva v. Russia*, nos. 57942/00 and 57945/00, judgment of 24 February 2005, §§ 156-166; ECtHR, *Isayeva v. Russia*, cited in § 78 above, at §§ 215‑224; ECtHR, *Musayev and Others v. Russia*, nos. 57941/00 and others, judgment of 26 July 2007, §§ 158-165).
22. Similarly, the HRC has held that the right to life, including its procedural guarantees, shall be considered as the supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation (see, HRC, General Comment No. 6, cited in § 70 above, at § 1; HRC, *Abubakar Amirov and Aïzan Amirova v. Russian Federation*, communication no. 1447/2006, views of 22 April 2009, § 11.2, CCPR/C/95/D/1447/2006). Further, the HRC has stated the applicability of Article 2 (3), 6 and 7 of the ICCPR with specific reference to UNMIK’s obligation to conduct proper investigations on disappearances and abductions in Kosovo (see HRC, Concluding Observations of the Human Rights Committee: Kosovo (Serbia), 14 August 2006, §§ 12-13, CCPR/C/UNK/CO/1).
23. The Panel appreciates the difficulties encountered by UNMIK during the first phase of its deployment. The Panel notes that the appropriate importance attached to the issue of missing persons in Kosovo meant that UNMIK had to take into account both the humanitarian and criminal dimensions of the situation. In particular, the Panel considers that the importance attached to the criminal investigations and the difficulties in Kosovo that limited the abilities of investigating authorities to conduct such investigations, made it crucial that UNMIK establish from the outset an environment conducive to the performance of meaningful investigations. This would involve putting in place a system that would include such elements as the allocation of overall responsibility for the supervision and monitoring of progress in investigations, provision for the regular review of the status of investigations, and a process for the proper handover of cases between different officers or units of UNMIK Police. Such a system should also take account of the protection needs of victims and witnesses (see, *mutatis mutandis*, ECtHR, *R.R. and Others v. Hungary*, no. 19400/11, judgment of 4 December 2012, §§ 28-32), as well as to consider the special vulnerability of displaced persons in post-conflict situations (see ECtHR [GC], *Sargsyan v. Azerbaijan,* no. 40167/06, decision of 14 December 2011, § 145; and ECtHR [GC], *Chiragov and Others v. Armenia*, no. 13216/05, decision of 14 December 2011, § 146). While understanding that the deployment and the organisation of the police and justice apparatus occurred gradually, the Panel deems that this process was completed in 2003 when the police and justice system in Kosovo was described as being “well-functioning” and “sustainable” by the UN Secretary-General (see § 20 above).
24. The Panel further notes that its task is not to review relevant practices or alleged obstacles to the conduct of effective investigations *in abstracto*, but only in relation to their specific application to the particular circumstances of a situation subject of a complaint before it (see, ECtHR, *Brogan and Others v. the United Kingdom*, judgment of 29 November 1988, § 53, Series A no. 145-B). The Panel therefore determines that the nature and degree of scrutiny to determine whether the effectiveness of the investigation satisfies the minimum threshold depends on the circumstances of the particular case. For these reasons, the Panel considers that it will establish with regard to each case if all reasonable steps were taken to conduct an effective investigation as prescribed by Article 2, having regard to the realities of the investigative work in Kosovo.
25. *Compliance with Article 2 in the present case*
26. Turning to the particulars of the present case, the Panel notes that there were major failures in the conduct of the investigation since its inception, having in mind that the initial stage of the investigation is of the utmost importance. However, in light of the considerations developed above concerning its limited temporal jurisdiction (see § 55), the Panel recalls that it is competent *ratione temporis* to evaluate the compliance of the investigation with Article 2 of the ECHR only for the period after 23 April 2005, while taking into consideration the state of the case at that date (ECtHR, *Palić v. Bosnia and Herzegovina*, cited in § 74 above, at § 70). The period under review ends on 9 December 2008, with EULEX taking over responsibility in the area of administration of justice (see §§ 20-21 above).
27. The Panel agrees with the SRSG that it is not possible to determine from the documentation in the investigative file when the disappearance of Mr R.P. and Mr M.P. was reported to UNMIK. Nonetheless, the Panel notes that as early as April 2000, the UNMIK Police Intelligence Unit had received information that Mr R.P. was allegedly being illegally detained by the KLA in Skenderaj/Srbica. The Panel also notes that the names of Mr R.P. and Mr M.P. were included in the list of missing persons forwarded by the ICRC to UNMIK on 21 October 2001 and, therefore, considers that, at least by this date, UNMIK became aware of their disappearance.
