

# **£FEDERAL REPUBLIC OF YUGOSLAVIA**

## **@International monitoring in Kosovo and beyond: Appeal to governments from Secretary General of Amnesty International**

An appeal from the Secretary General of Amnesty International to states participating in, or members of:

- ◆ The United Nations (UN) Security Council and General Assembly
- ◆ The Conference on Security and Co-operation in Europe (CSCE)
- ◆ The Organization of Islamic Conference (OIC)
- ◆ The European Community (EC)

Over the last four months the Government of the Federal Republic of Yugoslavia (FRY) (comprising Serbia and Montenegro) has repeatedly blocked intergovernmental initiatives to monitor and protect human rights in the FRY, especially Kosovo, Sand\_ak and Vojvodina. In particular:

- ◆ the Conference on Security and Co-operation in Europe (CSCE) has been forced to close down its mission of long duration in Kosovo, Sand\_ak and Vojvodina;
- ◆ Tadeusz Mazowiecki, the UN Special Rapporteur on the former Yugoslavia has been refused permission to base staff long-term in the FRY, and
- ◆ visas have not been granted to a CSCE Human Dimension mission mandated to investigate reports of human rights violations in the FRY, especially the imprisonment and beating of Vuk and Danica Draškovi\_ and the reported banning of the Serbian Renewal Movement.

Unless the international community works together and determinedly to confront this pattern of obstruction, it will again show itself to be impotent to prevent human rights violations in the former Yugoslavia. It risks seeing simmering tensions, exacerbated by unchecked human rights violations, erupting into open conflict.

### Human rights violations and fear of escalating violence in Kosovo province

Amnesty International receives almost daily reports of ethnic Albanians in Kosovo province being brutally beaten in police stations or in the streets by the largely Serbian police force. Victims are often chosen at random when police carry out regular identity checks on the streets or during systematic house searches, ostensibly in search of weapons. Other victims are political or human rights activists deliberately targeted by police. Torture or ill-treatment usually consists of beating with rubber truncheons and rifle-butts, kicking and punching. All parts of the body are beaten, with the head, genitals, lumber area and soles of the feet often singled out for particular attention. Victims typically are arbitrarily held in a police station for several hours, or even several days, and then released without charge. Police officers who commit these acts of torture generally enjoy immunity from prosecution. Amnesty International knows of only one case in which a police officer is being investigated.

Typical of the cases reported to Amnesty International is the raid by police on 7 July this year of the Priština office of the Council for the Defence of Human Rights and Freedoms, an ethnic Albanian human rights group. The office was searched without a warrant and documents taken. Sami Kurteshi, an activist in the council was taken and held at a police station for several hours, where he was punched, kicked and beaten with truncheons about the body including on the palms and the soles of the feet. One policeman reportedly threatened him:

*"...now you will see live pictures and you won't have to collect pictures of others [referring to pictures they had seized from the offices] ... soon you will have more horrible pictures than the ones we seized, because it will be worse here than in Bosnia".*

These threats reflect the fears of ethnic Albanians in Kosovo today that they are witnessing a prelude to open warfare which could lead to a huge outflow of refugees. Many Yugoslav Army units withdrawn from Macedonia and other former republics have been stationed in Kosovo. Tension is exacerbated by the presence of Serbian paramilitary units, including some notorious for gross human rights abuses committed in Croatia and Bosnia-Herzegovina. The torture and ill-treatment of ethnic Albanians and the failure to bring violators to justice have only fanned these flames of unrest and conflict between the Albanian community and Serbian dominated authorities.

Amnesty International fears that in the absence of an international monitoring presence tensions can only worsen. In the period following the departure of the CSCE long-term mission, reported human rights violations have continued and, if anything, the situation has deteriorated. Since the CSCE mission left an increasing number of political and human rights activists appear to have been singled out for harassment.

The economic chaos in Serbia and Montenegro is particularly acute in Kosovo, which has always been the poorest region of former Yugoslavia. Ethnic Albanians complain of large-scale dismissals from state enterprises in recent years, leaving most Albanians dependent on small businesses or, most often, money from relatives working abroad. People bringing foreign currency from abroad are often the target of police road checks, frequently leading to the confiscation of the money and/or ill-treatment.

Ethnic Albanians are greatly concerned about the future of education in Kosovo since the Serbian authorities imposed restrictions in 1991 on education in the Albanian language. Harassment by police, including incidents of concern to Amnesty International have been associated with efforts by the ethnic Albanians to establish a parallel education system.

