

Mr. Dimitrij Rupel
President of the Council of the European Union

Brussels, 7 February 2008
Our ref. B743

Dear Mr. Rupel,

Subject: Establishment of ESDP Mission in Kosovo

Following the adoption of the Common Action and Concept of Operations (CONOPS) on 4 February, and in preparation for discussions on formally launching the mission, foreseen at the General Affairs and External Relations Council on 18 February, Amnesty International would like to draw to the EU's attention specific recommendations concerning the mandate and future functioning of the mission.

These recommendations are laid out in full in the recent Amnesty International report, *Kosovo (Serbia): The challenge to fix a failed UN justice mission*. This report describes in detail the failure of the current United Nations Interim Administration Mission in Kosovo (UNMIK) International Judges and Prosecutors Programme to end impunity for war crimes and crimes against humanity, to comply with international law and standards concerning the right to fair trial and to leave a legacy of experienced and well trained prosecutors, judges and defence lawyers able to try such crimes.

Hundreds of cases of war crimes, crimes against humanity (including rapes and enforced disappearances), as well as other inter-ethnic crimes remain unresolved seven years after the UN began its efforts to rebuild the Kosovo judicial system. Trials continue to be delayed due to the lack of international judges and prosecutors, a massive backlog of prosecutions, and the failure to protect witnesses effectively and to provide the necessary support to victims of rape and other crimes of sexual violence. Local prosecutors and judges are still not prepared for cases involving crimes under international law, and the legal reforms essential for such cases still have not been enacted into law.

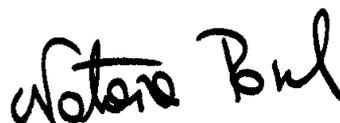
The report therefore presents specific recommendations on how the planned ESDP mission should address these concerns, and help to rebuild a fully local Kosovo justice system, which will be able to guarantee fair trials in all cases and full reparations to victims of crimes under international law and their families. Unless the mission implements these recommendations from the outset, the prospects for a durable peace in Kosovo in which the human rights of all are fully respected will be seriously endangered.

Please find attached a copy of the full report and its recommendations. We look forward to hearing from you as to the outcome of your discussions.

With best regards,



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