28. The Panel also notes that, as it appears from the case file numbers given to the case by the MPU a missing person file concerning Mr R.P. and Mr M.P. was opened promptly, by the MPU, at some time in 2001. This file is referred to throughout the investigative file alternatively as case file no. 2001-011304 or case file no. 2001-001034 so that it is not possible to ascertain which is the correct registration number of the case (as both case file numbers appear throughout the file with reference to the case, it is not possible to ascertain whether this was done by mistake).
29. In addition, the Panel notes that, as it transpires from the EULEX review of the case in 2009, at least two case files were open with respect to the criminal investigation into the disappearance of Mr R.P. and Mr M.P., one in 2002 and one in 2005 by the WCU (the former under case UNMIK Police file no. 2002-00067, found by the EULEX prosecutor to be “exactly the same as 2005-00107”, see § 45 above).
30. At the outset, the Panel notes that it is apparent from the investigative file that in April 2000 UNMIK Police had received an intelligence report according to which the complainant’s son, Mr R.P., was being illegally detained in a KLA detention centre in Skenderaj/Srbica (see §§ 27-28 above). The same report contained information that other named persons were “detained against their will” in 111 KLA “concentration camps” and provided indication of their location and, in some instances, of the KLA members in charge. The Panel notes with concern that there is no documentation in the file showing that the UNMIK Police took any action to verify or follow-up on this information, not only with respect to the case of Mr R.P. but also with respect to a wider investigation involving a possible pattern of abductions and illegal detentions by the KLA throughout Kosovo and northern Albania.
31. The Panel also notes that, after the disappearance of both Mr R.P. and Mr M.P. had been reported by the ICRC in 2001, and for about three years thereafter, no action whatsoever was taken on this case, neither by the MPU or the WCU, until the UNMIK Belgrade Missing Persons Office took a statement from the complainant in April 2004. The Panel also notes that the complainant’s statement provided information that Mr R.P. and Mr M.P. had been most likely victims of a crime and also provided numerous leads (names of potential witnesses and suspects, a detailed description and registration plate of the truck that had disappeared with them) for further investigative action. There is no indication in the file of the follow-up actions taken after this statement was taken.
32. Coming to the period within its jurisdiction, the Panel notes that on 1 June 2005 the UNMIK MPU discovered in Klinë/Klina the mortal remains, later identified as those of Mr R.P. and Mr M.P.
33. At the end of June 2005, as acknowledged by the SRSG, with an “unexplained delay of one year” after the complainant’s statement was taken by the MPU, the WCU completed an Ante Mortem Investigation on the disappearance of Mr R.P. and Mr M.P. In this process, the WCU managed, through several enquiries, to identify, locate and interview Mr N.B. (Mr N. in the account of the complainant), the main potential witness in the case. The Panel first notes that this statement, as acknowledged also by the SRSG, was very poorly recorded: it was included in the main text of a police report and was not signed by the witness. Further, no questions were asked by the investigators as to the dates of the events in question. Moreover, the Panel also notes that several inconsistencies emerged between the accounts provided respectively by the complainant and by Mr N.B. (for instance whether Mr N.B.’s brother had been wounded into the head or shoulder; in the account of the complainant, Mr N.B. had not met her son and husband after the first trip to the hospital). The Panel also notes “some unexplained issues” (for instance the one identified by the SRSG as to “why [Mr N.B.] did not take them with him to Pristina the second time they met”, and also the fact that Mr N.B. had stated he was following the truck with his vehicle but allegedly did not see his brother jumping out of the truck). However, there is no indication in the file that the WCU made any efforts to clarify these inconsistencies by, for example, taking another statement from the complainant and by cross-examining the two witnesses. In addition, there is no indication that any other action, apart from interviewing Mr N.B. was taken by the WCU, including basic investigative steps, such as locating and interviewing the owner of the transport company, locating and interviewing the brother of Mr N.B., reportedly also an eye-witness in the case, initiating a search for the truck, or “canvassing” the area of the alleged crime scene.