The political aims of ethnic Albanian politicians centre on the political status of the province as well as the immediate problems mentioned above. Earlier demands for autonomy have largely been replaced with calls for it to be made into an independent republic with the support of the international community. Amnesty International takes no position on the question of Kosovo's political status.

#### **International community recognises need for international presence in Kosovo**

The international community has already repeatedly affirmed that the tensions and human rights violations in Kosovo could forebode a new chapter of violent conflict in the former Yugoslavia:

*"Albanians, Croats, Hungarians, Muslims and other ethnic minority groups are discriminated against in Kosovo, Vojvodina and Sandak. In some instances, violent methods characteristic of ethnic cleansing are used, and there is a real danger that widespread violence, including armed conflict, may spread to these regions".* Tadeusz Mazowiecki, UN Special Rapporteur on the former Yugoslavia, Report to the UN General Assembly, 17 November 1992.

*"The risk of violent developments in [Kosovo, Sandak and Vojvodina], which led the CSCE to establish the mission, remains. This is a matter of grave concern."* Letter dated 23 July 1993 from the Swedish Foreign Minister to the Yugoslav Foreign Minister.

*"Bearing in mind that the CSCE missions of long duration...have greatly contributed to promoting stability and counteracting the risk of violence in Kosovo, Sandak and Vojvodina...[and] determined to avoid any extension of the conflict in the former Yugoslavia..."* Preamble to UN Security Council Resolution 855 (1993).

*"The conference...expressed its grave concern over the increasing tension in Kosovo, the Sand\_ak and the Republic of Macedonia and alarm at the prospects of the use of force against the Muslims of these areas which...could lead to a wider regional conflagration".* Final Communique of the Sixth Extraordinary Session of the Organization of Islamic Conference, Jedah, 1-2 December 1992.

The CSCE, the UN Security Council, the UN General Assembly, the UN Commission on Human Rights and the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, have all emphasised the vital role played by the CSCE long-term mission in promoting dialogue between the parties, reducing tensions and giving the outside world objective assessments of the human rights and political situation. The mission consisted of up to 20 monitors and operated from October 1992 until it was forced to close down in July this year.

Governments have considered an international presence so important that in February this year the 53-member UN Commission on Human Rights called on the Security Council to support the CSCE mission by establishing a UN observer mission "to be deployed as soon as possible to investigate and report on alleged human rights violations in Kosovo, Sand\_ak and Vojvodina" (Resolution 7/1993). The Security Council failed to implement - or even consider - this recommendation long before the Yugoslav Government moved to expel the CSCE mission.

A UN presence in Kosovo was called for expressly by the 12 European Community (EC) heads of state in Edinburgh last December. Three days later the 53 CSCE foreign ministers meeting in Stockholm decided to "increase substantially" the size of the CSCE long-term mission and the foreign ministers of France, Spain, Russia, UK and USA in their joint statement made on 22 May this year reaffirmed support for an expanded international operation in Kosovo. These expressions of intent were also never implemented before Belgrade's position hardened.

Even the Yugoslav Foreign Minister, speaking about the CSCE long-term mission in a letter dated 29 July 1993 to the Swedish Foreign Minister, acknowledged that "we are fully aware of the positive results of the Mission's presence in the FRY and we have nothing against their renewed presence in future." The Yugoslav Government has said, however, that the refusal to cooperate with both CSCE and UN monitoring of the situation in the country is in response to the continued suspension of Yugoslavia from CSCE and UN bodies and that it will not cooperate until this changes.

#### The UN Special Rapporteur on the former Yugoslavia

Unrestricted access for Tadeusz Mazowiecki, the UN Special Rapporteur on the former Yugoslavia (the UN Special Rapporteur), to the FRY is as essential as the continued presence of the CSCE mission. If the UN Special Rapporteur is barred from establishing a presence in the FRY he will be prevented from fulfilling his mandate given by the UN Commission on Human Rights and supported by both the Security Council and the General Assembly.

Both the UN General Assembly (Resolution 47/147, December 1992) and the Commission on Human Rights (Resolution 7/1993, February 1993) have emphasised that periodic visits to the former Yugoslavia are inadequate and the Special Rapporteur must have staff based in the region to be able to report on the human rights situation rapidly and first-hand. His staff already work out of Zagreb and Amnesty International believes the same presence must be established in the FRY. These monitors would not only investigate the human rights situation throughout the FRY, but would also be able to interview refugees and others in the country about abuses in Bosnia-Herzegovina and Croatia by all parties.

