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FEDERAL REPUBLIC OF YUGOSLAVIA (KOSOVO)

Setting the standard?

UNMIK and KFOR's response to the violence in Mitrovica

March 2000

SUMMARY

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In February 2000, Kosovska Mitrovica (Mitrovica), a divided city in Kosovo (Kosova), erupted in a wave of violence and as a result more than 13 people were killed, 50 injured and 1,500 fled from their homes. The events which occurred in Mitrovica during February 2000 are a testimony to the continuing tension which exists between the ethnic communities in Kosovo. The violence which still plagues this divided city also underscores the failure of the international community to halt human rights abuses and find lasting solutions to the problems in Kosovo.

This document outlines Amnesty International's concern about the response of the international security presence (Kosovo Force - KFOR) and the international civilian presence (the United Nations Interim Administration in Kosovo - UNMIK) to the heightened violence in Mitrovica. The document focuses on events which occurred on 13 February 2000, when shooting broke out in the streets of Mitrovica. In the midst of this shooting, two French KFOR soldiers, deployed under UN auspices, were shot and injured. Subsequently, Avni Hajredini, a resident of Mitrovica, was shot and killed in circumstances which remain disputed. Later that evening, some 49 people were rounded up and detained by French KFOR soldiers in a gymnasium, some of them for up to five days.

Amnesty International recognizes the complex nature of the tasks which UNMIK and KFOR face in Mitrovica and in Kosovo as a whole. The mandate of the international presence in Kosovo is overwhelming in its magnitude, given the ongoing conflict in the region, the lack of a political solution regarding the status of the territory and the reluctance of UN member states to provide the human and financial resources to ensure that the mission succeeds. Nevertheless, Amnesty International emphasizes that, however difficult

the situation, KFOR and UNMIK have an obligation to the people of Kosovo to observe internationally recognized human rights standards when carrying out their duties.

Amnesty International is concerned that the failure of KFOR and UNMIK to initiate an independent investigation into the killing of Avni Hajredini and the violations of human rights of the 49 people who were detained on 13 February 2000 illustrate that UNMIK and KFOR must increase their efforts to ensure that their personnel respect the human rights of all people in Kosovo at all times. The organization believes that the conduct of UNMIK and KFOR will set the standard in Kosovo and the Federal Republic of Yugoslavia as a whole for the manner in which law enforcement officials and security forces responsible for maintaining public safety and order exercise their duties.

Amnesty International urges KFOR and UNMIK to initiate an independent and impartial investigation into the killing of Avni Hajredini. Independent and impartial investigations should be conducted as a matter of course into all cases where there is an allegation that the actions of a law enforcement official have violated the human rights of an individual. Furthermore, Amnesty International urges KFOR and UNMIK to ensure that all arrests and detentions of people in Kosovo be effected for reasons and in a manner consistent with international human rights norms. KFOR and UNMIK must ensure that every person arrested or detained is afforded all their rights as enshrined in international human rights standards. All persons deprived of their liberty by UNMIK or KFOR must be treated humanely, with respect for the inherent dignity of the human person.

KEYWORDS: PEACE-KEEPING1 / COMMUNAL VIOLENCE1 / ETHNIC GROUPS / UN / IMPUNITY / ARBITRARY DETENTION / PRISON CONDITIONS / PHOTOGRAPHS

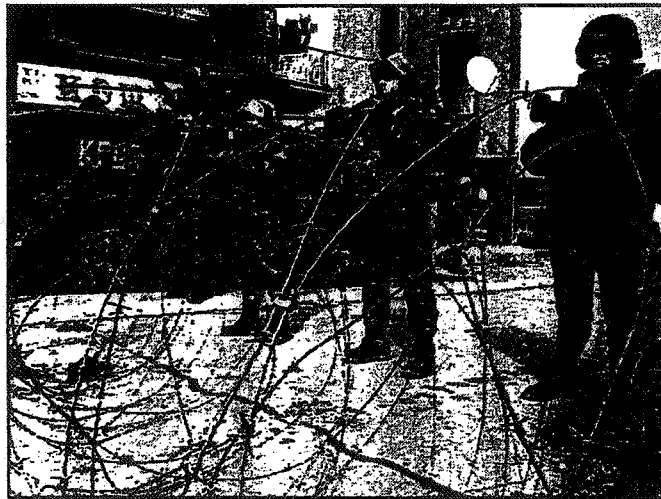
This report summarizes a 23-page document (10,100 words), *FEDERAL REPUBLIC OF YUGOSLAVIA (KOSOVO) Setting the standard? UNMIK and KFOR's response to the violence in Mitrovica* (AI Index: EUR 70/13/00) issued by Amnesty International in March 2000. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.amnesty.org/news/emailnws.htm>

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FEDERAL REPUBLIC OF YUGOSLAVIA (KOSOVO)

Setting the standard? UNMIK and KFOR's response to the violence in Mitrovica



February 2000: French soldiers block a street in the northern part of Kosovska Mitrovica. © Reuters

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Introduction

In February 2000, Kosovska Mitrovica (Mitrovica), a divided city in Kosovo (Kosova), erupted in a wave of violence and as a result more than 13 people were killed, 50 injured and 1,500 fled from their homes. The events which occurred in Mitrovica during February 2000 are a testimony to the continuing tension which exists between the ethnic communities in Kosovo. The violence which still plagues this divided city also underscores the failure of the international community to halt human rights abuses and find lasting solutions to the problems in Kosovo.

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¹ The information contained in this report is based upon interviews carried out by Amnesty International delegates with people who witnessed the violence on 13 February 2000, representatives of UNMIK, KFOR and the Organization for Security and Co-operation in Europe (OSCE), legal professionals appointed in the UNMIK judicial system and five people who were detained by KFOR and UNMIK that day.

Amnesty International is concerned that the failure of KFOR and UNMIK to initiate an independent investigation into the killing of Avni Hajredini and the violations of human rights of the 49 people who were detained on 13 February 2000 illustrate that UNMIK and KFOR must increase their efforts to ensure that their personnel respect the human rights of all people in Kosovo at all times. The organization believes that the conduct of UNMIK and KFOR will set the standard in Kosovo and the Federal Republic of Yugoslavia as a whole for the manner in which law enforcement officials and security forces responsible for maintaining public safety and order exercise their duties.

