

AI Index: PRE 01/211/2009  
08 June 2009

## **Serbia/Kosovo: No end to impunity 10 years after the end of war in Kosovo**

In a report published to mark the tenth anniversary of the end of the war in Kosovo, Amnesty International highlights the continued failure of the authorities in Serbia and Kosovo to investigate and prosecute enforced disappearances and abductions and bring the perpetrators to justice.

A decade after the war ended, around 1,900 families across Kosovo and Serbia still have no details about the fate or whereabouts of their missing relatives.

“Over the past ten years there has been a consistent failure by the authorities in Serbia and in Kosovo to address the legacy of war crimes which took place in Kosovo in 1999,” said Sian Jones, Amnesty International’s Balkans expert. “Their failure to initiate prompt, thorough and impartial investigations in either Serbia or Kosovo has created a culture of impunity, and has failed to deliver justice to the relatives of ethnic Albanians disappeared by Serb forces and relatives of Serbs abducted by the KLA”.

More than 3,000 ethnic Albanians were the victims of enforced disappearances by Serbian police, paramilitary and military forces during the war in Kosovo. An estimated 800 Serbs, Roma and members of other minority groups were also abducted, reportedly by members of the Kosovo Liberation Army, the majority after the international armed conflict ended in June 1999, under the eyes of the NATO-led peacekeeping Kosovo force.

In its report, *Burying the past: Impunity for enforced disappearances and abductions in Kosovo*, Amnesty International documents the past decade of failure by both the Serbian government and the responsible authorities in Kosovo – until December 2008 the UN Interim Administration Mission in Kosovo, (UNMIK) – to investigate and prosecute those responsible for enforced disappearances and abductions.

The report also focuses on the rights of the relatives of the victims of enforced disappearances and abductions, emphasizing that the failure by the authorities in both Kosovo and Serbia to provide information about the fate and whereabouts of missing loved ones is a violation of their rights under international human rights law.

In the aftermath of the war, Amnesty International interviewed relatives of the missing on both sides of the conflict and returned again in 2009 to gather further testimony. The report is based on many first hand accounts by those affected and describes a history of undocumented exhumations, lost documentation, political interference in the justice system, aborted investigations, and a massive duplication of effort by different agencies, all of which have combined to deny the relatives of the missing access to justice.

Amnesty International believes that there are serious institutional barriers to ending impunity for enforced

disappearances and abductions. In the absence of effective witness protection programmes, many are reluctant to come forward to provide investigators with evidence for prosecution.

In Serbia for example, investigations into allegations that in May 1999 the bodies of ethnic Albanian civilians were incinerated in a smelter at the Mačkatica aluminium complex near Surdulica in Serbia, were abandoned after witnesses were intimidated by local and state security police. The alleged incinerations had been part of a massive cover-up operation, in which the bodies of more than 900 ethnic Albanian were transferred and buried in mass graves in Serbia proper in April and May 1999.

“The influence of individuals who were powerful during the war, including some former KLA leaders and Serbian police officials, still extends throughout the Serbian and Kosovo Albanian government and society, and in the case of Kosovo, even into UNMIK,” Sian Jones said.

In Kosovo, there have been few prosecutions of ethnic Albanian responsible for the abduction of Serbs. UNMIK investigators failed to promptly conduct a thorough and impartial investigations into allegations, subsequently published by Carla del Ponte, former Chief Prosecutor to the International Criminal Tribunal for former Yugoslavia, that up to 300 Serbs had been abducted by members of the KLA in 1999, and taken across the border to the “Yellow House” near the village of Burrel in Albania.

Amnesty International calls on the authorities in Serbia and Kosovo, including the EU-led rule of law mission in Kosovo, EULEX, to cooperate in the investigation of cases in order to inform the relatives of the fate of their loved ones, and to bring the perpetrators to justice.

“In both Serbia and Kosovo there are those who would prefer that the disappeared and abducted remain buried in the past. Amnesty International believes that Kosovo and Serbia must address the legacy of the armed conflict which can only be done with full disclosure of the location of mass graves, an end to political interference into investigations and the prompt, independent, effective and impartial investigation of war crimes,” said Sian Jones.

#### Background

On 24 March 1999, NATO launched “Operation Allied Force” against Serbia, seeking to prevent attacks on ethnic Albanians in Kosovo by Serb military, police and paramilitary forces. After the end of the conflict in June the same year, Kosovo was placed under UN administration.

Kosovo declared unilateral independence from Serbia on 17 February 2008.

A new European Union-led rule of law mission (EULEX) took over some responsibilities from the UN Interim Administration Mission in Kosovo (UNMIK) on 9 December 2008. Its mandate includes the investigation and prosecution of outstanding war crimes and other serious crimes