

KOSOVO
AFTER TRAGEDY,
JUSTICE?

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KOSOVO: After tragedy, justice?

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Nearly one million people have been forced to flee Kosovo in the recent wave of violence. They will not be able to return in safety until those responsible for their suffering have been brought to justice, and until the international community makes a long-term commitment to build effective human rights protection for the region's future.

This booklet reviews the decade of torture and ill-treatment, "disappearance" and death in Kosovo province that precipitated today's humanitarian tragedy, and presents the findings of Amnesty International's latest research. It also contains a set of recommendations to all parties and lets you know what you can do to help.

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In February 1998, in the village of Likošane in central Kosovo, 10 members of the Ahmeti family were summarily executed by Serbian police. Daubed in Serbian on the walls of the Ahmeti family's compound was the warning: "This is what will happen next time, too."

Brutality and the prediction of greater brutality to come have been a prominent feature of Kosovo's recent past. For well over a decade Amnesty International has documented the systematic abuse of human rights visited upon the province's ethnic Albanian population by the Yugoslav authorities. Yet throughout that period the perpetrators of these violations have almost always gone unchallenged, with the international community failing to exercise a preventative diplomacy that would have put human rights first.

Sooner or later the parties to the present conflict and the international community will have to address the issues which have brought Kosovo to today's profound tragedy. Part of that accounting must include the recognition of the cost of warnings unheard and the price of opportunities missed. It must include a commitment to bring to justice the perpetrators of human rights violations – past and present – and provide effective redress for their victims. It must include the construction of effective human rights mechanisms to guarantee the safety of nearly a million Kosovar refugees who hope one day to return to their homes.

Only then will all the peoples of Kosovo be able to leave behind the horrors of their recent past and build a future in which their rights are assured.

“If action is not taken soon to break the cycle of unchecked abuses and escalating tensions in Kosovo, the world may again find itself staring impotently at a new conflagration.”

Amnesty International Secretary General, Pierre Sané, in a July 1993 appeal to governments to heed the gravity of the human rights problem in Kosovo

Ten years of human rights abuse

Amnesty International has been documenting Kosovo’s tribulations since the mid-1970s. This long perspective enables the organization to affirm emphatically that today’s crisis is the outcome of sustained human rights abuse directed against Kosovo’s ethnic Albanian population by the Yugoslav and Serbian authorities.

This page and the next review the background of human rights abuse from the abolition of Kosovo’s self-rule by Serbia in 1989 to the beginnings of the current crisis.

(i) 1989 to February 1998

Torture and ill-treatment

By the mid-1990s Amnesty International was receiving reports of ill-treatment or torture in Kosovo on an almost daily basis. Thousands were beaten and otherwise ill-treated when Serbian police violently dispersed ethnic Albanian demonstrators, or raided homes on the pretext of searching for hidden arms.

Torture and the ill-treatment of detainees in police custody were systematic and routine, directed particularly at those suspected of committing political offences or those connected to the “parallel” civil institutions established in Kosovo by the ethnic Albanian community in the early 1990s. Victims included political activists, journalists, human rights defenders and students.

Unlawful killings

Until the Yugoslav authorities’ launch in March 1998 of large-scale military operations in Kosovo, most unlawful killings by police were deaths in custody as a result of torture or severe ill-treatment, or arose from the violent dispersal of demonstrations. Amnesty International has documented scores of such cases over the last 10 years. A number of ethnic Albanians were also shot dead by police in disputed circumstances.

Prisoners of conscience

Throughout the late 1980s and 1990s hundreds of ethnic Albanians were imprisoned for exercising their rights to peaceful freedom of expression or assembly. Some were non-violent demonstrators or political activists. Some were teachers accused of “holding illegal meetings” – unofficial classes for ethnic Albanian students who rejected state education in the Serbian language. Others were workers who took part in peaceful industrial action, and individuals convicted of non-violent political “offences” such as membership of proscribed organizations or possessing copies of certain Albanian-language magazines or even music tapes.

Unfair trials and abuse of due process

The Serbian authorities consistently failed to ensure fair trials for hundreds of ethnic Albanians accused of political offences. Legal procedures were routinely breached, with suspects typically being held in police custody beyond the maximum permitted period, without access to lawyers, family members or doctors. During such extended detention, suspects were often tortured or ill-treated to force them to make statements incriminating themselves or others. These “confessions”, even when later withdrawn by the suspects, were usually accepted uncritically by the courts.