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Background

The internal armed conflict fought in Kosovo between forces of the Federal Republic of Yugoslavia (FRY), Serb police and paramilitaries and the Kosovo Liberation Army (KLA) became internationalized when the North Atlantic Treaty Organization (NATO) commenced a bombing campaign against the FRY with the declared aim of preventing a human rights catastrophe in March 1999. (See: *FRY: Amnesty International's concerns relating to NATO bombings*, AI Index: EUR 70/69/99, May 1999). As a consequence, human rights violations by FRY forces, Serb police and paramilitary groups increased and ethnic Albanians and members of minority communities fled, mainly into the neighbouring states of Macedonia and Albania. (See: *Former Yugoslav Republic of Macedonia: The protection of Kosovo Albanian refugees*, AI Index: EUR 65/03/99, May 1999; *FRY (Kosovo): Smrekovnica Prison - A regime of torture and ill-treatment leaves hundreds unaccounted for*, AI Index: EUR 70/107/99, October 1999). After the conclusion of an agreement with the FRY authorities in June 1999, NATO ceased its bombing campaign and the Serbian police, paramilitaries and the Yugoslav Army withdrew from Kosovo. With the withdrawal of the FRY forces and authorities, more than a decade of human rights violations perpetrated by the FRY authorities against ethnic Albanians in Kosovo came to an end. (See: *FRY (Kosovo): A decade of unheeded warnings*, Vols. 1 & 2, AI Index: EUR 70/39/99 and EUR 70/40/99, April 1999).

On 10 June 1999, the United Nations Security Council adopted Resolution 1244 which authorized "the deployment in Kosovo, under United Nations auspices, of international civil and security presences" (para. 5). Resolution 1244 mandated UNMIK with the task of providing an interim administration for Kosovo. UNMIK's mandate includes the responsibility for the protection and promotion of human rights in Kosovo. The Secretary-General appointed his Special Representative (SRSG) to head the mission and vested him with all legislative and executive powers, including the administration of the judiciary and the penal system.

Resolution 1244 also mandated the international security presence (KFOR) with the responsibility for "establishing a secure environment in which refugees and displaced persons can return home in safety..." (Para. 9(b)). KFOR was also tasked with "ensuring public safety and order until the international civil presence can take responsibility for this task". (Para. 9(d)). Thus, KFOR is required to police the territory of Kosovo until such time as the international civilian police have the capacity to assume full responsibility for this function. Since its deployment in June 1999, KFOR has been arresting and detaining people suspected of committing serious crimes, such as war crimes, murder, attempted murder, rape, weapons' offences and for the purposes of securing public safety and order in Kosovo.

UNMIK is principally responsible for the maintenance of civil law and order and has deployed an international civilian police force. The UN member states have, however, failed to provide the necessary resources and personnel to police Kosovo.² As a result, the international civilian presence has not assumed full responsibility for the maintenance of public order and shares these responsibilities with KFOR in many places in Kosovo. On 4 July 1999, the SRSG stated that law enforcement activities are the joint responsibility of UNMIK and KFOR and that such law enforcement activities must be conducted in line with international human rights standards.³

Since the deployment of UNMIK and KFOR, serious crimes and human rights abuses have continued to be perpetrated at a disturbing rate in Kosovo. UNMIK international civilian police and KFOR have struggled to maintain law and order and prevent human rights abuses, particularly against minority communities. Since June 1999, Serbs and other minorities have been fleeing to other parts of the FRY or have gathered in enclaves in Kosovo due to fear of becoming victims of killings, abductions and other

² By 21 February 2000 only 2,163 international police officers were present in Kosovo, despite the fact that the Secretary-General has stated that over 6,000 international civilian police officers are required.

³ "The statement on the right of KFOR to apprehend and detain persons who are suspected of having committed offences against public safety and order". (the UNMIK Statement).

human rights abuses, such as the denial of access to public services and other economic, social and cultural rights. Amnesty International is concerned that delays in establishing a criminal justice system which is consistent with international human rights standards is contributing to the creation of a climate in which some people in Kosovo believe that they may commit crimes and abuse the human rights of others with impunity. (See: *FRY (Kosovo): Amnesty International's Recommendations to UNMIK on the Judicial System*, AI Index: EUR 70/06/00, February 2000).

The responsibility of KFOR and UNMIK to abide by the applicable law and international human rights standards

The mandate which the UN and KFOR were given in Kosovo is both unique and overwhelming in its magnitude. The UN was vested with all legislative and executive powers and was also given the responsibility for "protecting and promoting human rights" (Para. 11(d) Resolution 1244). In establishing the mission, the UN Secretary-General highlighted the centrality of human rights by stating that "UNMIK will be guided by internationally recognized standards of human rights as the basis for the exercise of its authority". Given the immense responsibility that the UN has towards the people of Kosovo, the UN has a special obligation to uphold the standards that it has created.

The UN Secretary-General has stated that human rights are a priority in every mission that the UN embarks upon. Although KFOR is not directly under UN command and control, it was deployed "under UN auspices" (para. 5, Resolution 1244). Amnesty International believes that every force which is given a mandate and draws its authority from the UN must observe UN human rights standards. Indeed, the United Nations Charter, the treaty which established the UN, states that the purposes of the UN are, among others, to respect human rights and fundamental freedoms (Article 1(3) of the UN Charter). The UN Charter clearly articulates that no UN member state should act in a manner which is inconsistent with the aims of the Charter. Furthermore, the Secretary-General has stated that forces deployed under UN auspices, as is KFOR, should uphold UN human rights standards.

The SRSG has stated that all people undertaking public duties or holding public office in Kosovo, which includes all people engaged in law enforcement, must observe the applicable law and internationally recognized human rights standards (Regulation 24/1999). The applicable law in Kosovo includes the regulations promulgated by the SRSG and, among others, the law in force in Kosovo on 22 March 1989. The internationally recognized human rights standards which should be observed include the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The ICCPR is one of the standards

which is in force throughout the Federal Republic of Yugoslavia and, therefore, in the territory of Kosovo. The responsibility to uphold the ICCPR is reinforced by the independent obligation of troops from KFOR contributing countries which are a party to the treaty to respect the provisions of the ICCPR wherever they operate. Amnesty International believes that KFOR and UNMIK personnel engaging in law enforcement activities have a clear duty to uphold the provisions of the ICCPR.

While the FRY is not a party to the ECHR, UNMIK Regulation 24/1999 specifies that this also is among the standards to be observed by all persons undertaking public duties in Kosovo. This obligation reflects the intentions expressed in Rambouillet that the "applicable rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols shall directly apply in Kosovo", and that "these shall have priority over all other law". Furthermore, the jurisprudence of the ECHR indicates that all KFOR troops from countries which have ratified the ECHR, such as France, may have an obligation to secure the rights and freedoms set out in the ECHR even when exercising control of an area outside its national territory.⁴

Amnesty International believes that when KFOR and UNMIK engage in law enforcement activities, such as riot control, crowd dispersal, searches, seizures, arrests, detentions or interrogations, they should also be guided by other UN standards which cover the conduct of law enforcement, the use of force and firearms, and the treatment of prisoners.⁵

The conduct of UNMIK and KFOR will set the standard in Kosovo and the Federal Republic of Yugoslavia as a whole for the manner in which law enforcement officials and

⁴ See for example, *Loizidou v. Turkey*, European Court of Human Rights (40/1993/435/514) judgement (Merits) Strasbourg, 18 December 1996, para.52.