34. The apparent lack of any adequate reaction from UNMIK Police may have suggested to perpetrators that the authorities were either not able, or not willing to investigate such criminal acts. Such an attitude of the authorities towards the gravest crimes in any society, and especially in post-conflict circumstances, inevitably creates a culture of impunity among the criminals and can only lead to a worsening of the situation. The problems which UNMIK had encountered at the beginning of its mission, which were discussed above, do not justify such inaction, either at the outset or subsequently.
35. No explanation has been provided by the SRSG as to why the investigative file contains forensic documents (autopsy report, death and identification certificates) only for Mr M.P. Nonetheless, having examined the documents submitted to the Panel by the complainant in this respect (see § 24 above) the Panel acknowledges that, in the period of a few months, from June 2005 to November 2005, autopsies were carried out which, at least for Mr M.P., established the cause of death, and arrangements were made for identification, including through DNA analysis. Upon identification, the mortal remains of Mr R.P. and Mr M.P. were handed over to their family in December 2005.
36. The Panel recalls that, although the discovery and identification of the Mr R.P. and M.P.’s mortal remains must be considered in itself an achievement, the procedural obligation under Article 2 did not come to an end with the discovery of the mortal remains, especially as they showed (especially in the case of Mr M.P.) evidence of violent death. The Panel has already stated that, as far as those responsible for the crime had not been located, UNMIK was obligated to regularly review the progress of the investigation to ensure that nothing had been overlooked and any new evidence had been considered, as well as to inform their relatives regarding any possible new leads of enquiry.
37. The Panel notes that the case was reviewed in July 2007 and, again, in October 2007 by the WCIU. Both reviews, however, were far from being adequate. According to both reviews, Mr R.P. and Mr M.P. were transporting goods from Pejë/Peć; their truck had broken down and Mr N. (only first name provided, as if the Police had not yet identified him) had gone to Pristhinë/Priština to find a car mechanic. On the way back, Mr N. had not found Mr R.P. and Mr M.P. Also, according to the reviewing investigator, only the body of Mr M.P. had been found and handed over to the family. During the second review in October 2007, the responsible investigator found that the file lacked a statement from the main witness, Mr N.B. and that it could not be closed without “this piece of evidence”; therefore it was recommended that further investigation be undertaken by the local or international police. The Panel notes with concern the SRSG’s argument that the reviewing investigator did not have at his disposal the 2005 Ante Mortem Investigation Report and was, for this reason, not aware that a statement had been taken from Mr N.B. back in 2005. This statement by the SRSG raises the questions as to why the investigator did not have this important document at this disposal and as to how a review of the case could take place without one of the most important reports produced thus far by the UNMIK Police.
38. In this regard, the Panel has already noted the principle that proper maintenance of investigative files concerning crimes such as killings and disappearances, from the opening of the investigation to their handing over, is crucial to the continuation of such investigations and could thus raise per se issues under Article 2. The Panel also notes that it is evident in the present case that the poor maintenance of the investigative file, along with the inadequate review of the case seriously undermined the effectiveness of the investigation and its continuation, including by EULEX.
39. It is also not clear to the Panel if this investigation was reviewed by a prosecutor at any stage. The Panel notes in this respect that UNMIK DOJ was in receipt of the complainant’s criminal report as of February 2005 (see § 34 above). In any event, no formal instructions from any prosecutor are on file.
40. The Panel is aware that the duty to investigate is not breached merely because the investigation does not produce a satisfactory result. Nevertheless, such an investigation must be undertaken in a serious manner and not be a mere formality.
41. The Panel considers that, having regard to all the circumstances of the particular case, not all reasonable steps were taken by UNMIK towards identifying the perpetrators and to bring them to justice. In this sense the Panel considers that the investigation was not adequate and did not comply with the requirements of promptness, expedition and effectiveness (see § 74 above), as required by Article 2.
42. In light of the deficiencies and shortcomings described above, the Panel concludes that UNMIK failed to carry out an effective investigation into the disappearance and killing of Mr R.P. and Mr M.P. There has been accordingly a violation of Article 2, procedural limb, of the ECHR.
