

AI Index: EUR 70/25/98
11 June 1998

PUBLIC STATEMENT

Federal Republic of Yugoslavia: Amnesty International's current recommendations concerning the crisis in Kosovo province

Current international discussions regarding Kosovo province of the Federal Republic of Yugoslavia (FRY) have been in response to the rapidly deteriorating security situation in the province's Drenica region. Recent Serbian operations, although ostensibly directed at the armed opposition Kosovo Liberation Army (KLA), have led to hundreds of civilian deaths, many apparently a result of deliberate or indiscriminate attacks. Attacks on civilians have been part of the reason why more than 60,000 people have fled their homes. For the last three weeks, the International Committee of the Red Cross (ICRC) has been denied access to those parts of western Kosovo which were its primary concern. Members of the Kosovo Liberation Army (KLA) have also been responsible for abuses. However, Amnesty International believes that the international community's analysis and response must dig deeper than today's headlines. The current situation cannot be isolated from a decade of unaddressed human rights violations in Kosovo province.

For more than a decade, Amnesty International has been documenting and campaigning against a systematic pattern of human rights violations in Kosovo province - including torture and ill-treatment by police, deaths in police custody, and unfair trials for political prisoners. The lack of effective redress for these and other violations of basic human rights in the province must be counted among the sources of frustration and anger which have culminated in the present conflict. Given this endemic lack of accountability and legacy of injustice in Kosovo, Amnesty International believes that any lasting solution to the present crisis must address explicitly and comprehensively the need for durable guarantees for human rights protection; the accountability of those responsible for past and present human rights violations by police and security forces; and effective reparation for all victims of human rights violations.

The international community has warned FRY President Slobodan Milošević that it will not tolerate "another Bosnia" -- referring to the 1992-1995 armed conflict where civilians were the targets of appalling human rights violations during military actions because of their nationality. Nevertheless, one of the lessons so far to be learned from previous armed conflicts in the region is that the international community will not sustain its outrage. All but two of the suspects known to be indicted by the International Criminal Tribunal for the former Yugoslavia (Tribunal) who remain at large were part of Serbian military, paramilitary, policing or civilian authorities in Bosnia-Herzegovina and Croatia. The haste with which some host governments wish to rid themselves of a perceived "refugee burden" has resulted in repatriation policies which are only cementing the previous conflicts' objectives -- the creation of territories inhabited by a single nationality. If the international community wants to send a message to President Milošević that it is serious about holding human rights violators to account, it should also do so by showing its resolve in other areas of the region.

In light of these factors, Amnesty International makes the following recommendations to the international community:

- Reactions so far to the crisis have primarily dealt with the eruption of armed conflict; Amnesty International calls upon the international community, and particularly the members of the Security Council to also condemn the violations of human rights and humanitarian law in Kosovo. In determining concrete responses to recent events in Kosovo governments should put the protection of human rights, which have been gravely and consistently violated over many years in Kosovo, prominently on their agenda. They should commit themselves to providing financial resources and political support to an enlarged human rights monitoring program of the Office of the United Nations High Commissioner for Human Rights (OHCHR), enabling its field operation to effectively monitor human rights in the FRY as a whole as well as in Kosovo on the ground.

- National judicial institutions should ensure full accountability for any violations of human rights or humanitarian law committed. But in FRY, the Tribunal has a specific mandate and responsibility to investigate and prosecute breaches of international humanitarian law, genocide and crimes against humanity. Amnesty International therefore also calls on the international community to assist the Tribunal in its efforts to investigate the situation in the province and to provide the Tribunal with all the necessary financial and other support required to carry out its mandate effectively.

- More than 60,000 people have fled their homes in Kosovo province during the recent crisis. The majority of these people remain displaced within the borders of FRY. However, many people have fled their country to seek asylum, and many more could do so. In light of the pattern of serious human rights violations in Kosovo, states are reminded of their obligations under international law to allow access to their territories to those fleeing in search of safety. States should respect the fundamental principle of *non-refoulement* and refrain from turning back at their borders those who seek asylum. The international community should meet its obligations to share responsibility for those in need of international protection.

- Amnesty International is concerned that any action by the international community should not include measures which violate the fundamental human rights to leave one's country and to seek asylum. The international community should not pursue any policies that prevent those fleeing from obtaining effective protection across borders if necessary.

- In addition to those who are currently in flight, there are an estimated 150 000 rejected asylum-seekers from the FRY, most of them Kosovo Albanians, in Western Europe. Amnesty International welcomes the recent announcements by some states hosting rejected asylum-seekers from Kosovo to suspend returns. The organization urges all states to suspend returns to Kosovo, until such time as there is no risk of returnees facing threats of serious human rights violations.

Of course, the prime responsibility to improve the human rights situation rests with the national authorities. Amnesty International calls on all governments to insist that, and on the FRY and Serbian authorities themselves to:

- issue clear instructions to all police and other security personnel in Kosovo that deliberate and indiscriminate attacks on civilians, arbitrary arrests and expulsions and other human rights violations will not be tolerated under any circumstances and that those responsible will be held criminally responsible for their actions.

- allow immediate and unhindered access to the area for humanitarian agencies and UN human rights monitors. The OHCHR should now be granted the facilities to establish a constant presence in Prishtina.
- allow the ICRC unrestricted access to all areas of Kosovo and permit the organisation to visit all prisoners it requests to see, in accordance with established procedures.
- cooperate fully with the Tribunal into any investigations it may wish to conduct in Kosovo and permit forensic experts to carry out their professional duties without restrictions.
- disclose the identity and whereabouts of those detained and to instruct the police and other armed forces to allow those detained prompt access to lawyers, measures vital for the prevention of torture and to safeguard against disappearances.
- order prompt and impartial investigations into reports of human rights violations, ensure that those responsible are held fully accountable and that victims receive effective reparation.

Amnesty International is also deeply concerned by killings and other human rights abuses reportedly committed by armed opposition groups in Kosovo province, and recommends that:

- the KLA and any other armed opposition groups in Kosovo province ensure that all forces under their control abide by basic humanitarian law principles as set out in Common Article 3 of the Geneva Conventions of 1949 which prohibit the killing of those taking no part in hostilities as well as hostage-taking.
- the KLA should ensure that they cooperate with the ICRC, in particular to resolve the fate of prisoners reportedly detained by its members.