

AMNESTY INTERNATIONAL

PRESS RELEASE

AI Index: EUR 70/009/2006 (Public)

News Service No: 190

24 July 2006

Kosovo/Kosova (Serbia): Human rights should be central to talks on Kosovo's final status

As talks towards defining the final status Kosovo continue today in Vienna, Amnesty International calls on the participants to ensure that the protection of human rights of all persons in Kosovo remain at the heart of the process, and are addressed at every stage and in all aspects of the talks.

In a document sent to all participant in the talks, Amnesty International outlines a series of recommendations for ensuring that the promotion, protection and fulfillment of human rights are guaranteed in any final settlement. The organization believes that irrespective of the final status of Kosovo, the human rights of all people must be respected, protected and fulfilled and that all those in positions of authority, both at local and international level, must be accountable for their actions.

"The participation and input of all communities in Kosovo, including minorities such as the Roma, Ashkali, Egyptians, Bosniaks, Gorani, and Turks, as well as women's organizations, should be ensured as a guarantee that their human rights are also included in the final settlement," Sian Jones, Amnesty International's researcher on Kosovo said.

"All inhabitants of Kosovo should take responsibility that any final agreement opening a new page in its history should include measures to prevent human rights violations and abuses, and ensure access to justice and redress for victims in all cases."

Amnesty International believes that the final status talks provide an excellent opportunity to ensure a new or revised constitution specifies that in case of conflict between national and international law, international law should prevail.

The constitution must also guarantee the rights of women to be free of all forms of discrimination. Although women in Kosovo are guaranteed equality with men in law, they suffer widespread discrimination in employment and education, they are victims of domestic violence and of trafficking for the purpose of forced prostitution.

"Measures must also be taken towards ending impunity for crimes of interethnic violence and for war crimes and crimes against humanity including through ensuring the thorough, impartial, prompt and independent investigation of all human rights violations, as well as ensuring an independent judiciary."

Amnesty International is concerned that very little has been done in the past seven years by the authorities of both Kosovo and Serbia to bring to justice those suspected of war crimes or crimes against

humanity during the armed conflict. The organization recommends that measures must be taken to ensure that the suspects are brought to justice in trials that meet international standards of fairness.

Amnesty International considers that the final status talks must address the issue of the "disappeared" and abducted - investigations into all outstanding cases should be opened, resources for the protection of witnesses must be ensured, and relatives should have access to reparations.

The final status talks must also address the right to a safe and dignified return for refugees and internally displaced persons. Amnesty International recommends that the international and local authorities of Kosovo establish Memoranda of Understanding with the countries of the European Union and the Council of Europe to ensure that nobody is forcibly returned without an individual determination of their status.

Finally the organization calls for robust human rights institutions, to which both the Kosovo and international authorities, including UNMIK, are accountable, ensuring that those whose rights are violated by the authorities may be guaranteed access to redress and reparations.

See: *Human rights protection in post status Kosovo/Kosova: Amnesty International's recommendations relating to talks on the final status of Kosovo/Kosova* (AI Index: EUR70/08/2006)
<http://web.amnesty.org/library/index/engeur70082006>

Public Document

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