Abuses by armed opposition groups

The Kosovo Liberation Army (KLA), which came to prominence in 1996 as the ethnic Albanian armed opposition, has been responsible for the deaths, ill-treatment, forcible expulsion or abduction of dozens of Serb civilians and ethnic Albanians perceived as “loyal” to the Serbian authorities. The majority of these abuses took place after the commencement in March 1998 of Yugoslav operations to wrest back territory under KLA control in Kosovo.

(ii) March 1998 to January 1999

As the conflict in Kosovo intensified from early 1998 hundreds of ethnic Albanians were unlawfully killed by by Yugoslav forces. A smaller number of Serb civilians were reportedly abducted or killed by the KLA.

The most detailed evidence of unlawful killings relates to several large-scale incidents (see below). In many of these, a pattern emerged in which an armed attack, alleged or real, by ethnic Albanians on Serb police was used as justification for a punitive security operation. This typically involved deploying a large force of police at the nearest village and bombarding the houses with mortar, artillery or direct fire before moving in. In some villages men were separated from women and children, and then ill-treated and summarily executed. In others, women, children and the elderly also became victims. In the wake of these killings and as conflict spread throughout the province, by October 1998 nearly 300,000 Kosovar Albanians had fled their homes.

1 March 1998, Likošane and Cirez

Twenty-six ethnic Albanians killed. The victims included Rukije Nebiu, a mother of two pregnant with her third child, who was at home when she was shot in the head with a high-velocity weapon.

*Kosovo place-names differ in Serbian and Albanian. For consistency, Serbian has been used throughout this booklet.

5/6 March 1998, Donji Prekaz

At least 54 ethnic Albanian villagers killed by special police forces. Many appear to have been extrajudicially executed; others were unlawfully killed as a result of grossly excessive use of force by police, who made no adequate attempt to protect unarmed civilians. Of 41 bodies which were identified, 12 were women and 11 were children below 16 years of age.

25 May 1998, Ljubenic

Eight men reportedly beaten, then summarily executed.

31 May 1998, Novi Poklek

Eight men “disappeared” after being detained by police; the bodies of two others were found at the scene.

July 1998, Orahovac

Large numbers of ethnic Albanians alleged to have been unlawfully killed by security forces after Serbs regained control of the town from the KLA. There are credible reports that in the aftermath of the fighting, people who were clearly civilians – including women, children and the elderly – were targeted individually or in groups by Serbian police, and some-times shot at close range or by snipers.

26 September 1998, Gornje Obrinje

Eighteen members of one family killed by Yugoslav forces. The victims were reportedly shot at close range and their bodies mutilated. Sixteen of the victims were women, children or elderly people. In nearby Golubovac, 13 men were also reportedly summarily executed. According to the sole survivor, they were laid face down and beaten before being shot in turn.

15 January 1999, Racak

Forty-five ethnic Albanians killed. The victims included three women, a 12-year-old child and several elderly men. Many of the victims had reportedly been shot through the head at close range and some showed signs of mutilation.

Kosovo today: mass killings, beatings and forcible expulsions

Following the breakdown of attempts to reach a political settlement between the Yugoslav government and representatives of the Kosovar Albanians in March 1999, and the launch of air strikes by NATO on 24 March, the situation in Kosovo deteriorated rapidly. Yugoslav and Serbian security forces forcibly expelled hundreds of thousands of ethnic Albanians from their homes. Refugees crossing into Albania and the former Yugoslav Republic of Macedonia have brought with them harrowing accounts of killings, beatings and the burning of houses by Serbian police and paramilitaries.

From the onset of this latest crisis, Amnesty International research missions have been present in Albania and Macedonia, collecting testimony from Kosovar Albanian refugees. The refugees have given detailed information about human rights violations they witnessed or suffered, including deliberate and arbitrary killings of civilians, rape and ill-treatment, arbitrary detention, “disappearance” and forcible expulsion.

Without independent access to Kosovo it is not possible to confirm these reports directly, but their accounts of large-scale human rights violations are consistent and credible. This testimony, taken in conjunction with independent research, leads Amnesty International to conclude that crimes against humanity have been committed by Yugoslav security forces in Kosovo.

