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Kosovo: Human Rights must be central in the implementation of the UN peace plan

NEW YORK -- Amnesty International welcomed the inclusion of human rights protection and promotion in the resolution on Kosovo adopted today by the Security Council.

“The resolution sets the framework for addressing the appalling violations of human rights and humanitarian law that have taken place in the province and elsewhere in the Federal Republic of Yugoslavia,” Amnesty International said today. “It could lay the foundations for the future observance of human rights and international humanitarian law.”

However, Amnesty International urges that the protection of human rights should be given central place in the implementation of the Security Council resolution. Amnesty International’s concerns are the following :

Protecting the civilian population in Kosovo from reprisals and protecting human rights abuses.

The international security presence will be responsible for ‘ensuring public safety and order’. Amnesty International is concerned that members of the Albanian, Serb or other ethnic communities are vulnerable to reprisals and other attacks on their life and safety in the period leading up to, during and after the withdrawal of FRY police and security forces. The risk of such reprisals is greatest before the envisaged international civil presence -- which will have a distinct mandate to ‘protecting and promoting human rights’ -- is established.

Amnesty International therefore urges that the international security presence takes full responsibility for protecting human rights in this period. All peace-keeping personnel should be trained to uphold the highest human rights and criminal justice standards.

Another pressing concern is the safety of all prisoners held in Kosovo, especially those held on political grounds and captured combatants, who are particularly vulnerable. Amnesty International calls on all parties to take prompt and effective measures to protect their rights and safety. There should be an orderly transfer of authority with regard to all prisons and detention centres. In particular, the ICRC should be given urgent access to prisoners and detainees to verify their safety and conditions of detention.

The protection and safe return of refugees

The Security Council resolution expresses the commitment to provide for the safe and free return of all refugees and displaced persons to their homes. However, in order for refugees to return to Kosovo, there should be an independent and impartial assessment that it is safe to return. Any return to

Kosovo should be voluntary, and adequate information about the situation in Kosovo should be provided to refugees, enabling them to make an informed, truly voluntary decision.

Many refugees have had their identity documents confiscated upon fleeing Kosovo. Amnesty International calls on the international security presence to ensure that documentation issued to refugees by international and local agencies should serve as identity documentation, including for the purpose of legitimate re-entry.

Amnesty International also calls on the international community to continue to afford protection to refugees who have fled Kosovo, and to continue in its efforts to share the responsibility of hosting refugees through the evacuation programme, until it has been determined that conditions are conducive to return.

Protection of evidence for the International Criminal Tribunal for the former Yugoslavia

Amnesty International welcomes the granting of priority access for the Tribunal's investigators to Kosovo and urges that all peace-keeping personnel should be instructed to act in accordance with the advice of Tribunal investigators to protect witnesses and material evidence, such as grave sites. Investigators from the Tribunal should have full access to the Federal Republic of Yugoslavia.

Effective human rights monitoring

In order to properly implement the Security Council provision of 'protecting and promoting human rights', the following key principles should be adhered to:

- independent human rights monitoring reporting directly to the Special Representative of the Secretary General
- frequent and comprehensive public reporting
- monitoring of continuing and past human rights violations
- full access for human rights monitors including to places of detention

Peace-keepers to abide by the highest human rights standards

The security forces constituting the international security presence must be bound to observe the highest international human rights standards. A mechanism should be created to investigate allegations of breaches of these obligations by peace-keeping personnel. In addition all international forces entering Kosovo should meet the principles laid down in the Department of Peacekeeping Operations guidelines and all peace-keeping personnel should be at least 18 and preferably 21 years old.

Early involvement of the local population and human rights groups in implementation

The resolution rightly identifies the need for the international civil presence to coordinate its work closely with international humanitarian organizations, but the same does not appear to apply to human rights organizations. Since the promotion and protection of human rights is a key concern of the civil presence, implementation of the Security Council resolution should now be developed in close cooperation with representatives of the local population as well as national and international human rights groups. ENDS.../

For further information please see report: *Amnesty International's recommendations for the protection of human rights in post-conflict peace building and reconstruction in Kosovo*, AI Index: EUR 70/91/99. For an interview please contact Iain Levin at the Amnesty International United Nations Office in New York on: +1 212 867 8878.
