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Human rights and rule of law in Kosovo

Reply to Recommendation[1]: Recommendation 1509 (2001)
Committee of Ministers

1. In replying to Recommendations 1508 (2001), 1509 (2001) and 1510 (2001) of the Parliamentary Assembly on, respectively, "The situation in Kosovo and the neighbouring regions", "Human rights and the rule of law in Kosovo", and "The humanitarian situation of returnees to Kosovo", the Committee of Ministers recalls that it continues to co-operate with the United Nations (UN), the OSCE and other international organisations present in Kosovo, and that it has transmitted the present recommendations to them, drawing attention to those paragraphs where the Parliamentary Assembly has made specific mention of them. In view of the various references to the Kfor military force, it has also transmitted the recommendations to this body.

2. At the 108th Session of the Committee of Ministers (Strasbourg, 10-11 May 2001), the Ministers stressed the Council of Europe's continuing contribution to full implementation of Resolution 1244 of the United Nations Security Council. With regard in particular to paragraph 37 of Recommendation 1508 (2001), the Committee of Ministers notes that the Council of Europe has received an official request from Mr Hans Haekkerup, the Special Representative of the Secretary General (SRSG) of the UN, and Ambassador Daan Everts, Deputy UN SRSG, to co-ordinate the long-term monitoring of the legislative election process (culminating in the elections of 17 November 2001). This observation mission, the modalities of which are currently under consideration, will consist of three components: registration, long-term election observation, and short-term election observation. The Committee of Ministers has expressed the hope that all communities will register and take part in these elections.

3. As far as Recommendation 1509 (2001) is concerned, the Council of Europe, both through its secretariat presence in Pristina, and through the provision of expertise, continues to assist efforts undertaken by the international community to consolidate the rule of law in Kosovo (see paragraph 12.i of the said recommendation). The head of office continues to participate in the weekly meetings of the Joint Advisory Council on Legislative Matters (JAC) and in meetings of its Working Group on the Criminal Code. Expert comments have been submitted on the draft regulation on the establishment of the Kosovo Judicial and Prosecutorial Council; this council is now established. The Council of Europe was involved in drawing up the statute of the Kosovo Judicial Institute (KJI), and co-operated with the KJI in the organisation on 15 and 16 March 2001 of a seminar on criminal procedure.

At the beginning of May 2001 the secretariat office completed a comprehensive one-year programme to train all the local judges of Kosovo in Articles 5 and 6 of the European Convention on Human Rights (ECHR), under a voluntary contribution from the US State Department. This programme finished with successful seminars in the difficult areas of Gjilan and Mitrovica. A round table was then organised for international judges and prosecutors on Articles 5 and 6 of the ECHR.

Council of Europe experts participated in the working group set up by the UN SRSG to draft a constitutional framework for the provisional self-government of Kosovo. The Council of Europe will now assist in efforts to raise public awareness of this document, which was signed on 15 May 2001 by the UN SRSG.

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1. Reply to Recommendations 1508 (2001), 1509 (2001) and 1510 (2001), adopted by the Committee of Ministers on 21 and 25 June 2001, at the 758th meeting of the Ministers' Deputies.

4. With regard to paragraph 12.iii of Recommendation 1509 (2001), the Ministers' Deputies draw the attention of the Assembly to the on-going activities concerning legal assistance and awareness-raising on human rights issues, in particular concerning laying down the bases for a wide-ranging campaign on human rights in co-operation with the OSCE, human rights NGOs, and other international organisations, including the UNHCR. The Council of Europe has also participated in activities aimed at promoting the development of local NGO structures.

5. The staff in the office will be reinforced by the addition of an international legal expert in the near future, which should respond in some measure to concerns raised by the Assembly regarding paragraph 12.vii of Recommendation 1509 (2001), as well as in paragraph 12.*b* of Recommendation 1510 (2001). In this respect, it is also recalled that the Council of Europe does indeed remain strongly committed to the process of the democratic reconstruction of Kosovo.

6. In general terms, the Committee of Ministers has transmitted Recommendation 1510 (2001) to governments of the member states, drawing their attention to paragraph 10 thereof, as well as to relevant international organisations, with particular reference to paragraph 11.

7. In their Final Communiqué, the Ministers, at their 108th Session, gave their full backing to the efforts of the main political forces which had undertaken to form an enlarged government coalition and condemned the violent actions by armed Albanian extremist groups threatening the stability of "the former Yugoslav Republic of Macedonia", and strongly reaffirmed their support for its territorial integrity. Referring to the continued need for productive dialogue, the Ministers welcomed the establishment, under the leadership of President Trajkovski, of an institutional mechanism for an enhanced dialogue, within which an all-party Europe committee has been set up with a view to pursuing the necessary political, legal and economic reforms to ensure that all citizens irrespective of their ethnic origins feel they have a stake in the country's development. The Council of Europe stands ready to provide assistance to this initiative, and the Committee of Ministers will continue to follow the developments in "the former Yugoslav Republic of Macedonia", notably in the light of the formation of the new government.

In this connection, in a statement issued on the situation in "the former Yugoslav Republic of Macedonia" on 15 June 2001, Mr Ernst Walch, Minister for Foreign Affairs of Liechtenstein and Chairman-in-Office of the Committee of Ministers, welcomed the plan which was agreed on 12 June 2001 at the level of the government of national unity, under the leadership of President Trajkovski, and called for its implementation in good faith.

He also reaffirmed "the Committee's support for the territorial integrity of the country and – in line with the President's efforts and opposing any radicalisation of positions – expresses his concern at recent outbreaks of ethnically motivated violence and calls upon political leaders, representatives of the ethnic communities and upon the population at large to abstain from any acts of reprisal and revenge in an already sufficiently tense situation. Being particularly concerned at the deteriorating humanitarian situation, he stresses the need for unimpeded delivery of humanitarian assistance and urges the authorities to continue to ensure full respect for the rule of law and to safeguard human rights."

8. The Committee of Ministers takes note with satisfaction of the Assembly's continued engagement with the countries of the region in seeking solutions to the ongoing problems there."