

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Kosovo: Amnesty International welcomes Kosovo Assembly decision on Special Court**

After months of prevarication and a growing opposition to the establishment of a Special Court for Kosovo, the Kosovo Assembly yesterday evening approved the constitutional changes necessary for the establishment of the court. The assembly also passed draft legislation which will enable the court to operate.

Amnesty International welcomes this important step towards justice for the families of an estimated 400 Kosovo Serbs believed to have been abducted by the Kosovo Liberation Army (KLA), and subsequently transferred to Albania, where they are alleged to have been killed.

The special court will adjudicate on crimes under international law and serious human rights abuses allegedly committed by the KLA, including by its senior members. These crimes were perpetrated during and after the 1998-1999 armed conflict in Kosovo, which were originally set out in a 2010 report to the Parliamentary Assembly of the Council of Europe (PACE) by Swiss Senator Dick Marty. Indictments will be based on investigations by the Special Investigative Task Force (SITF), established by the EU in 2011, to follow up on the Marty report. It was the first comprehensive investigation in Kosovo into the abduction of missing Serbs.

The fact that the court is being established only to try those suspected of the abduction and murder of Kosovo Serbs and others unlawfully deprived of their liberty by the KLA, and of alleged organ trafficking, continues to be perceived amongst a wide cross section of society in Kosovo as biased and lacking impartiality, as it means singling out one category of victims while ignoring others. Amnesty International reiterates its calls on the Serbian authorities to ensure all those responsible for the enforced disappearances of Kosovo Albanians during the armed conflicts on 1998-9 are also brought to justice.

Amnesty International has consistently urged both domestic and international authorities in Kosovo to investigate the abductions of Serbs, Roma and members of minority communities in Kosovo in the immediate aftermath of the 1998-9 conflict. The organization considers that the abductions which were committed after June 1999 were part of a widespread as well as systematic attack on a civilian population and, as such, should be tried as crimes against humanity.

Amnesty International considers that the Special Court may be the best possibility for victims, who include the relatives of the missing, to receive justice, truth and reparation. However, the international community must support the Court to ensure that trials are conducted in accordance with international law. This includes ensuring that the Court is fully resourced to complete its mandate.

## **Background**

In December 2010, a report for the Parliamentary Assembly of the Council of Europe (PACE) by Swiss Senator Dick Marty alleged that senior members of the KLA were involved in 1999 in the abduction, torture, ill-treatment and murder of Serb and Albanian civilians transferred to prison camps in Albania. In one of the camps, detainees were allegedly murdered and their organs removed for trafficking. The report was approved in December 2010 by the PACE Legal Affairs and Human Rights Committee of the PACE, and adopted by the PACE on 25 January 2011.

Public Document

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