



NHC intervention to the 2007 OSCE Human Dimension Implementation Meeting

WORKING SESSION 13, RULE OF LAW III:

Independence of the judiciary, right to a fair trial

Tuesday, 2 October 2007

Chairman, delegates, NGOs

On behalf of the Norwegian Helsinki Committee I address rule of law and the judicial system in Kosovo.

The NHC observes a politicized judicial system, which is weak and not very independent. Unfortunately, the international community's politics in Kosovo have not contributed enough to strengthen rule of law.

Serious transgressions against different groups in Kosovo have been treated in court only occasionally over the past 20 years. The NHC holds that serious transgressions must be punished whenever possible. Victims must be included in the process and receive adequate and clear instructions on how their cases are treated.

Not only war crimes and grave human rights breaches are going unaddressed. Corruption and general criminality are widespread problems in Kosovo. It is necessary to strengthen the courts' integrity, independence of political and economical powers, efficiency, practical organization, knowledge of the law and cooperation between police and prosecutors.

In cases of serious crimes, we fear for the security of witnesses. Despite some improvements, witness protection suffers serious lack of efficiency.

Political authorities in Kosovo give unfortunate signals with regards to rule of law. Prime Minister Ceku said while visiting Selim Krasniqi in detention – Krasniqi having recently been convicted of war crimes – that “Kosovo needed more good men like him”.

Former Prime Minister Ramush Haradinaj is presently at the International Criminal Tribunal for the former Yugoslavia, accused of war crimes and crimes against humanity in 1998, when he was a guerrilla commander. Several witnesses in his case have been killed.

When the case against Haradinaj was made public, he resigned as Prime Minister, but continued to play an important political role from behind the scenes. When he in February left for Haag, Haradinaj was thrown a farewell party with broad international representation. Throughout Prishtina one could see poster campaigns supporting his case with the slogan “With Ramush!” When the Norwegian Helsinki Committee visited the Ministry of Justice in March 2007, such campaign stickers were visible in the offices and on the entrance door.

Such an approach to cases of war crimes sends the wrong signals. The international community has followed an unacceptable course by letting such attitudes pass, and directly or indirectly supporting them. We know of no other areas in the Balkans where the international community has taken a similar approach to politicians tried at the UN court.

The Norwegian Helsinki Committee appeals to the international community to demonstrate to local politicians and courts that rule of law principles are being valued and that laws may not be put aside for political reasons. Real independence of the judicial system must be secured.

The international community must not allow political questions like future status push aside basic, on the ground human rights and rule of law issues.

Thank you for your time. The intervention is available on the conference website.

For more information: check out the International Helsinki Federation Annual Report on Kosovo: http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4387