43. **Alleged violation of Article 3 of the ECHR**
44. The Panel considers that the complainant invokes, in substance, a violation of the right to be free from inhumane or degrading treatment, guaranteed by Article 3 of the ECHR.
45. The SRSG does not make further submissions with specific reference to the alleged violation of Article 3 of the ECHR.
46. In its decision of 26 November 2010, the Panel declared the complaints admissible. Nevertheless, the Panel has to reassess the admissibility of this part of the complaints, in light of subsequent developments in the Panel’s case law concerning the admissibility of complaints under Article 3 of the ECHR.
47. The Panel has already held that, where the disappeared person is later found dead, the applicability of Article 3 of the ECHR is in general limited to the distinct period during which the member of the family sustained uncertainty, anguish and distress appertaining to the specific phenomenon of disappearances (see, *e.g.*, ECtHR, *Luluyev and Others v. Russia*, no. 69480/01, judgment of 9 November 2006, §§ 114-115, *ECHR*, 2006-XIII; see also ECtHR, *Gongadze v. Ukraine*, no. 34056/02, judgment of 8 November 2005, § 185, *ECHR*, 2005-XI).
48. In this respect, the question arises whether the complaint has been filed in time. Section 3.1 of UNMIK Regulation No. 2006/12 states that the Panel “may only deal with a matter ... within a period of six months from the date on which the final decision was taken”. As a rule, the six-month period runs from the date of the final decision in the process of exhaustion of domestic remedies. Where it is clear from the outset however that no effective remedy is available to the complainant, the period runs from the date of the acts or measures complained of, or from the date of knowledge of that act or its effect on or prejudice to the complainant (ECtHR [GC], *Varnava and Others v. Turkey*, cited in § 55 above, at § 157). Where the complaint relates to a continuing situation, which has come to an end, the six-month time limit starts to run from the date on which the situation has come to an end.
49. The Panel notes that the mortal remains of Mr R.P. and Mr M.P. were returned to the complainant’s family on 8 December 2005. It is at that moment that the period during which an issue could arise under Article 3 of the ECHR, came to an end. For the purpose of Section 3.1 of UNMIK Regulation No. 2006/12, the six-month time limit therefore started to run from that date.
50. The complaint was filed with the Panel on 4 April 2009, that is after the expiration of the above-referred six-month period.
51. The Panel has no doubts as to the profound suffering caused to the complainant by the disappearance and killing of his son and husband. Nevertheless, the Panel must conclude that this part of the complaint falls outside the time-limit set by Section 3.1 of UNMIK Regulation No. 2006/12 and, therefore, must be declared inadmissible.
52. **CONCLUDING COMMENTS AND RECOMMENDATIONS**
53. In light of the Panel’s findings in this case, the Panel is of the opinion that some form of reparation is necessary.
54. The Panel notes that enforced disappearances constitute serious violations of human rights which shall be investigated and prosecuted under any circumstances. The Panel also notes that UNMIK as the territorial administration of Kosovo from 1999 to 2008 had the primary responsibility to effectively investigate and prosecute those responsible for the disappearance and killing of Mr R.P. and Mr M.P., and that its failure to do so constitutes a further serious violation of the rights of the victims and their next-of-kin, in particular the right to have the truth of the matter determined.
55. The Panel notes the SRSG’s own concerns that the inadequate resources, especially at the outset of UNMIK’s mission, made compliance with UNMIK’s human rights obligations difficult to achieve.
56. It would normally be for UNMIK to take the appropriate measures in order to put an end to the violation noted and to redress as far as possible the effects thereof. However, as the Panel noted above (see § 20), UNMIK’s responsibility with regard to the administration of justice in Kosovo ended on 9 December 2008, with EULEX assuming full operational control in the area of rule of law. UNMIK therefore is no longer in a position to take measures that will have a direct impact on the investigations that are still pending before EULEX or local authorities. Likewise, following the declaration of independence by the Kosovo Provisional Institutions of Self-Government on 17 February 2008 and subsequently, the entry into force of the Kosovo Constitution on 15 June 2008, UNMIK ceased to perform executive functions in Kosovo, this fact limiting its ability to provide full and effective reparation of the violation committed, as required by established principles of international human rights law.
57. The Panel considers that this factual situation does not relieve UNMIK from its obligation to redress as far as possible the effects of the violations for which it is responsible.

