



9 September 2011

Dear Ms. Chanet,

I refer to our meeting in Geneva on 20 July 2011, during which we discussed UNMIK's position concerning follow-up measures as recommended to the examination of the report submitted to the Human Rights Committee by UNMIK on the human rights situation in Kosovo since June 1999 (the report).

We discussed the Committee's assessment that information provided by UNMIK on paragraphs 13 and 18 of the concluding observations remained incomplete. These paragraphs concern the prosecution and sentencing of perpetrators and compensation schemes for victims, including the establishment of a compensation fund for families or relatives of missing persons and legal aid schemes available to indigent claimants (paragraph 13) and the safe return of displaced persons, in particular minorities, the measures taken to improve the socio-economic conditions for returnees and their recovery of their properties or compensation for the loss, as well as on the inclusion of returnees in the rental scheme established by the Kosovo Property Agency (paragraph 18).

I informed you during the meeting, that the realities on the ground in Kosovo have effectively removed UNMIK's authority and capacity to implement the recommendations contained in the Committee's concluding observations. In particular, UNMIK is not in a position, any longer, to implement a compensation scheme for victims, as UNMIK has lost all control over the Kosovo budget and the use of funds from it, for such purpose. As far as recommendations for compensation made by the Human Rights Advisory Panel (HRAP) are concerned, by the time HRAP started issuing recommendations in November 2008, UNMIK was no longer in a position to make allocations for compensation in the Kosovo Consolidated Budget or undertake to address the issues raised through corrective action by the Kosovo institutions. Also, current United Nations General Assembly instructions on compensations do not permit UNMIK to pay compensation other than for material damage or physical harm caused directly by UNMIK or its personnel.

Notwithstanding UNMIK's inability to implement the recommendations, UNMIK is able to liaise with and share information with other actors involved in the promotion of human rights in Kosovo. These include the Organisation for Security and Cooperation in Europe Mission in Kosovo (UNMIK Pillar III), the European Union Rule of Law Mission in Kosovo (EULEX), the UN Kosovo Team and the Kosovo Property Agency. These actors interact with Kosovo agencies which act as the main local coordinating mechanisms and drivers of the process of implementing human rights commitments in Kosovo.

Ms. Christine Chanet
Special Rapporteur for Follow-up on Concluding Observations
Human Rights Committee
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UNMIK remains committed to facilitating the implementation of the Committee's recommendations and intends to contact the relevant international actors by 15 September 2011 to discuss what steps can be taken to address the critical issues raised in paragraphs 13 and 18 of the report. UNMIK will report back to your Office on the measures the key actors have put in place by the next reporting period.

Please be assured of UNMIK's full commitment to cooperation with human rights treaty bodies in line with UNMIK's mandate under United Nations Security Council resolution 1244 (1999).

Yours sincerely,



Ernst V. Tschoepke
Director
Office of Legal Affairs