#### Coordinated and sustained action by governments

Some governments respond that they have done all they could to address these issues.

However, the refusal to allow the UN Special Rapporteur to open an office in the FRY and the denial of access for the CSCE Human Dimension mission have been largely ignored by governments and intergovernmental organizations. Termination of the CSCE long-term mission provoked a short-lived flurry of diplomatic activity. Negotiations between the Yugoslav authorities and the Swedish Foreign Minister, as Chairman-in-Office of the CSCE, were supported by a number of diplomatic approaches by the EC Troika and some individual governments, statements by the CSCE Committee of Senior Officials and one mild resolution by the UN Security Council. The CSCE has now conceded that it must monitor the situation on the ground from afar: through embassies of CSCE states in Belgrade and by stationing some former members of the long-term mission in Vienna.

Amnesty International believes that relentless, coordinated and sustained action, in public and private, by governments and intergovernmental organizations is essential if a solution is to be found to these problems. The UN, CSCE, EC and OIC bear a particularly heavy responsibility to act. The CSCE long-term mission in Kosovo, Sandak and Vojvodina must be reinstated. The UN should deploy its own human rights observer mission in Kosovo. The UN Special Rapporteur on the former Yugoslavia must be allowed to base staff long-term in the FRY. The CSCE Human Dimension mission must be allowed to enter the FRY to investigate the human rights situation without restriction. All these questions of access are equally important.

It is for governments to assess what political action should be taken. However, Amnesty International considers there are a number of initial steps which governments should take to tackle these issues:

**All governments** should seek solutions to the obstacles, including putting sustained pressure on the Yugoslav Government to reverse its policy of non-cooperation with the CSCE and UN and to allow unrestricted access to these and other international monitoring missions.

The **Conference on Security and Co-operation in Europe** should call an emergency or additional meeting of the Committee of Senior Officials to consider further political action. The CSCE Human Dimension Implementation Meeting - the centrepiece of the CSCE human rights process - should consider the issue in detail at its meeting in Warsaw from 27 September to 15 October and make recommendations to the Committee of Senior Officials about further CSCE action. The CSCE should regularly and publicly reaffirm that the situation in Kosovo is volatile and requires an international monitoring presence. It should support moves by the UN to ensure that the UN Special Rapporteur is able to base staff in the FRY. The reality of what is happening in Kosovo, Sand\_ak and Vojvodina should be underscored by the CSCE publicly releasing reports on the situation in these areas, including all or parts of the reports written by the long-term mission between October 1992 and July 1993 and the final activity report from the head of mission.

The **UN Security Council** should act urgently to implement the recommendation by the Commission on Human Rights to deploy a UN observer mission to investigate and report on human rights violations in Kosovo, Sand\_ak and Vojvodina. In coordination with the CSCE, it should put sustained pressure on the FRY to reinstate the CSCE long-term mission and to grant visas to the CSCE Human Dimension mission. The Security Council should take up as a matter of priority the refusal by the FRY to allow the UN Special Rapporteur to base staff in the country.

The **UN General Assembly** should also consider as a matter of priority the recommendation by the Commission on Human Rights to deploy UN observers in Kosovo, Sand\_ak and Vojvodina. It should address the obstruction by the Yugoslav Government which has prevented the UN Special Rapporteur from fully implementing the General Assembly's December 1992 decision that he should base staff in the region. It should also expressly support the urgency of reinstating the CSCE long-term mission.

The **Organization of Islamic Conference** should demonstrate that the concern it has expressed for the plight of Muslims in Kosovo province includes active and consistent support for CSCE and UN monitors to be based in the region.

The **European Community**, as a partner with the UN in the International Conference on the Former Yugoslavia bears a special responsibility to address the issues of access to the FRY for the UN and CSCE. It should resume its diplomatic activity to help find a solution to the obstacles and should make its public position clear, including at the forthcoming

session of the UN General Assembly. It should work with other government delegations at the General Assembly and forthcoming CSCE meetings to resolve the problems.

The international community ostensibly agrees that an international monitoring presence in the FRY is vital and urgent, especially because of the volatile situation in Kosovo. Then why has the international community allowed itself to be paralysed by the breakdown in talks with the Yugoslav government on this question? Why are governments not working closely together to find a solution to these obstacles? Governments, the public and the media may have concentrated on the war in Bosnia-Herzegovina, but if action is not taken soon to break the cycle of unchecked abuses and escalating tensions in Kosovo, the world may again find itself staring impotently at a new conflagration.

Pierre Sané  
Secretary General