**With respect to the complainant and the case the Panel considers appropriate that UNMIK:**

* + - In line with the case law of the European Court of Human Rights on situations of limited State jurisdiction (see ECtHR [GC], *Ilaşcu and Others v. Moldova and Russia*, no. 48787/99, judgment of 8 July 2004, *ECHR*, 2004-VII, § 333; ECtHR, *Al-Saadoon and Mufdhi v. United Kingdom*, no. 61498/08, judgment of 2 March 2010, § 171; ECtHR [GC]), *Catan and Others v. Moldova and Russia*, nos. 43370/04, 8252/05 and 18454/06, judgment of 19 October 2012, § 109), must endeavour, with all the diplomatic means available to it *vis-à-vis* EULEX and the Kosovo authorities, to obtain assurances that the investigations concerning the case at issue will be continued in compliance with the requirements of an effective investigation as envisaged by Article 2, that the circumstances surrounding the disappearance and killing of Mr R.P. and Mr M.P. will be established and that perpetrators will be brought to justice. The complainant and/or other next-of-kin shall be informed of such proceedings and relevant documents shall be disclosed to them, as necessary;
		- Publicly acknowledges, within a reasonable time, responsibility with respect to UNMIK’s failure to adequately investigate the disappearance and killing of Mr R.P. and Mr M.P, and makes a public apology to the complainant and her family in this regard;
		- Takes appropriate steps towards payment of adequate compensation to the complainant for the moral damage suffered due to UNMIK’s failure to conduct an effective investigation.

**The Panel also considers appropriate that UNMIK:**

* + - In line with the UN General Assembly Resolution on “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law” (A/Res/60/147, 21 March 2006), takes appropriate steps, through other UN affiliated entities operating in Kosovo, local bodies and non-governmental organisations, for the realisation of a full and comprehensive reparation programme, including restitution compensation, rehabilitation, satisfaction and guarantees of non-repetition, for the victims from all communities of serious violations of human rights which occurred during and in the aftermath of the Kosovo conflict;
		- Takes appropriate steps before competent bodies of the United Nations, including the UN Secretary-General, towards the allocation of adequate human and financial resources to ensure that international human rights standards are upheld at all times by the United Nations, including when performing administrative and executive functions over a territory, and to make provision for effective and independent monitoring;