⁵ Including: the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, Code of Conduct for Law Enforcement Officials, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Basic Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

security forces responsible for maintaining public safety and order exercise their duties.⁶ Thus, they must uphold, and be seen to be upholding, the highest standards of human rights.

Mitrovica - a city divided

Before the international community intervened in Kosovo, Mitrovica was overwhelmingly populated by ethnic Albanians. A substantial number of Serbs and Roma also lived in the municipality. A small number of Roma still remain in the north part of Mitrovica. However, most of the community of around 6,000 Roma who lived on the south side have fled since June 1999. Before the NATO bombing campaign, 50 per cent of the population on the north side of Mitrovica was ethnic Albanian. However, the majority of this population - around 7,000 persons - is now internally displaced in south Mitrovica as they have been unable to return to their homes in the north.

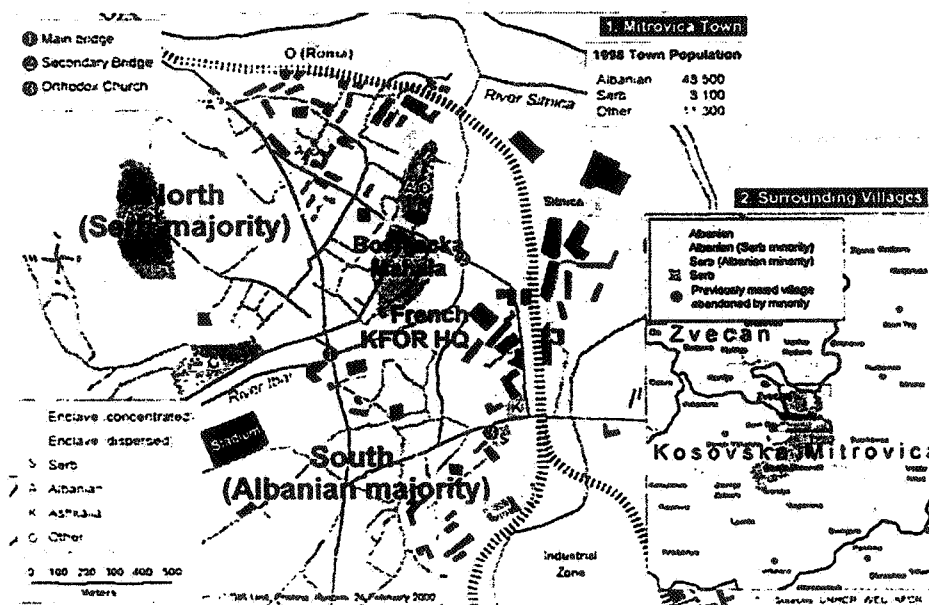
Since June 1999, Mitrovica has become the flashpoint of ethnic Albanian and Serb tensions and a *de facto* division of the city has occurred. The north and south sides of Mitrovica are divided by the Ibar River. The north is now overwhelming populated with Serbs, including around 1,000 Serb internally displaced persons from south Mitrovica and a substantial number of displaced Serbs from other parts of Kosovo. Until February 2000, over 4,000 ethnic Albanians, Turks and Muslim Slavs continued to live in the north, with around 2,000 ethnic Albanians and 1,700 Muslim Slavs living in the city centre, in particular in the area called Bosnjacka Mahala.

The Trepca mineral mine is on the north side of Mitrovica. The mine is considered to be one of the potentially greatest sources of income in Kosovo. The mine has been at the centre of tension between the ethnic Albanians and Serbs since 1988-89, when the ethnic Albanian management and workers were expelled, or put in a position where they had to resign from their jobs in the mine. Other public facilities on the north side of Mitrovica have also been the subject of contention between the ethnic Albanian and Serb communities since the division of the city in June 1999. The hospital is located on the north side of Mitrovica and this has led to ethnic Albanians being denied the right to work in the hospital and access to public health care, as they are not able to use the hospital. KFOR has allowed civilians on the south side of Mitrovica to use one of their military hospitals.

⁶ Amnesty International recommends that the provisions of the ICCPR, the European Convention and the UN standards which cover the conduct of law enforcement should be firmly reflected in the rules of engagement and the Status of the Forces Agreement and troops who are involved in policing operations should be trained in the practical implementation of these standards.

Mitrovica municipality falls into the Multi-National Brigade North sector of Kosovo which is under the command of French KFOR and includes troops from other KFOR contributing nations. Since June 1999, KFOR has controlled the bridges that connect the north and south sides of the city and restricted the movement of the population between the north and south in an apparent attempt to prevent violence between the two communities. KFOR is stationed in Mitrovica to establish a secure environment and has what is called tactical primacy - that is overall responsibility for the security situation. UNMIK international civilian police have what is called police primacy - the responsibility for public safety and order and the authority to investigate criminal conduct and make arrests. Under this system, when KFOR apprehends an individual, that person should be immediately turned over to the UNMIK authorities. However, cooperation between UNMIK and KFOR in law enforcement matters has been extremely poor. UNMIK international civilian police in Mitrovica claim that they have been prevented from conducting investigations by French KFOR.

There is an official detention centre administered by UNMIK in north Mitrovica which can house up to 63 detainees - the majority of detainees currently held in the facility are Serbs. Ethnic Albanians detained in Mitrovica by UNMIK under the order of a judicial authority are usually transferred to detention facilities in other parts of Kosovo.



Map of Mitrovica as at February 2000

February 2000 - Mitrovica erupts in violence

Violence erupted on 2 February, at around 4pm, when a KFOR-escorted United Nations High Commissioner for Refugees (UNHCR) bus carrying 49 Serbs from Mitrovica to the Serb enclave in Banja, was hit by an anti-tank missile near the village of Cubrelj (Cubril) 15 kilometres west of Mitrovica. Two elderly Serbs were killed instantly in the attack and three others were seriously injured, one of whom later died. The attack on the UNHCR bus not only led to the suspension of all eight UNHCR bus lines which provided a vital link for many of the isolated minority communities in Kosovo, but it appeared to spark an outbreak of violence in north Mitrovica.

