

AMNESTY INTERNATIONAL

Public Statement

AI Index: EUR 70/006/2005 (Public)
News Service No: 064
17 March 2005

Kosovo/Kosova (Serbia and Montenegro): The March Violence - One year on

Amnesty International today expressed concerns at the lack of accountability of both the United Nations Interim Mission in Kosovo (UNMIK) and the NATO-led Kosovo Force (KFOR), and their continued refusal to admit any responsibility for their failure to protect the rights of minority communities during the inter-ethnic riots which swept through Kosovo on 17-18 March 2004.

A year after the events, Amnesty International is still calling on UNMIK and KFOR and several NATO governments to make public the results of their investigations into the March events and in cases where military personnel or law-enforcement officials were found to be complicit in or responsible for human rights violations, they should be brought to justice.

In a report on the March 2004 violence published last year, Amnesty International had expressed its deep concerns at the failure of both domestic and international security forces to protect minority communities during the violent clashes, describing UNMIK's and KFOR's response at the time as inconsistent and incoherent.

Amnesty International's report called on NATO and KFOR to make public the results of their investigation into KFOR's failure to protect some minority communities during the March violence; and on the French and German governments respectively to conduct investigations into the role of their forces, which had apparently failed to protect members of Serbian communities in Svinjare/Frasher and in Prizren, and to make the results of such investigations public.

The organization has been informed by both UNMIK and NATO that measures have been taken to address some of the lessons learned, including to improve communication between UNMIK and KFOR, to revise contingency plans for riot control and to conduct joint riot control training exercises involving both UNMIK police and KFOR. However, neither NATO, nor any NATO member state has made public the results of any investigations into the conduct of their forces during the March violence.

Amnesty International does, however, welcome the progress that has been made by UNMIK police in bringing 179 of the perpetrators of the March violence to justice to date. The prompt action of UNMIK police in bringing persons suspected of inter-ethnic crimes to justice marks a significant departure from the culture of impunity for inter-ethnic violence which has prevailed in Kosovo for too long. However, the organization remains concerned at the apparent lack of accountability for members of UNMIK police, KFOR, and the Kosovo Police Service (KPS).

Although investigations conducted into an incident, in which a rioter was shot dead by an UNMIK police officer, found that the officer had apparently been acting in self-defence, the organization is

concerned that the results of an investigation into three other deaths which occurred during a KFOR operation have not been made public.

Amnesty International has received information that some 69 investigations have been conducted into allegations against KPS officers but that insufficient evidence to bring any criminal prosecutions had been found. According to UNMIK, who are still considering disciplinary procedures, the failure to bring prosecutions was due to both inconsistencies in the evidence provided by witnesses, and because some witnesses were unwilling to come forward to testify. Amnesty International is concerned that members of minority communities, who had made allegations, still do not have sufficient confidence in the authorities to appear as witnesses against the KPS.

Although there has been no recurrence of the inter-ethnic violence, Amnesty International also remains concerned that, according to UNHCR, of the 4,100 people who were forcibly displaced from their homes last March, over a third -- some 1,690 -- remain displaced, the majority in Serbian enclaves. The organization is also concerned that a year after the violence, little apparent progress appears to have been made towards ensuring that members of minority communities are guaranteed the same rights as members of the majority community.

Amnesty International continues to call on:

the French government, NATO and KFOR to confirm whether they have undertaken a thorough investigation into the role and actions of French KFOR in the violence in Svinjare/Frasher and to make the methods and findings of such an investigation public;

the German government to make public the results of the inquiry conducted by the German parliamentary sub-commission on Kosovo;

UNMIK police and KFOR to make public the results of any investigations into the conduct of UNMIK police, KPS and KFOR personnel suspected of any human rights abuses during the March violence.

Background

During widespread inter-ethnic violence in Kosovo in March 2004, at least 19 people died -- 11 Albanians and eight Serbs -- and over 1,000 were injured while some 730 houses belonging to minorities, mostly Kosovo Serbs, as well as 36 Orthodox churches, monasteries and other religious and cultural sites were damaged or destroyed. In less than 48 hours, 4,100 minority community members were newly displaced, (more than the total of 3,664 that had returned throughout 2003), of whom 82 per cent were Serbs and the remaining 18 per cent included Roma and Ashkali as well as an estimated 350 Albanians from the Serb majority areas of N. Mitrovica/Mitrovica and Leposavic/Leposaviq.

Kosovo has been administered since July 1999 by the United Nations Interim Administration in Kosovo under UN Security Council Resolution 1244/99, which mandates KFOR to "establish a safe and secure environment in which refugees and displaced persons can return home in safety". UNMIK itself is charged under the same resolution with the protection and promotion of human rights. Ensuring the rights of minority communities is seen as a crucial milestone in the process of establishing the final status of Kosovo .

In Germany in September 2004 statements made by the Minister of Defence following an internal *Bundeswehr* (German Army) report resulted in the establishment of a parliamentary sub-commission to investigate the deployment of the *Bundeswehr* during the March violence; the results of these investigations remain confidential.

