

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI index: EUR 70/005/2013
22 March 2013

Kosovo: Amnesty International condemns threats to woman human rights defender

Amnesty International is deeply concerned and shocked at recent threats made against human rights defender, Nazlie Bala, in Kosovo. Nazlie Bala is a well-respected human rights activist who has contributed significantly to documenting human rights abuses before and after the 1998-1999 war. She has also played a vital role in establishing institutional support for persons suffering from domestic violence.

On 20 March 2013, Nazlie Bala returned home from work to find an anonymous letter slipped under her door. The letter read, "Do not protect the shame. Otherwise we will kill you."

Nazlie Bala had been advocating for a proposed legal amendment, which received its first reading in the Kosovo Assembly on 14 March, which seeks to guarantee the rights of women who have suffered war crimes of sexual violence during the armed conflict in Kosovo. She had publicly supported the amendment in a television debate on RTK on 18 March.

The draft amendments to the Law on the Status and Rights of Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims, and their Families would give legal recognition, respect and public acknowledgement to persons who suffered sexual violence. The amendment aims to provide them with compensation, in the form of financial support, rehabilitation and other forms of reparation.

"More than a decade after the end of the war, hundreds of women continue to live with the effects of rape and other forms of torture, without proper access to the medical, psychological and financial assistance they need to rebuild their shattered lives. Meanwhile, most of those suspected of criminal responsibility are not being investigated" said John Dalhuisen, Europe and Central Asia Programme Director.

In 2011, Amnesty International reported that the law, as it stood, "discriminates catastrophically against women and girls who were raped or suffered other forms of sexual violence as a result of the armed conflict. It fails to make any provision to afford the status of civilian victim of war to these women, or provide for benefits for a person suffering mental harm, or even physical harm caused by rape or other forms of sexual violence".

The Law, in affording the survivors of rape public respect and dignity, challenges the notion of shame, (referred to in the threat), which has for so long prevented women from publicly acknowledging the violations they suffered and from coming forward to provide testimony for criminal prosecutions, for fear that it would bring shame on their family or community.

To date, very few investigations have been opened into allegations of war crimes of sexual violence in Kosovo, and only one prosecution for rape, as a war crime, is currently being conducted by the

EU-led Mission on Kosovo, responsible for the investigation and prosecution of all crimes under international law.

Amnesty International recalls that rape and other crimes of sexual violence committed over the armed conflict in Kosovo amount to war crimes and, as such, all states – not only Kosovo – are permitted to investigate all those suspected of criminal responsibility and, if there is sufficient admissible evidence, prosecute them in fair trials.

Amnesty International calls on President Atifete Jahjaga to publicly support the rights of women who have survived war crimes of sexual violence. The organisation also calls on the Prime Minister and other members of the Kosovo government to publicly denounce the threats to Nazlie Bala. The organisation urges the Kosovo Police Service and the State Prosecutor to immediately open an independent, impartial and thorough investigation into the threats against Nazlie Bala, and any other women human rights defenders who are so threatened. The organization also calls on the authorities to provide appropriate protection to Nazlie Bala and other women human rights defenders who have received such threats.

Amnesty International urges the Kosovo government to implement in law and in practice the principles of the UN Declaration of Human Rights Defenders, which provides a framework for the protection and support of human rights defenders. The organization also calls on the embassies of EU member states to provide protection and support to human rights defenders in Kosovo.

Amnesty International also urges all those in positions of power in Kosovo to refrain from invoking any custom or tradition or belief to avoid its obligations to provide reparation for crimes of sexual violence against women, and publicly declare at every opportunity its intention to prevent, investigate, prosecute and punish all forms of violence against women.

Background

There is no accurate estimate of the number of women and girls who were raped or suffered other forms of sexual violence during the Kosovo war. Some estimates number in the thousands, whilst hundreds of credible accounts of rape and other crimes of sexual violence have been documented by local and international NGOs. In the vast majority of reported cases, Kosova Albanian women were raped or otherwise sexually assaulted by Serbian paramilitary, police or military forces. Amnesty International is also aware of alleged rapes and other forms of sexual violence of Kosovo Serb and Romani women by members of the Kosova Liberation Army.

War crimes of sexual violence have affected women's physical health and reproductive health. It has had serious consequences for their mental health, with many of the survivors suffering from post-traumatic stress disorder (PTSD). Whilst some have received support and assistance from women's NGOs, none have yet received reparation.

The right to reparation is clarified in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Basic Principles), adopted by the UN General Assembly in 2005. Such reparation includes: equal and effective access to justice; and adequate, effective and prompt reparation for harm suffered - including - restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Public Document