On 3 February at around 9.30pm hand grenades were thrown into Serbian cafés in north Mitrovica. In one attack, 10 young Serbs were injured and a 17-year-old ethnic Albanian girl who was reportedly socializing with Serb friends was killed. Serbs then attacked ethnic Albanians and their properties as well as UNMIK international police officers. Nine UN and international agency vehicles were damaged and offices were vandalized. That evening large crowds of Serbs and Albanians gathered on both sides of the Ibar river and the bridges over the river were blocked by KFOR. A total of eight people of Albanian and Turkish ethnicity were killed that night and around 30 wounded. The victims, many of whom were elderly, were either shot in their homes or fatally injured by grenades. As a result of the violence in north Mitrovica approximately 1,500 ethnic Albanians fled from their homes to the south side of the city. A small number of Serbs have also left their homes in north Mitrovica for Serbia and the village of Zvecan. While KFOR and UNMIK have vowed to search for the perpetrators the violent crimes committed that night, to date there have been no arrests in connection with any of the killings or attacks.⁷

On 4 and 5 February, ethnic Albanian protestors clashed with KFOR on the main bridge in Mitrovica and 16 KFOR soldiers were slightly injured. The local ethnic Albanian press reported that ethnic Albanians living in the northern side of the town were beaten and expelled from their homes by Serbs while French KFOR troops looked on. Hashim Thaci, leader of the Kosovo Democratic Progress Party (PPDK) and a Commander of the former KLA, stated that KFOR and UNMIK had been negligent in finding a solution to the division of Mitrovica. Serbs also accused French KFOR of being slow in their response to violence. On 7 February, around 2,000 Serbs demonstrated against UNMIK, claiming that the administration had failed to provide them with the necessary protection. Oliver

⁷ The prosecutor of the Mitrovica court sent a letter to UNMIK international civilian police on the 7 February stating that he had received no information regarding investigations into these crimes. In the letter the prosecutor urged UNMIK to commence prompt and thorough investigations.

Ivanovic, the self-styled mayor of Mitrovica and leader of the executive council of the Serb National Council (SNC), called for the return of Yugoslav forces to protect the Serbs.

The shooting of two French KFOR soldiers and the killing of Avni Hajredini

On 13 February, at around 8am, two grenades were thrown into the area of north Mitrovica, called Bosnjacka Mahala, where a concentration of ethnic Albanians, Muslim Slavs and Turks continue to live. At least seven ethnic Albanians were wounded in the attack, two seriously, one of whom later died. Shooting then broke out in north Mitrovica. One observer stated that "it was impossible to make out who was firing at who but Albanians, Serbs and peacekeepers all seemed to be involved".⁸ At around 11am, two French soldiers were shot and injured near Mitrovica's eastern bridge. One soldier was shot in the stomach and the other in the arm. KFOR reported that Italian troops who were stationed very near to the injured French KFOR soldiers immediately returned fire and that KFOR troops then deployed in search of the shooters. KFOR officials were reported as stating that after the shooting of the two French soldiers, KFOR soldiers were explicitly authorized by their superiors to shoot at "snipers".⁹ During the shooting that ensued, a 37-year-old ethnic Albanian male, Avni Hajredini, was shot. As a result of injuries sustained in the shooting, Avni Hajredini died shortly after being admitted to hospital.

The day after the killing of Avni Hajredini, 14 February, UNMIK stated that "a sniper was killed in northern Mitrovica during the heavy gunfire that ensued between KFOR and shooters during the next four hours".¹⁰ The same day, a French KFOR spokesman stated that Avni Hajredini was shot by French KFOR because he was firing from a balcony at French KFOR troops and that he was probably the individual who wounded one of the French KFOR soldiers. Major Phillip Ando stated that "the killed sniper was fatally wounded around 12.30pm by French soldiers".¹¹ He explained that "KFOR troops exchanged fire with snipers. Two snipers were captured, both were

⁸ "Gunfire Shatters Kosovo's Sunday Morning Calm", *Reuters*, 13 February 2000.

⁹ "Violence Escalates in Kosovo," *Washington Post*, 14 February 2000. A French KFOR soldier told *AFP* that he was explicitly ordered to shoot anyone with a weapon. Amnesty International interview with *AFP*, Pristina, February 2000.

¹⁰ UNMIK News, no. 28, 14 February 2000

¹¹ "Firefight in Kosovo Town Leaves Sniper killed, Peacekeepers Wounded," *AFP*, 12 February 2000.

wounded. They were taken to the KFOR Moroccan Field Hospital where one died of his wounds".¹²

The witnesses interviewed by Amnesty International delegates and a video tape which captures the events immediately before and after the shooting of Avni Hajredini contradict the KFOR media reports. The video shows that a few seconds before being shot, Avni Hajredini was standing on the pavement several blocks away from where the shots were allegedly fired at French troops - he was not on a balcony, as KFOR reported. The video also shows that Avni Hajredini was not in fact "captured" by KFOR, but was carried away by a group of ethnic Albanians after being shot.¹³ Although Amnesty International cannot preclude the possibility that Avni Hajredini was involved in the shooting earlier that day, the video provides no evidence that Avni Hajredini was carrying a weapon at the time he was shot.

On 17 February, KFOR retracted its assertion that Avni Hajredini was a "sniper" firing at KFOR troops. KFOR further stated that they now could not even be sure that they could identify the ethnicity of the "snipers" who were operating in Mitrovica, that day. KFOR claimed that "it had appeared beyond doubt from first reports that Avni Hajredini was one of several snipers involved in gun battles on Sunday in the north of the city but that subsequent investigations had made the picture less clear".¹⁴ On 18 February, KFOR changed its story yet again stating that Avni Hajredini may not have actually been shot by KFOR at all and that, furthermore, "it remains unclear whether he ... was one of the shooters in the group".

The body of Avni Hajredini was released from the KFOR hospital to his family without an autopsy being carried out. His body was buried the day after his death on 15 February. KFOR has stated that "all forensic evidence concerning the exact circumstances of Mr Hajredini's death has ... been buried ... thus, it remains unclear whether he himself was one of the shooters in the group or not".¹⁵

¹² KFOR spokesman Lieutenant-Colonel Henning Philipp, UNMIK Press briefing, Pristina, 14 February 2000. It should be noted that the location of the other supposed "sniper" that KFOR claimed their soldiers had wounded is still a matter of controversy.

¹³ Video filmed by APTN, Mitrovica 13 February 2000 and viewed by Amnesty International delegates.

¹⁴ "NATO Backtracks on Kosovo Sniper Claim," *Reuters*, 17 February 2000.

¹⁵ KFOR Press Update, Pristina, 17 February 2000.

Amnesty International remains concerned that, to date, no investigation into the shooting and subsequent death of Avni Hajredini has been initiated. The organization continues to urge KFOR and UNMIK to initiate a thorough, independent and impartial investigation into the circumstances of Avni Hajredini's death.¹⁶ The organization is concerned that until such an investigation is conducted, it will remain unclear who fired the shots which killed Avni Hajredini and in which circumstances they were fired.

