CHAPTER TWELVE

THE OHCHR KOSOVO EMERGENCY OPERATION:
LESSONS LEARNED

OHCHR Staff

Editor’s Note

When nearly a million Albanians were pushed out of Kosovo in 1999 the Commission on Human Rights was in session. This was a major human rights and humanitarian crisis. How would OHCHR respond to it? Three decisions were made: to send the Special Rapporteur on Yugoslavia and a special envoy of the High Commissioner to the area; to deploy human rights staff to gather information from the refugees about criminal violations of human rights that had taken place; and to report weekly to the Commission on Human Rights, which was then in session. This was the first time the Office of High Commissioner had undertaken such an emergency response and it proved an important learning experience. In the piece that follows, lessons learned from this exercise are recorded by OHCHR staff. The Editor was Deputy High Commissioner for Human Rights at the time and he was involved in the establishment, operation, and supervision of this exercise, making the most of what was available by way of human and material resources in OHCHR. The piece below is a fair summary of the operation.

1. Establishment and objectives

On 31 March 1999, the High Commissioner for Human Rights decided to re-deploy OHCHR-FRY staff—who had left FRY before the NATO bombing began, to the FYR Macedonia, Albania, and Montenegro (FRY) to set up the High Commissioner’s Kosovo Emergency Operation (KEO). The High Commissioner also appointed a Personal Representative, Mr. Michel Moussalli, and asked Mr. Moussalli and the Special Rapporteur of the Commission on Human Rights, Mr. Dinstbier, to travel urgently to the region with a view to monitoring the human rights situation. Mr. Moussalli and Mr. Dinstbier visited the region in April 1999. Mr. Dinstbier subsequently carried out a number of other missions.
The objectives of the KEO were set forth as follows: to establish a human rights presence as close as possible to the actual developments in Kosovo; to interview refugees and seek impartial verification about alleged human rights violations; to seek to identify patterns and trends in human rights violations; to consult and help coordinate among international partners the assembling and analysis of information relating to human rights violations in Kosovo; to assemble information in reports to the High Commissioner for Human Rights, the Special Rapporteur and other U.N. mechanisms, including the International Criminal Tribunal for the former Yugoslavia; and to explore opportunities for technical cooperation in the future reconstruction and security of the region.

While deployed in FYROM and Albania, OHCHR staff had neither a mandate nor instructions to monitor the human rights situation in these two countries. As mentioned above, the focus of their work was to document human rights violations taking place in Kosovo.

2. Staffing

As a first step in the deployment of staff to FYROM, one human rights officer from Geneva HQ was quickly dispatched to Skopje to lay the logistical groundwork for the arrival of additional staff, to open up contacts with partners, to identify sources of information, and to put in place basic administrative support arrangements. Subsequently, two additional staff from Geneva were deployed to FYROM first and then to Albania for a period of five weeks.

Immediately after the outbreak of the crisis, the Swiss and the Norwegian governments offered to contribute to the Kosovo Emergency Operation by providing OHCHR with human rights monitors. OHCHR signed a partnership agreement with the Swiss Government and with NORDEM, whose terms were defined by the Kosovo desk, together with the Administrative Unit, and the Office of Legal Affairs. The agreements provided the legal framework for the engagement of the Swiss and Norwegian experts. According to the terms of the agreements the experts, even though paid by third parties, would be attached to OHCHR Kosovo Emergency Operation and would report directly to the OHCHR team leaders on the ground.

The negotiation of the agreement took almost a month, and the Swiss and Norwegian human rights observes were not deployed until the beginning of May.