These grave human rights violations are still being committed. Of acute concern is the fate of large numbers of ethnic Albanian adult men. The vast number of those who succeeded in fleeing Kosovo were women, children and the elderly. Many refugees have reported that during their flight they were stopped by police, armed forces or paramilitaries, who separated the men from the women and children. The men were either detained while the women and children were ordered to continue on their journey, or rounded up and led away to an unknown fate.

Kosovo today: case histories

These pages relate just a few of the cases of human rights abuse recently uncovered by Amnesty International researchers in the Kosovo region. For each one of these stories, there are thousands more.

A 15-year-old girl shot dead; a boy of nine wounded

Azime Ninaj, mother of nine-year-old Burim Ninaj (right), reported to Amnesty International researchers how security forces had surrounded the village of Maljaj, west of Prizren, on 28 March 1999 and given the inhabitants one hour to leave. The villagers left in a column on foot. A few kilometres beyond the village, a group of about 10 men, masked and in uniform, and stationed in unmarked white cars on the road, opened fire on the column at close range with automatic weapons. A 15-year-old girl, Nura Ninaj, was killed. Azime Ninaj saw her fall, but was unable to see how or where she was hit. Azime Ninaj's son, Burim, was shot in the neck.

Djakovica: ‘Bodies lying in the streets and fields’

Late one night in April 1999 Myhedin Zeka, a 52-year-old teacher, was forced by armed Serbian police into an upstairs room of his house in Djakovica. The other members of his family were told to get out. They spent the night in the family car, returning the next morning to find Myhedin lying in a cupboard, dead. The family were too terrified to stop and bury his blood-stained body. “We left everything as it was,” said Albina Zeka (right), Myhedin Zeka's daughter, “and locked the doors. Then we went to Albania.”

Other refugees from the town of Djakovica have also brought with them reports of grave violations of human rights. One woman described the killing of an unarmed man named Xhevdet Rakoqi early on 25 March. She and 26 others – men, women and children – had taken refuge in a cellar. Six Serbian men armed with knives and automatic weapons, whom she believed to be police, entered and told the group that they would be expelled from Kosovo. One of the men then shot Xhevdet Rakoqi. The rest of those sheltering were forced out into the street.

Another witness from Djakovica described how on 2 April men wearing black masks and armed with automatic weapons came to his district and killed five of his relations in the yard of their house after demanding money from them. Others report having seen bodies lying singly or in groups in the streets or in fields along the road leading to the town. Zylfia Arifi, a woman who was in a column of refugees passing through Djakovica, reported that when they arrived at the town four men, including her brother-in-law Bajram Arifi, were pulled out of the column. She saw the men being brutally beaten before she and the other refugees were ordered to move on. Then she heard a shot behind her, followed by a burst of gunfire. She did not dare look back.

Ljubiñda – 14 civilians summarily executed, the fate of others unknown

On 31 March 1999 security forces entered the village of Ljubiñda, northwest of Prizren, and gave its population a stark choice: leave or be killed.

The population fled into the mountains. On 12 April, one group of those in hiding was surrounded by Serbian police. Fourteen people are reported to have been killed and others wounded. A witness, who was hiding nearby, reported hearing the sound of shots and later seeing bodies lying in a stream. Others found hiding were forced to return to their villages by the Serbian forces, who beat and insulted them. Some of the men were taken to a house near their village, where they were detained for three days before being robbed of their money and identity documents, loaded onto buses along with the women and children and taken to the border with Albania. The whereabouts of the other men remains unknown.

Drenica: summary executions

Amnesty International has received eyewitness reports that scores of civilians were summarily executed during the last week of March 1999 in the Drenica region of Kosovo. Witnesses report collecting between 150 and 200 bodies. Although those buried included members of the KLA who had died in combat, there are strong indications that others died as the result of indiscriminate attacks by Serbian forces, or were summarily executed.

‘He was leaning on me. My daughter caught hold of his hand. She said, “Xhevdet is going.” She dropped his hand. He died in our presence, he collapsed.’

A witness to the killing of Xhevdet Rakoqi in Djakovica.

Has NATO breached humanitarian law?