Amnesty International recommends that an investigation into the death of Avni Hajredini be modelled on the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. In the event that the investigation reveals that there is reasonable suspicion that Avni Hajredini was killed by a bullet shot from a weapon held by a member of KFOR, the investigation should determine whether or not the use of lethal force complied with the Code of Conduct for Law Enforcement Officials (Code of Conduct) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These principles require that, among other things, persons engaging in law enforcement operations should use force "only when strictly necessary and to the extent required for the performance of their duties" (Article 3 of the Code of Conduct). Furthermore, "whenever the use of force and firearms is unavoidable, law enforcement officials shall exercise restraint in such use... minimize damage and injury and respect and preserve human life..." Thus, the intentional lethal use of firearms by persons engaging in law enforcement operations may only be resorted to when strictly unavoidable in order to protect life and a warning should be given, if appropriate, before resorting to the lethal use of force.¹⁷ If a law enforcement officer acts in violation of these principles, the act may constitute a violation of the right to life.

If, after a thorough, independent and impartial investigation into the shooting of Avni Hajredini, it is determined that any law enforcement officer may have used lethal force in a manner contrary to international standards, Amnesty International will urge that the person responsible be brought to justice and that the authority responsible make reparations to Avni Hajredini's family.¹⁸

¹⁶ Principle 9 of the Principles on the Effective Prevention and Investigation of Extra-legal Arbitrary and Summary Executions states that "there shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions".

¹⁷ Principles 5 and 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Articles 2 and 5 of the ECHR as interpreted by the European Court of Human Rights, impose similarly strict requirements.

¹⁸ Meleqe Hajredini, the wife of Avni Hajredini has requested that UNMIK and KFOR conduct an investigation into the death of her husband. Avni Hajredini left a wife and five children.

KFOR detains 49 persons

Between 5pm and 6pm on 13 February, several hours after the shootings, groups of French KFOR soldiers approached and surrounded houses in Bosnjacka Mahala, north Mitrovica, banged on doors and summoned over 50 persons out of their homes and into the street. The KFOR soldiers pushed the people against the walls of the houses, made them put their hands on their heads, spread their legs and proceeded to search them. One person stated that while he was being pushed against the wall, a soldier prepared his weapon and put it in his back. Another person said he tried to tell the soldiers that he could not put his arm up because he had a shrapnel injury from a grenade, which was thrown in the morning, but that the soldier ignored him. Eyewitnesses report that the soldiers were shouting in French.

One person stated that there was a person in uniform present who spoke Albanian but other persons stated that they never heard any Albanian nor did they see any interpreter. One person reported that during the operation a soldier who looked like a "general" was walking up and down the road and he yelled in English, "two of my soldiers were shot today, if anyone moves I will kill them." Another person reported that a "leader" spoke in English to the group and said, "I am very angry that two of my soldiers were injured and it would be good to kill you."

After searching them, French KFOR soldiers rounded the majority of the people up, including one woman and two juveniles. The soldiers then directed them to walk down the road for 200 metres with their hands on their heads to military vehicles. The soldiers provided no explanation of where they were being taken or why. Once in the military vehicles, they were taken directly to the French KFOR compound in south Mitrovica where they were detained in a gymnasium, some for up to five days. The detainees were all interrogated by KFOR soldiers and some were also questioned by UNMIK international civilian police during their detention.



French soldier stands guard on the main bridge of the divided city of Kosovska Mitrovica. February 2000. © Reuters

The day after these arrests took place, the international press reported that "(e)thnic Albanians complained the French had been rough in searching their homes and had simply rounded up all the men in one street and taken them away".¹⁹

Conditions in detention

At the time of their arrival in the gymnasium on the evening of 13 February 2000, each detainee was examined by a KFOR doctor. There was no interpreter to explain why they were there, what was expected of them or what would happen to them. Detainees could not give details of how many other people were being detained or how many soldiers were guarding them because they were not allowed to look around. The one woman and two juveniles who were detained by KFOR in this operation were also held in the gymnasium with the other detainees.²⁰

The detainees were required to sit in chairs facing the wall and were prohibited from looking around or talking. Detainees stated that if they were not conforming to the expected behaviour, a soldier would kick the chairs with his foot to indicate to the detainees that they must look at the wall and not stand up. One detainee reported that when he stood up and looked around, an angry soldier took him out of the gymnasium to the toilet, threw him into the toilet, took him out again and then put his hands around his neck as if to strangle him. The detainee says that he was then locked in the cold toilet for between one to two hours.

On the first night of detention, after sitting in chairs which faced the wall from around 7pm until 11pm, the detainees were provided with cots and one blanket each and it was indicated to them that they should lie on the cots and sleep. All the detainees interviewed reported that they found it too cold to sleep and that after one day in detention, they began to feel pain in their backs from the cold and from constantly sitting on the chairs. Some detainees stated that they were not allowed to talk to each other at all or walk up and down the room until the third day in detention. When they needed to go to the toilet, soldiers would restrain the detainees in a wrist hold, and push down their heads. The detainees complained that this regime hurt their hands and this made them afraid to ask to go to the toilet. After the first night of detention, the detainees stated that all the soldiers

¹⁹ "NATO Shocked by Violence, Arrests 40", *Reuters*, 14 February 2000.

²⁰ International human rights standards provide that women and children held in detention should be segregated from the adult male population. Rules 8(a) and 53 of the Standard Minimum Rules for the Treatment of Prisoners state that women in custody should be held separately from men and supervised by female members of staff. In addition, Article 10(2) of the ICCPR provides that juvenile persons should be separated from adults. See also Article 37 of the Convention on the Rights of the Child.

guarding them began to wear masks. The masked soldiers stood behind the detainees and were armed with automatic assault weapons which were held in their hands at all times.

The right to humane conditions of detention

Amnesty International delegates visited the gymnasium on 17 February. By this time, the majority of detainees had been released after being questioned by KFOR. However, 14 persons remained in detention where they had been for four days. Seven hours after the Amnesty International delegates requested to see the detainees, access was granted but UNMIK international civilian police refused to allow the Amnesty International delegates to speak with the detainees.²¹

The temperature in the gymnasium was around zero centigrade in the daytime and the UNMIK representative who accompanied Amnesty International delegates complained how cold he was while standing the room for five minutes. There was no form of heating in the gymnasium and the detainees were huddled in blankets attempting to keep warm. The floor of the gymnasium where the detainees were held day and night was covered in mud. It was reported to the Amnesty International delegates that the detainees were not able to wash until the fifth day of detention. The organization was told by KFOR that the detainees were not allowed to have regular exercise or walk in the fresh air, or in fact do anything else other than look at the wall. One KFOR legal advisor who viewed the conditions of detention stated that "no one should be held in such conditions for longer than 12 hours".

