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Kosovo: UN Security Council has vital role in protecting human rights

Lasting peace in Kosovo will depend upon United Nations (UN) action to protect and promote human rights, Amnesty International's Secretary General Pierre Sané said today in an open letter to the Security Council.

The Security Council may soon be asked to act upon concrete proposals for a political solution to the Kosovo conflict which envisage the deployment of "effective international civil and security presences". This would represent a crucial opportunity for the UN body to end the current human rights violations and to ensure that human rights are protected in the region in the future.

"Human rights violations are the cause and the effect of the crisis in Kosovo," Mr Sané said. "The Security Council now has a distinct responsibility to ensure that effective and long term protection of human rights for all the people of Kosovo, whether Albanians or Serbs, whether they are inside the FRY or have sought asylum abroad, be placed at the centre of any agreement."

Amnesty International is calling upon the Security Council to recognize and act upon this and other specific recommendations in its approval of any political settlement and authorization of any international peace keeping operation to be deployed in the Federal Republic of Yugoslavia (FRY). The recommendations made in today's open letter to the Security Council include:

Providing prompt, effective redress to victims of violations of international humanitarian law, whether committed by forces or agents of the government, members of the Kosovo Liberation Army (KLA) or by NATO.

Ensuring an effective and well-resourced mechanism to clarify the fate or whereabouts of all those who have "disappeared" or gone missing.

Ensuring that those responsible for grave violations or abuses of human rights or international humanitarian law are brought to justice. Any agreement should provide for prompt, independent and impartial investigations of human rights violations and ensure that the perpetrators are brought to justice.

Providing long-term measures, notably through institution building, for human rights protection in Kosovo and other parts of the FRY. Safeguards for independent judges and prosecutors should be provided and the international community should make a solid commitment for a long-term program for the training, support for and, where necessary, restructuring of the judiciary, police and law enforcement personnel, as well as other institutions that can contribute to human rights protection.

Insisting that international human rights monitors have full and unhindered access to all parts of Kosovo and the FRY as a whole.

Creating durable conditions to permit asylum seekers and other displaced persons to return to their homes in safety and dignity. An agreement should provide for appropriate protection against attacks on them and their property. Provisions should ensure that those returning are effectively compensated for any damage to their property.

Applying international law and protection standards to all those who have crossed borders to seek asylum. The principle of *non-refoulement*, the right to seek asylum and repatriation only on a voluntary basis, with international supervision, should be fully guaranteed.

Human rights and international humanitarian law standards concerning law enforcement and criminal justice that apply should be clearly articulated in any agreement.

Making effective monitoring of police and security operations a vital part of any agreement

Under no circumstances should any agreement prevent international forces stationed in the FRY from fulfilling their international obligations to search for, arrest and surrender those indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY), which should have effective powers and facilities to investigate and exercise its jurisdiction over individuals from all parties to the conflict in Kosovo, including FRY forces and authorities, the KLA and NATO.

Amnesty International is urging Security Council members to ensure that the ICTY receives the widest possible support and resources, that all parties involved co-operate with the ICTY and that governments provide all necessary and relevant information to its investigators.

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