Amnesty International has expressed concern about instances in which NATO air forces may have acted in breach of international humanitarian law. These include NATO’s 23 April attack on the headquarters of Serbian state television in Belgrade, during which 15 civilians were killed. Amnesty International believes that this and a number of similar attacks, on targets which had no direct link with the conduct of Serbian military operations, cannot be justified under international humanitarian law. On 7 May a NATO attack – apparently targeted at the airport of Niš in southern Serbia – instead struck a city market place and a nearby civilian hospital, reportedly killing 15 people. Amnesty International is concerned that not enough consideration may have been given to the proximity of civilians in NATO’s planning of the attack. Amnesty International continues to urge NATO to adhere strictly to the principles of international humanitarian law.

Refugees: the right to protection

By the end of May, eight weeks after the beginning of the onslaught on their towns and villages, 845,000 ethnic Albanians had crossed from Kosovo into neighbouring states. The scale of this movement is staggering. Nearly half of Kosovo's population – all traumatized and many of them ill, infirm or wounded – have now entered into an uncertain future as refugees.

As if the flight from Kosovo was not enough, some refugees have suffered further grave violations of their rights on the other side of the border. In the Former Yugoslav Republic of Macedonia, a country with ethnic tensions of its own, the authorities have on several occasions temporarily closed the border with Kosovo, forcing refugees back into the province – a deplorable violation of international law which undoubtedly put the lives of many refugees at risk.

The UN High Commissioner for Refugees (UNHCR) has instituted “humanitarian evacuation” and “humanitarian transfer” programs intended to move large numbers of refugees to other countries. Although the UNHCR has said that these evacuations and transfers will be voluntary, the status of refugees moved under these arrangements is unclear. Despite the UNHCR's assessment that they should be entitled to refugee status under the 1951 UN Convention relating to the Status of Refugees (Refugee Convention), most countries are offering refugees only a short term, temporary status.

Amnesty International agrees that urgent measures are needed...

The UNHCR should immediately be given the resources it needs to ensure that refugees from Kosovo are protected, and the international community should give immediate priority to sharing the responsibility for protecting refugees more fairly. According to the UNHCR, by the end of May 441,000 refugees remained in Albania, 252,000 in Macedonia, 65,000 in Montenegro and 21,500 in Bosnia-Herzegovina. Only 65,500 – less than 8% – had been resettled to other parts of Europe, North America and Australia. No country should bear a disproportionate share of this responsibility merely because of its geographical location. However, no country, including Macedonia, can justify closing its borders to refugees on the basis that responsibility-sharing is not adequate.

...but not at the expense of durable protection.

The majority of refugees have stated their wish to return to Kosovo, but any returns must only take place when it is entirely safe to do so. In the meantime, people fleeing Kosovo should be entitled to refugee status and full rights under the Refugee Convention. They should not be given a secondary status with lesser rights in the host country, nor be granted only temporary protection. Any evacuation or transfer should be voluntary, and families should be kept together.

A future built on justice

The tragedy of Kosovo is a challenge to the idea of human rights itself. The pattern of gross human rights violations that the world has witnessed in recent months reminds us that the whole concept of inviolable, universal human rights remains a very fragile presence in our world. That forcible expulsion, extrajudicial executions and “disappearances” can still occur on such a scale at the century's end should shock us out of any complacency we may feel about what the international human rights protection system has achieved over the past five decades.

There must be justice and an emphatic end to impunity. Only by ensuring that all those responsible for perpetrating human rights abuses in Kosovo are held criminally accountable for their actions can we hope to see future conflicts averted and a genuine culture of rights take root in the region. This issue must be placed firmly on any settlement agenda, for without justice and an end to impunity, there can be no true security or reconciliation in Kosovo.

The International Criminal Tribunal for the former Yugoslavia has the responsibility to investigate, indict and prosecute those suspected of committing crimes against humanity in Kosovo and elsewhere in the former Yugoslavia. The Tribunal needs the long-term support – financial, logistical and political – of the international community if it is to accomplish this vital task. The world's governments – including that of Yugoslavia – and any international military or law enforcement force sent to Kosovo must also fulfil their obligations under international law to search for and arrest persons suspected of committing human rights violations.

Kosovo can still be made a place safe for refugees to return to, in which human rights protection is genuinely assured. With sufficient humanity and political will, Kosovo may yet come to represent something more than the sum of too many unheeded warnings.