Article 10 of the ICCPR provides that "(a)ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". The essential needs of detainees include food, washing and sanitary facilities, bedding, clothing, medical care, access to natural light, recreation and physical exercise. Rule 10 of the UN Standard Minimum Rules for the Treatment of Prisoners states that: "All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions... minimum floor space, lighting, heating and ventilation". Amnesty International delegates observed that the conditions in the gymnasium did not meet these standards.

When the Amnesty International delegates pointed out that the conditions in which the detainees were being held could be improved, UNMIK and KFOR officials stated that the circumstances in Mitrovica were exceptional and that UNMIK and KFOR had neither the resources nor the capability to provide a more adequate place of detention. They stated

²¹ A representative from the OSCE, who had been denied access to the detention facility the day before, was permitted to visit the facility and speak to the detainees.

that they were "simply not prepared for this". However, the violence and heightened tension between the two communities in Mitrovica, which has continued over the last seven months, should have indicated to KFOR and UNMIK that they may have to detain people. In order to have the capability to detain people in adequate conditions, UNMIK should have allocated the necessary material resources to Mitrovica. In providing an authoritative interpretation of Article 10 of the ICCPR, the Human Rights Committee has stated that a lack of material resources or financial difficulties cannot be used as a justification for inhumane treatment.

In response to the Amnesty International delegates' suggestion that KFOR could perhaps improve the heating and cleanliness of the gymnasium, a French KFOR official said, "they [the detainees] are no angels... these people shot my soldiers".

The right not to be subjected to arbitrary arrest and detention

Article 9(1) of the ICCPR states that "(e)veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law".

KFOR representatives informed the Amnesty International delegates that the detention of the group of 49 persons in Mitrovica on the 13 February, took place on the basis of their authority found in Resolution 1244, para. 9(d) which gives KFOR the broad responsibility for "ensuring public safety and order until such time as the international civil presence can take responsibility for this task". Although clearly in contradiction to international human rights law, KFOR officials have argued that their powers under para. 9 (d) give them the authority to hold persons in detention indefinitely without safeguards until there is an UNMIK judicial authority to review the cases. KFOR legal advisors have also claimed in other cases that even when there is a judicial review of the cases which results in an order of release of the person detained, para. 9(d) grants them the authority to continue the detention of that person, if, in their determination, the person poses a threat to public safety and order or to KFOR soldiers.²² Amnesty International is concerned that such

²² There are currently at least seven people being held in continued detention by KFOR in the sector under the command of the United States on the authorization of the Commander of KFOR, despite the fact that their release has been ordered by a judge appointed by UNMIK. These people are no longer under any form of investigation and they have not been able to challenge the legality of their continued detention in a court, nor has their continued detention been reviewed by a court or judicial authority. Although KFOR has claimed that these persons can be held indefinitely in detention without affording them any guarantees of due process, Amnesty International is concerned that they are currently subject to arbitrary detention in violation of international human rights law.

claims are clearly incompatible with KFOR's obligation to uphold international human rights standards.

When KFOR interprets its power under Resolution 1244 as providing it with the authority to detain people without regard for procedures provided for in the applicable laws,²³ as they did in Mitrovica, KFOR subjects persons to arbitrary arrest and detention. Amnesty International believes that persons arrested and detained solely on the basis of Resolution 1244 are victims of arbitrary arrest and detention because the authority under which they are held is unlimited, vague and without regard for procedure provided for in any other law. The organization highlights the fact that Resolution 1244, paragraph 9(d) does not contain or specify any legal procedures or standards which KFOR must adhere to when arresting or detaining persons. Thus, Amnesty International is concerned that any arrests and detentions executed solely on the basis of this power lead to arrests which are inappropriate, unpredictable and could lead to injustice. Any such arrests and detention would be arbitrary within the meaning of Article 9(1) of the ICCPR.²⁴

Article 5(1) of the ECHR also contains, in more detail, the right not to be subjected to arbitrary arrest and detention. This article requires that for an arrest to be lawful it must be based on, among other things, a "reasonable suspicion" that a person has committed a criminal offence (Article 5(1)(c) of the ECHR). Although KFOR claims that the questioning of the 49 detainees was for intelligence gathering purposes, the detainees interviewed by Amnesty International delegates stated that the questioning by KFOR soldiers centred around the events of the 13 February 2000 and who shot the French soldiers - clearly a serious criminal offence. It is far from clear whether the element of "reasonable suspicion", which is necessary for the arrest and detention to be lawful, was met in each of the cases of the 49 persons detained. A representative from the UNMIK international

²³ Regulation 2/1999 allows the relevant law enforcement authorities to temporarily detain a person if they pose a threat to public peace and order for up to a maximum of 12 hours. However, Regulation 2/1999 does not provide a procedure by which a detainee can be informed of their rights, be provided with access to counsel, be informed of the reasons for their arrest in a language they understand, be treated in humane conditions or with a procedure by which they can challenge the legality of their detention. Moreover, there is no requirement on the face of the law that there be a "reasonable suspicion" that the person detained under Regulation 2/1999 committed a criminal offence. Therefore, Regulation 2/1999 appears to be incompatible with international human rights standards, in particular Article 5 of the ECHR. Amnesty International continues to urge UNMIK as a matter of urgency to ensure that all regulations issued under its authority conform to international human rights standards created by the UN.

²⁴ The Human Rights Committee has explained that the term "arbitrary" in Article 9(1) of the ICCPR is not only to be equated with detention which is "against the law," but is to be interpreted more broadly to include elements of inappropriateness, injustice, and lack of predictability. See *Albert Womah Mukong v. Cameroon*, (458/1991), 21 July 1994, UN doc. CCPR/C/51/D/458/1991, p. 12.

civilian police involved in the cases told Amnesty International delegates "(f)rom a military point of view there may have been a good reason to detain these persons, however, from a police point of view there was no probable cause" (or reasonable suspicion that the persons detained had committed a criminal offence). If KFOR did not have a "reasonable suspicion" that each of the 49 persons arrested and detained in Mitrovica on 13 February 2000 had committed a criminal offence, the arrests and detentions of these persons were unlawful under the ECHR.²⁵

The right to be informed of the reasons for an arrest and the right of a person to be informed of his or her rights

One of the crucial safeguards against arbitrary arrest and detention is the requirement set out in Article 9(2) of the ICCPR and Article 5(2) of the ECHR that all persons be informed of the reasons for arrest in a language that they understand. When detaining the 49 persons in Mitrovica on 13 February, however, KFOR did not speak to the detainees through an interpreter. They did not inform anyone of the reasons for which they were being detained in a language that they understood. Indeed, four days later on 17 February when the Amnesty International delegates arrived at the French KFOR compound, neither KFOR nor UNMIK were clear as to the legal basis under which the detainees were being held or whether they were in the custody of UNMIK.²⁶ Also contrary to international standards, the detainees were not informed of their rights by the authorities.

