Pristina, 1 March 2013

SRSG's response to the Panel's recommendations

"The SRSG wishes at the outset to express his appreciation for the work of the Panel and the recommendations it has made to the SRSG in relation to the present complaint.

With respect to the first recommendation, UNMIK will, as recommended by the Panel, continue to urge EULEX and other competent authorities to continue to take all possible steps in order to ensure that the criminal investigation into the disappearance and killing of the Complainants family members is continued and that the perpetrators are brought to justice.

In relation to the Panel's second recommendation, the SRSG regrets that there was a lack of an effective investigation into the disappearance and killing of the complainant's family members.

The Panel has also recommended to the SRSG that he take appropriate steps towards the payment of adequate compensation to the complainant for moral damage and to take appropriate steps towards the realization of a full and comprehensive reparation programme. In this regard, the SRSG wishes to recall that the acts in question relate to activities carried out by the institutions established under the interim administration of Kosovo. As such, had UNMIK continued to have control over these institutions today, UNMIK would have been in a position to refer the Panel's recommendation to those institutions for appropriate action. The SRSG is prepared to discuss the possibility of setting up a mechanism to deal with such matters with the relevant authorities at the appropriate juncture.

Lastly, in relation to the fifth recommendation concerning guarantees of non-repetition, the SRSG wishes to note that UNMIK no longer performs police functions, including police investigations. In this regard, he wishes to recall that the Panel has been set up by UNMIK with the mandate to examine complaints from any persons or groups of individuals claiming to be the victim of a violation by UNMIK of their human rights. He also wishes to recall that the mandate of UNMIK, and thus also the mandate of the SRSG, is limited to what is set out in Security Council resolution 1244 (1999) as it has evolved over time under the auspices of the Security Council.

As a general matter, the Panel may also wish to be informed that the principal organs of the United Nations have adopted numerous resolutions and decisions which reflect the importance of promoting and protecting human rights, including by the United Nations. The Organization also continues to make changes in order to strengthen its work for the future and within the areas of the United Nations where it can make a difference. In this regard it will continue striving to meet its core mission of protecting people from harm."