

ABOUT THIS DOCUMENT SERIES

As of June 1998, the international community is looking on as the security situation in Kosovo province of the Federal Republic of Yugoslavia rapidly deteriorates and even minimal respect for human rights is withdrawn. Recent Serbian police and military 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 tens of thousands of people have fled their homes. Members of the KLA have also been responsible for human rights abuses.

Developments as of June 1998 cannot be isolated from more than a decade of unaddressed human rights violations in Kosovo province. Throughout that time 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 of 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.

In addition to its ongoing research, media work and the campaigning initiatives of its members worldwide to respond to events unfolding as of June 1998, with this series of reports Amnesty International delves beneath today's headlines and continues its detailed scrutiny of the long-standing patterns of abuses in Kosovo province. Four documents in the series now being published simultaneously are:

#1: *Background: A crisis waiting to happen* (AI Index: EUR 70/32/98).

A summary analysis of the causes of the present crisis, and Amnesty International's recommendations to the international community, the Yugoslav authorities and the KLA.

#2: *Violence in Drenica* (AI Index: EUR 70/33/98). A detailed analysis of arbitrary killings and extrajudicial executions during police and military operations in February-March 1998 in the Drenica region (a precursor to events in June), and reports of KLA abuses.

#3: Deaths in custody, torture and ill-treatment (AI Index: EUR 70/34/98). A survey of the widespread use of torture and ill-treatment against detainees and on the streets against demonstrators, including recent detailed victim testimony and photographic evidence from 1998.

#4: Unfair trials and abuses of due process (AI Index: EUR 70/35/98). A survey of ongoing failures in the administration of justice in political cases, including details of four political trials in 1997-98.

These reports are based largely on information gathered during an Amnesty International mission to the Federal Republic of Yugoslavia in March 1998 to investigate human rights violations, including those perpetrated in the context of police and military operations in the Drenica region, and on updated information from Amnesty International representatives in the field in June 1998. In addition, information was supplied by local human rights monitors in Kosovo and Belgrade, local lawyers, foreign and local journalists and other individuals. Amnesty International is grateful for the assistance it has received from these sources.

A further series of reports, now in preparation, will address the human rights situation in Kosovo from June 1998.

Cover photograph: Arian Curri, an 18-year-old ethnic Albanian student, photographed in 1994 after being tortured by police who cut a Serbian nationalist symbol into his chest (the cross and four Cyrillic Ss stand for the Serbian motto "Only Unity Saves the Serb"). From *Amnesty International: Yugoslavia: Police Violence in Kosovo province - the victims*, AI Index: EUR 70/16/94, September 1994. © Amnesty International.

YUGOSLAVIA

A Human Rights Crisis in Kosovo Province

Background: A crisis waiting to happen

The longstanding violation of human rights in Kosovo province

Serious human rights violations have been occurring in Kosovo province of the Federal Republic of Yugoslavia (FR Yugoslavia) for many years. Disturbing recent developments point to a new phase, at the time of writing in early June 1998, one of armed conflict in which levels of serious human rights violations, in particular forcible displacement and extrajudicial executions and other unlawful killings, are escalating.

It is the failure of the FR Yugoslavia Government and the international community to hold to account those responsible for longstanding abuses that has led to today's human rights crisis. Amnesty International's challenge to the authorities in the region, the world's governments and

international organizations is to dampen the Apowder keg@ which Kosovo province represents to FR Yugoslavia and the entire region, and prevent its explosion. Amnesty International takes no position on the political status of Kosovo¹. However, the organization is deeply concerned about the large-scale

¹ Serbs spell the name of the province *Kosovo*, stressed on the first syllable, whereas Albanians call it *Kosovë*, or more usually with the definite article added, *Kosova*. In Albanian the stress is on the second syllable. With time the issue of the name (Kosovo/Kosova) of the province (and of its towns and districts, which mostly have both Albanian and Serbian names that are generally but not always similar) has become more and more a political issue in itself. As a compromise, Amnesty International consistently uses the term "Kosovo province", adopting the Serbian spelling (which is the internationally recognized spelling) but without using the full official name now used within FR Yugoslavia: the Autonomous Province of Kosovo and Metohija (Metohija is the Western part of the province).

human rights violations against ethnic Albanians either because of their direct involvement with political struggle or simply because of their nationality. FR Yugoslavia is a party to international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) and is thus under obligations to protect the basic human rights of all of its citizens, irrespective of their nationality.