The right to counsel

International human rights standards provide that every person arrested and detained, whether or not on a criminal charge, has the right to assistance of counsel at all stages of the proceedings, including interrogations. (Principle 1 of the Basic Principles on the Role of Lawyers). Moreover, all detainees have the right to be informed promptly after arrest of their right to counsel. (Principle 17(1) of the Body of Principles). In addition, Article 37(d)

²⁵ In a judicial proceeding to challenge the lawfulness of the arrest and detention, KFOR would have the burden to prove that there was "reasonable suspicion" for arrest under Article 5(1)(c) in the case of every one of the 49 persons who were arrested and detained.

²⁶ While a KFOR legal advisor informed the Amnesty International delegates on the morning of 17 February that the 14 remaining detainees were under the jurisdiction of the international judge, the judge told the Amnesty International delegates, the same morning, that the detainees were in KFOR's custody. The international judge, who was appointed to the Mitrovica District Court on 14 February, stated that he could not exercise jurisdiction over the detainees. He stated that this was because when he arrived in Mitrovica he had no international prosecutor to work with him and that the local prosecutor had declined a request to work with him due to fears for his safety.

of the Convention on the Rights of the Child specifies that every child deprived of his liberty has the right of prompt access to legal representation. Amnesty International delegates were informed that none of the persons held by KFOR and UNMIK international civilian police in the gymnasium between 13 and 18 February 2000, including the juveniles, were provided with access to a lawyer nor were the majority of the persons detained informed of their right to counsel.

The right to notify or have notified family of the deprivation of liberty and place of detention

Amnesty International was informed by people held in detention in Mitrovica that their families were not officially notified by KFOR or UNMIK international civilian police that a member of their family was being detained. Furthermore, since the detainees were not given the opportunity to contact their families during their time in detention, some of their families did not know where they were. International human rights norms provide all persons deprived of their liberty with the right to inform, or have the authorities notify, their family or other appropriate person of the detainee's choice of the place where they are being detained, and of any transfers from that place. (Principles 15 and 16 of the Body of Principles).

The right to be brought promptly before a judge or judicial authority and the right to challenge the lawfulness of detention

Every detainee has the right to be brought promptly before a judge or judicial authority. Article 9(3) of the ICCPR provides that "(a)nyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release...". Article 5(3) of the ECHR contains a similar provision. While international human rights law does not provide a temporal definition of "promptly", the European Court has ruled that detaining a person for four days and six hours before bringing him before a judge, without the necessary safeguards being in place, was not prompt access and therefore a violation of Article 5(3).²⁷

The FRY Code of Criminal Procedure (the Code) provides that a judge must deliver a decision to a detainee within 24 hours of the individual being deprived of his or her liberty if the person is to be kept in custody. The Code does allow law enforcement officials to detain a person for up to 72 hours before a judicial review and investigation commences in

²⁷ *Brogan et al. v. United Kingdom*, 1998, European Court of Human Rights, Series A, No. 145-B.

exceptional circumstances.²⁸ None of the persons held in the KFOR gymnasium, including those who were held for a period of five days, were ever brought before a judge or a competent judicial authority.²⁹ Speaking with Amnesty International delegates, UNMIK international civilian police claimed that they had 72 hours from the commencement of their investigation to bring these people before a judge or to release them. However, they stated that their investigation started 91 hours after the people were initially detained.³⁰ According to UNMIK, therefore, these persons could have been held, effectively for interrogation, for seven days without ever seeing a lawyer or being brought before a judge.

At least 14 of the detainees were held by KFOR and UNMIK in Mitrovica for around 120 hours, which exceeds both the 24-hour and the 72-hour exceptional limit of the applicable national law by 96 and 38 hours respectively, and were never brought before a judge.³¹ The FRY Code of Criminal Procedure, however, clearly states that all persons detained must be brought before a judge at most within 72 hours from the time that the person is initially detained.³² By not complying with this provision of the applicable national law, both KFOR and UNMIK clearly failed to treat the detainees in accordance with the procedures proscribed by law, in violation of Article 9(1) of the ICCPR and Article

²⁸ It should be noted, however, that detaining a person for 72 hours before seeing a judicial authority is an exceptional measure specified for cases where it is necessary to confirm the individual's identity, check an alibi, ensure that evidence is not destroyed or gather other "essential details" necessary for the criminal process. See Code of Criminal Procedure, Federal Republic of Yugoslavia, Articles 192 (1), (3) and 196 (1), (2), (3).

²⁹ The UNMIK Statement which underlines the obligation of KFOR to observe internationally recognised human rights standards, lays out a procedure which should be followed by KFOR when detaining an individual. However, this procedure was not followed by KFOR in the process detaining the 49 persons on the 13 February 2000.

³⁰ Although the French KFOR legal advisor stated that he was under the impression that an UNMIK international civilian police investigation had commenced on 15 February, the UNMIK civilian police investigator who met Amnesty International's delegates claimed that his investigation had begun on 17 February. In fact, he claimed that his investigation had started around 30 minutes before meeting the Amnesty International delegates at exactly 1.51pm that day.

³¹ Although the FRY Code of Criminal Procedure requires the detaining power immediately inform a prosecutor or investigating judge of any detentions or arrests, the UNMIK-appointed President and one of the prosecutors of the Mitrovica court informed Amnesty International's delegates that they had never been officially notified of the detention of any of the group of 49 persons.

³² It should be highlighted that Amnesty International has expressed its concern regarding the abuse of these provisions of the Code by the Serbian police and FRY authorities when arresting and detaining ethnic Albanians in Kosovo before June 1999. See: *Federal Republic of Yugoslavia, Unfair trials and abuses of due process*; Document Series A #4. AI Index: EUR 70/35/98.

5(1) of the ECHR. Furthermore, KFOR and UNMIK violated Article 9(3) of the ICCPR and Article 5(5) of the ECHR by failing to bring each detainee promptly before a judge.

Article 9(4) of the ICCPR and Article 5(5) of the ECHR provide every detainee with the right to challenge the lawfulness of his arrest or detention and to be released if the detention is unlawful. Amnesty International underscores the fact that at present there is no specific legal procedure under the applicable law in Kosovo by which persons kept in detention can challenge the legality of their arrest and detention by law enforcement officers in Mitrovica. None of the detainees were provided the opportunity to challenge the lawfulness of their detention, including the 14 detainees who were kept in detention for five days. The organization urges UNMIK to establish such a procedure in line with international human rights standards forthwith.

