

February and March 1998; concerns related to the right to life; missing and detained persons; and torture.

The report states that the events in Kosovo should be viewed in the context of more than two years of escalating political radicalization and violence that included human rights violations. The report notes that since early 1996 there had been an increasing number of armed attacks aimed largely at Serbian police targets. Reference is also made to a growing number of attacks against Kosovo Albanian citizens by the "Kosovo Liberation Army" (UCK) on the basis that they were, or are, collaborators with Serbian authorities. The report recalls that it was not until the separate but simultaneous street protests held in mid-March 1998 by Albanians and Serbs in Pristina and elsewhere in Kosovo that any actual clashes among civilians were recorded.

The recommendations in the report include that:

- ♦ the authorities permit a forensic investigation, by independent experts including relevant UN authorities, of the deaths resulting from the February and March operations in Likosani, Cirez and Prekaz, with the objective of determining whether arbitrary, summary or extra-judicial executions occurred in the course of armed police operations;
- ♦ the Serbian Ministry of Internal Affairs conduct an internal investigation of the events in those three locations, publicly announce its finding and, if warranted, initiate proceedings involving not only internal disciplinary measures against relevant officers but also investigatory procedures applicable to all citizens, bring criminal charges against those responsible and ensure that a trial is held swiftly in a regular open session;
- ♦ the authorities respect international human rights standards related to detention, including in such areas as contact with family and access to legal assistance and personal physicians;
- ♦ the authorities rigorously investigate allegations of torture and punish those found responsible;
- ♦ the Kosovo Albanian leadership make a public commitment to ensure that all members of the Kosovo Albanian community pursue their goals peacefully and respect and protect the human rights of all inhabitants of the region;
- ♦ all parties allow free access for international and humanitarian organizations to persons and areas of Kosovo affected by violence;
- ♦ the government authorize the opening of an OHCHR office in Kosovo; and
- ♦ the government authorize the establishment of a temporary, expanded OHCHR human rights monitoring mission in the region.

The report concludes with several observations, including that: the crisis in Kosovo had been building

over time and was based, in large measure, on unresolved political questions; the emergence of certain radical elements had fuelled a cycle of violence and retaliation; a growing pattern of intimidation is being aimed at those considered to be willing to negotiate the political status of Kosovo; terms such as "traitorous" and "collaborationist" appear with increasing frequency in political discourse, fuelling the polarization of communities; and both parties must be convinced to commence a genuine political dialogue immediately, because only the open exchange of views can serve to lessen the ongoing tension.

In light of the violence, the SR further commented that: in the atmosphere prevailing in March/April 1998, emphasis had rightly been placed on the quick elaboration of a political solution to defuse the crisis; but a solution to the grave human rights situation may require a reliance on the "long view", with perspectives both on history and on the future; and there should be a framework for securing and protecting, in a sustained way, the human rights of all persons affected by the situation in Kosovo.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1998/44, para. 4)

The report notes that cases involving 20 persons were transmitted to the government but no details were provided.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1998/43, paras. 21–22)

The report notes that the special process on missing persons was discontinued by the Commission on Human Rights at its 1997 session. The Commission requested the Special Rapporteur (SR) on the situation of human rights in the territory of the former Yugoslavia to act on behalf of the UN in dealing with the issue of missing persons. The SR was also asked to participate in the Expert Group on Exhumations and Missing Persons of the Office of the High Representative, the Working Group on Missing Persons Chaired by the International Committee of the Red Cross, and attend meetings of the International Commission on Missing Persons. As a consequence, the Working Group decided that cases of disappearance or missing persons that occurred prior to 14 December 1995 – the date of entry into force of the Dayton Peace Agreement – would be referred to the SR. Cases reported to have occurred after 14 December 1995 will be examined by the Working Group.

Independence of judges and lawyers, Special Rapporteur on the: (E/CN.4/1998/39, paras. 15, 177–178)

In August 1997, an urgent appeal was sent to the government expressing concern about a lawyer and human rights advocate who, during a live television debate, was