While it is clear that the protection of human rights is one

Responsibility for the police and judicial system is primarily in the hands of the Serbian republican authorities. The Yugoslav Army, which is increasingly being used in Kosovo, falls under the control of the Federal Authorities. Both the Serbian and Yugoslav governments have not been willing to admit to the human rights concerns in Kosovo province and have only exceptionally given responses to appeals from Amnesty International, other human rights organizations or publicity in the media. More importantly, they

issue among others to be resolved in the crisis in Kosovo province, Amnesty International argues that lack of respect for human rights in the past, coupled with the fact that those who committed human rights violations were rarely brought to account, has been a major contributor to the political instability. Moreover, the indications are that the situation will continue to deteriorate and that human rights violations will become still more grave.

have consistently failed to take action to prevent violations. This situation has worsened in the last two years - even more so in recent months - as the authorities have sought ever more frequently to justify human rights violations by stating that they were operating against "terrorists".

For years Amnesty International has repeatedly appealed to the authorities to fulfill their international legal obligations by carrying out investigations into many individual cases of alleged torture, ill-treatment or unlawful

killing by police and to bring to justice those responsible. In practice, prosecutions of police officers (or soldiers) by the authorities are rare. In a few cases relatives of victims have initiated criminal proceedings. However, ethnic Albanians are generally reluctant to use the Yugoslav legal system, for a variety of reasons, including a lack of confidence that anything will be achieved, and the sheer expense of a private prosecution. Such judicial proceedings frequently take years to complete.

In brief: the modern history of Kosovo province

After the Second World War and the creation of the second Yugoslav state, Kosovo was given increasing degrees of autonomy. This culminated in the 1974 Constitution of the former Socialist Federal Republic of Yugoslavia (SFRY)², when, as a Socialist

Autonomous Province it had almost the same degree of autonomy as the constituent republics of the SFRY, albeit lacking the constitutional right to secede from the SFRY. By this time most positions of authority in the province were held by ethnic Albanian members of the League of Communists, but, there was significant political discontent among ethnic Albanians, thousands of whom were imprisoned over the years after being accused of advocating Kosovo's secession and annexation by Albania, or expressing related political demands. Many of these were prisoners of conscience. The proportion of ethnic Albanians, who now make up more than 90 per cent of the population of Kosovo, has grown steadily through a combination of a proportionately higher birthrate among the Albanians and emigration by Serbs. The causes of both these

² Following the secession of Slovenia, Croatia, Bosnia-Herzegovina and Macedonia, in April 1992 the SFRY formally ceased to exist when the Federal Republic of

Yugoslavia, consisting of the Republics of Serbia (including Kosovo) and Montenegro, was proclaimed.

phenomena have been the subject

In March and April 1981 ethnic Albanian demonstrators voiced calls for Kosovo to be made a full republic. The demonstrations were broken up violently and Amnesty International later learned that the Central Committee of the League of Communists was informed that over 300 people were killed in the process, although published reports claimed no more than 11 dead. A state of emergency followed for a period and to a greater or lesser degree there has been increased policing in the province ever since. Nationalist unrest in the province grew throughout the 1980s and there were frequent political trials of ethnic Albanians accused of seeking Kosovo's secession. Amnesty International was concerned that many of these trials were unfair and that scores of those convicted were prisoners of conscience. At the same time Serbs increasingly complained that the 1974 Constitution had placed them in an intentionally weak position in Yugoslavia relative to

of political arguments.

their numerical strength and cited Kosovo - which was the heart of the medieval Serbian kingdom and which they thus regarded also as the heart of Serbdom - as the prime example of this. In the late 1980s Slobodan Milošević came to power, first as President of the ruling League of Communists of Serbia and then President of Serbia³, with a heavily Serbian nationalist program which focussed on Kosovo. In 1989 he succeeded in abolishing the province's autonomy and soon reduced it to a mere administrative region of Serbia. The following year a pluralist system was introduced in Serbia. Ethnic Albanians in Kosovo opted largely to support political parties which favoured Kosovo's secession. The ethnic Albanians' new political leaders boycotted the Serbian and Yugoslav political systems altogether, declaring instead an independent Republic of Kosovo and establishing a parallel parliament, presidency and

³ Slobodan Milošević is now the Federal President

government. In addition, parallel or private health, educational and other institutions were created. Their creation had a political aspect, but also stemmed from necessity, as many Albanian workers were dismissed *en masse* from employment (sometimes after refusing to sign declarations of loyalty to the Serbian authorities), and teaching in the Albanian language was effectively suspended in the state-run system.