Human rights mechanisms in Kosovo - the enforceable right to compensation

Article 2(3) of the ICCPR and Article 13 of the ECHR require that authorities ensure that any person whose rights under the respective treaty have been violated have redress to a competent authority for an effective and enforceable remedy. Article 9(5) of the ICCPR and Article 5(5) of the ECHR provide for an enforceable right to compensation for any person who has been a victim of an unlawful arrest or detention.

In Mitrovica, on 13 February, the 49 persons arrested by French KFOR were not informed immediately of the reason for their arrest, were not notified of their rights, including their right to counsel, were not given access to counsel even before or at the time that they were interrogated and were not detained in humane conditions. In addition, 14 people were not brought promptly before a judge or judicial officer in accordance with the applicable national law. None of the detainees were able to challenge the lawfulness of their detention. Furthermore, it is highly questionable whether the initial arrests and subsequent detention of the 49 persons were in fact lawful. At present in Kosovo, however, there are no mechanisms in place to assess a claim of unlawful arrest and detention by KFOR or UNMIK international civilian police in order to provide redress for the victims.

The UN Secretary-General stated that an Ombudsperson institution will be created to investigate allegations of human rights abuses by authorities in Kosovo. Amnesty International is concerned that the Ombudsperson institution which is currently being developed by the OSCE has not, as yet, been established. Therefore, there is no independent mechanism in place to investigate alleged human rights abuses by KFOR and UNMIK and recommend compensation. The organization urges UNMIK to create this institution as a matter of urgency.

The UN Secretary-General has stated that the Ombudsperson will have the "jurisdiction over allegations of human rights [abuses] by any person or entity in Kosovo". Amnesty International understands that the Ombudsperson is intended to have power to, *inter alia*, review allegations of human rights abuses not only committed by UNMIK, but also by KFOR. Amnesty International urges KFOR to recognize the jurisdiction of the Ombudsperson and allow his office to investigate alleged human rights abuses committed by KFOR.

The organization further notes that NATO, which is comprised of the majority of countries contributing troops to KFOR, has no uniform policy whereby people proven to be the victims of human rights abuses can be provided with compensation. Thus, at present there is no enforceable right to a remedy for people who are found to have been victims of any human rights violations committed by KFOR. Amnesty International continues to urge KFOR to establish an independent and impartial complaints mechanism in order to ensure that allegations of human rights abuses are effectively investigated, until such time as the Ombudsperson has started its work and KFOR has accepted its jurisdiction. The organization further urges KFOR to establish a system for making reparation, including compensation, to victims of human rights abuses or to victims' families.

Recommendations

Amnesty International recognizes the complex nature of the tasks which UNMIK and KFOR face in Kosovo. The mandate of the international presence in Kosovo is overwhelming in its magnitude, given the lack of a political solution regarding the status of the territory and the ongoing conflict in the region. The organization highlights the particularly difficult nature of the task faced by UNMIK and KFOR in Mitrovica where organized groups of ethnic Albanians and Serbs continue to perpetrate human rights abuses against members of minority communities on a daily basis. Nevertheless, Amnesty International stresses the fact that, however difficult the situation, KFOR and UNMIK must set the standard in Kosovo by upholding the highest standards of human rights at all times. The organization therefore makes the following recommendations:

To UNMIK and KFOR

That UNMIK and KFOR:

- initiate without further delay an independent and impartial investigation into the death of Avni Hajredini, to be conducted in accordance with international standards, and that its methods and findings are published in full.

That UNMIK and KFOR take immediate steps to ensure that all arrested and detained persons are treated in accordance with the highest standards of human rights. They should ensure in particular that:

- all persons arrested or detained for any reason are informed, at the time of arrest, of the reasons for their arrest and the location where the person is being detained; notification is also to be provided in the event of any transfers from the original place of detention;
- such persons are promptly informed of any charges against them and of their right to prompt access to legal counsel of their choice;
- anyone deprived of their liberty shall be granted access to legal counsel without delay, including during questioning and that adequate facilities are provided to ensure the confidentiality of communications between counsel and the detainee;
- the rights of juveniles are fully protected including during any detention and questioning and that juveniles are detained only as a last resort and for the shortest appropriate time. If detained they should only be questioned in the presence of an appropriate adult and their legal counsel;
- anyone deprived of their liberty is brought promptly and not later than 72 hours from the time they are detained before a judge or judicial authority;
- all persons deprived of their liberty are permitted to contact their relatives promptly after arrest to inform them about their arrest, or that the detaining authorities are instructed to do so on their behalf;
- all persons detained are held in places of detention that are officially recognized and that the International Committee of the Red Cross and human rights monitors have full and unhindered access to these places and detainees;
- detained persons are held in humane conditions which, at least, meet minimum UN standards.

To KFOR

That KFOR:

- review the regulations, code of conduct and procedures for KFOR personnel and undertake all necessary practical measures - including establishing training programmes to ensure that the actions of KFOR personnel fully meet international human rights standards as well as applicable laws - notably when resorting to force and when engaging in law enforcement operations;
- create a uniform, easily accessible and transparent complaints mechanism which ensures that investigations of complaints, including allegations of human rights violations, are conducted by a body independent from that against which the

- complaint is brought, to be operable at least until such a time as the institution of the Ombudsperson is in operation and KFOR agrees to grant it jurisdiction;
- take steps to ensure that any persons shown to have been victims of human rights violations committed by KFOR personnel - including from NATO contributing countries - have a right to redress and receive adequate reparations, including compensation;
- permit the Ombudsperson institution once established to investigate human rights violations that are alleged to have been committed by KFOR personnel.

To UNMIK

That UNMIK:

- establishes a clear procedure by which all arrested people can challenge the lawfulness of their detention before a court which may decide without delay on the lawfulness of detention and order release if it is not lawful;
- ensure that all detainees, including those from Mitrovica, are held in conditions which meet international human rights standards;
- initiate a prompt review of all applicable laws, including UNMIK regulations, to ensure that these fully conform with international human rights standards;
- continue to make efforts to establish without delay a functioning judicial system whose personnel is adequately trained in human rights standards;
- create the institution of an Ombudsperson without further delay;
- ensure that all UNMIK law enforcement officials are provided with training in human rights standards.

To the international community

That the international community:

- provide UNMIK without further delay with the necessary personnel and resources to effectively police Kosovo in full conformity with international human rights standards;
- provide UNMIK forthwith with the necessary resources and personnel to establish a functioning independent and impartial judiciary which is adequately trained in the applicable law and human rights standards;
- provide UNMIK with the required resources to establish and maintain detention facilities which fully conform with international human rights standards;
- provide UNMIK with the necessary funds to establish a functioning, independent and impartial judiciary.