**FOR THESE REASONS,**

The Panel, unanimously,

1. **FINDS THAT THERE HAS BEEN A VIOLATION OF THE PROCEDURAL OBLIGATION UNDER ARTICLE 2 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS;**
2. **FINDS THAT THE COMPLAINT UNDER ARTICLE 3 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS IS INADMISSIBLE;**
3. **RECOMMENDS THAT UNMIK:**
4. **URGES EULEX AND OTHER COMPETENT AUTHORITIES IN KOSOVO TO TAKE ALL POSSIBLE STEPS IN ORDER TO ENSURE THAT THE CRIMINAL INVESTIGATION INTO THE DISAPPEARANCE AND KILLING OF MR R.P. AND MR M.P. IS CONTINUED IN COMPLIANCE WITH ARTICLE 2 OF THE ECHR AND THAT THE PERPETRATORS ARE BROUGHT TO JUSTICE;**
5. **PUBLICLY ACKNOWLEDGES RESPONSIBILITY FOR ITS FAILURE TO CONDUCT AN EFFECTIVE INVESTIGATION INTO THE DISAPPEARANCE AND KILLING OF MR R.P. AND MR M.P., AND MAKES A PUBLIC APOLOGY TO THE COMPLAINANT;**
6. **TAKES APPROPRIATE STEPS TOWARDS PAYMENT OF ADEQUATE COMPENSATION OF THE COMPLAINANT FOR MORAL DAMAGE IN RELATION TO THE FINDING OF VIOLATIONS OF ARTICLE 2;**
7. **TAKES APPROPRIATE STEPS TOWARDS THE REALISATION OF A FULL AND COMPREHENSIVE REPARATION PROGRAMME;**
8. **TAKES APPROPRIATE STEPS AT THE UNITED NATIONS AS A GUARANTEE OF NON REPETITION;**
9. **TAKES IMMEDIATE AND EFFECTIVE MEASURES TO IMPLEMENT THE RECOMMENDATIONS OF THE PANEL AND TO INFORM THE COMPLAINANT AND THE PANEL ABOUT FURTHER DEVELOPMENTS IN THIS CASE.**

 Andrey ANTONOV Marek NOWICKI

 Executive Officer Presiding Member

*Annex*

**ABBREVIATIONS AND ACRONYMS**

**CCIU** - Central Criminal Investigation Unit

**CCPR –** International Covenant on Civil and Political Rights

**DOJ** - Department of Justice

**DPPO** - District Public Prosecutor’s Office

**ECHR** - European Convention on Human Rights

**ECtHR**- European Court of Human Rights

**EU** – European Union

**EULEX** - European Union Rule of Law Mission in Kosovo

**FRY** - Federal Republic of Yugoslavia

**HRAP** - Human Rights Advisory Panel

**HRC** – United Nation Human Rights Committee

**IACtHR**– Inter-American Court of Human Rights

**ICMP** - International Commission of Missing Persons

**ICRC** - International Committee of the Red Cross

**ICTY** - International Criminal Tribunal for former Yugoslavia

**KFOR** - International Security Force (commonly known as Kosovo Force)

**KLA** - Kosovo Liberation Army

**MoU -** Memorandum of Understanding

**MPU** - Missing Persons Unit

**NATO** - North Atlantic Treaty Organization

**OMPF** - Office on Missing Persons and Forensics

**OSCE** - Organization for Security and Cooperation in Europe

**RIU** - Regional Investigation Unit

**SRSG** - Special Representative of the Secretary-General

**SPRK** - EULEX Special Prosecution Office

**UN** - United Nations

**UNHCR** - United Nations High Commissioner for Refugees

**UNMIK** - United Nations Interim Administration Mission in Kosovo

**VRIC** - Victim Recovery and Identification Commission

**WCU** - War Crimes Investigation Unit

1. A list of abbreviations and acronyms contained in the text can be found in the attached Annex. [↑](#footnote-ref-1)
2. The references drawn upon by the Panel in setting out this general background include: OSCE, “As Seen, as Told”, Vol. 1 (October 1998 – June 1999) and Vol. II (14 June – 31 October 1999); quarterly reports of the UN Secretary-General on the United Nations Interim Administration in Kosovo; UNMIK Police Annual Reports (2000, 2001); Humanitarian Law Centre, “Abductions and Disappearances of non-Albanians in Kosovo” (2001); Humanitarian Law Centre, “Kosovo Memory Book” (htpp://www.kosovomemorybook.org); UNMIK Office on Missing Persons and Forensics, Activity Report 2002-2004; European Court of Human Rights, *Behrami and Behrami v. France* and *Saramati v. France, Germany and Norway*, nos. 71412/01 and78166/01, decision of 2 May 2007; International Commission on Missing Persons, “The Situation in Kosovo: a Stock Taking” (2010); data issued by the United Nations High Commissioner for Refugees, (available at [www.unhchr.org](http://www.unhchr.org)) and by the International Committee of the Red Cross (available at <http://familylinks.icrc.org/kosovo/en>). [↑](#footnote-ref-2)