The ethnic Albanian leadership under the parallel APresident@, Dr Ibrahim Rugova, leader of the main party the Democratic League of Kosovo (LDK - *Lidhja Demokratike e Kosovës*), has followed a policy of non-violent opposition to the Serbian authorities= rule in Kosovo. The failure of the authorities to alter their stance in response to this approach, compounded by their continuing repressive policies and continuous and ubiquitous human rights violations against ethnic Albanian inhabitants of the province (and coupled with frustration at the exclusion of the

Kosovo issue from the international attempts to resolve the other conflicts in the region in Croatia and Bosnia-Herzegovina, culminating in the peace agreements arrived at in Dayton, USA), led to the emergence of an armed opposition calling for an independent Kosovo, the Kosovo Liberation Army (KLA, or in Albanian *Ushtria Çlirimtare e Kosovës*, UÇK), which made its presence known from 1996 on. The LDK has denied any connection with the armed opposition, and until recently denied that the KLA existed as an organized movement, but those speaking for other, outlawed political organisations such as the National Movement of Kosovo (in Albanian *Lëvizja Popullore e Kosovës*, LPK) have claimed to have contacts with it or to represent it. The KLA has claimed responsibility for a series of increasingly frequent attacks on Serbian police, police stations and local authorities or individuals associated with them since April 1996. It is unclear whether the KLA carried out all the acts which

it has laid claim to. Kosovar Serbian civilians have also been injured or killed although the KLA has claimed that it does not target them. By the beginning of 1998 it became clear that some areas of the province were only minimally under the control of the police,

The accompanying documents in this series, and a planned further series of reports updating Amnesty International's concerns in Kosovo province from June 1998 onwards, will give a detailed illustration of the range and scale of the human rights crisis in Kosovo province. In addition to the specific recommendations made in connection with the human rights concerns articulated in each of those documents, Amnesty International is making the following general recommendations to the key actors in the crisis.

1. 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 UN Security Council to also condemn the violations of human rights and humanitarian law in Kosovo province. In

who were unable to move freely without the protection of armoured vehicles.

Amnesty International's recommendations to address the crisis in Kosovo province

determining concrete responses to recent events in Kosovo province 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 FR Yugoslavia as a whole as well as on the ground in Kosovo province.

- National judicial institutions should ensure full accountability for any violations of human rights or humanitarian law committed. But in FR Yugoslavia, the International Criminal Tribunal for the former Yugoslavia (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 Kosovo province and to provide the Tribunal with all the necessary financial and other support required to carry out its mandate effectively.

- As of early June 1998 over 60,000

people have fled their homes in Kosovo province during the recent crisis. Some of these people remain displaced within the borders of FR Yugoslavia. 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

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

2. To the Yugoslavian federal and Serbian national authorities

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

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.

- 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 Priština.

- allow the International Committee of the Red Cross (ICRC) unrestricted access to all areas of Kosovo province 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 province and permit forensic experts to carry out their professional duties without restrictions.

- disclose the identity and whereabouts of those detained and 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.

3. To the armed political opposition in Kosovo province

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

- the KLA ensure that all forces under its 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.

**Appendix: A bibliography of
Amnesty International
publications on Kosovo, 1989-98**

The following lists major country reports by Amnesty International on Yugoslavia which cover concerns in Kosovo province. Readers should also refer to the Yugoslavia entries in the *Amnesty International Report* for the relevant years, and the twice-yearly report *Concerns in Europe*.

This list does not include the numerous Urgent Action appeals, other items of public campaigning material, and news service items issued on Kosovo.

Yugoslavia: Recent Events in the Autonomous Province of Kosovo
AI Index: EUR 48/08/89, 1989

Yugoslavia: Administrative Detention ("Isolation") Torture Allegations
AI Index: EUR 48/13/89, 1989

Yugoslavia: Ethnic Albanians on Trial in Kosovo Province
AI Index: EUR 48/19/89, 1989

Yugoslavia: Amnesty International's Current Concerns

AI Index: EUR 48/01/91, 1991

Yugoslavia: Ethnic Albanians - Victims of torture and ill-treatment by police in Kosovo province

AI Index: EUR 48/18/92, 1992

Federal Republic of Yugoslavia: International monitoring in Kosovo and beyond: Appeal to government's from Secretary General of Amnesty International

AI Index: EUR 70/23/93, 1993

Yugoslavia: Ethnic Albanians - Trial by truncheon

AI Index: EUR 70/01/94, 1994

Yugoslavia: Police violence against ethnic Albanians in Kosovo province

AI Index: EUR 70/06/94, 1994

Yugoslavia: Police violence in Kosovo province - the victims

AI Index: EUR 70/16/94, 1994