What must be done

Amnesty International calls on the Yugoslav government:

1 To abide by international human rights standards and international humanitarian law; immediately cease all violations of human rights in Kosovo; investigate all reported human rights violations promptly and impartially; and bring the perpetrators of such violations to justice.

1 To grant immediate and unhindered access to all parts of Kosovo to all UN agencies and to the International Committee of the Red Cross.

Amnesty International calls on NATO governments:

1 To ensure that NATO operations conform fully to international humanitarian law. Any alleged breaches should be swiftly and impartially investigated.

1 To make available to the International Criminal Tribunal for the former Yugoslavia all information gathered by NATO which may assist the Tribunal in investigating gross human rights violations in Kosovo.

Amnesty International calls on the Kosovo Liberation Army:

1 To ensure that all forces under its control abide by basic humanitarian law as set out in the 1949 Geneva Conventions. This prohibits the killing, ill-treatment or hostage-taking of civilians and captured enemy forces.

Amnesty International calls on the international community:

1 To give the highest priority to bringing to justice those responsible for all human rights violations committed in Kosovo. The International Criminal Tribunal for the former Yugoslavia should be given all necessary support to enable it to investigate evidence of human rights violations.

1 To share in the responsibility of refugee protection and assistance, ensuring that the responsibility does not fall unduly on the states in the region.

1 To provide lasting solutions for Kosovo's refugees and displaced. No repatriation process should take place until it is safe for them to return. All returns must be voluntary. All refugees should be granted full protection under the 1951 Refugee Convention.

1 To ensure that any eventual peace-keeping operation in Kosovo includes a human rights monitoring component and has clearly defined responsibilities for the sharing of all human rights information.

1 To ensure that any international military or law enforcement force installed in Kosovo fulfils international law by searching for and arresting any persons suspected of committing human rights violations.

What you can do

1. Urge the government of the Federal Republic of Yugoslavia to stop all human rights violations in Kosovo

Write to the Ambassador or Chargé d'Affaires for the Federal Republic of Yugoslavia in your country. Ask him or her to convey to the Yugoslav government:

I your grave concern at the mass violations of human rights being committed by Yugoslav forces in Kosovo province;

I your appeal that the Yugoslav authorities should immediately stop all violations of human rights in Kosovo and bring the perpetrators to justice;

I your request that the Yugoslav authorities should allow immediate and unhindered access to Kosovo to all UN agencies.

2. Urge your government to build an effective human rights future for Kosovo

Write to your government. Urge ministers to protect Kosovar Albanian refugees:

I by providing the office of the UN High Commissioner for Refugees (UNHCR) with the financial contributions it needs to maintain safe refugee camps in the region, and by sharing the responsibility for the care of refugees more fairly with the states bordering Kosovo;

I by giving Kosovar Albanian refugees full rights under the 1951 Refugee Convention, and ensuring that any return to Kosovo takes place only when conditions allow people to return to their homes in safety and dignity.

Urge ministers to bring justice to Kosovo by providing the International Criminal Tribunal for the former Yugoslavia with all necessary support to enable it to investigate and prosecute those suspected of committing human rights violations.

Urge ministers to build an effective human rights future for Kosovo by ensuring that proposals for durable human rights protection are at the core of any settlement to the conflict and of any regional reconstruction plan.

If your government is a member of NATO, write to your Minister of Defence. Ask the Minister to ensure that the planning and execution of all NATO operations conform strictly to international humanitarian law and take every possible precaution to protect civilian life.

3. Join Amnesty International

Contact your national or regional branch of Amnesty International for more details about our campaign against human rights abuses in Kosovo and details of how you can join us in our struggle for human rights worldwide.

If there is no Amnesty International branch near you, please contact Amnesty International, 1 Easton Street, London WC1X 8DJ, United Kingdom.

To see Amnesty International's latest concerns in Kosovo, visit our website at <http://www.amnesty.org>

PICTURES

COVER: Refugees arrive at Stenkovec refugee camp, Macedonia, April 1999
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An ethnic Albanian boy at Stenkovec refugee camp, Macedonia © Reuters

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Police violently disperse ethnic Albanians during a demonstration in Pristina, Kosovo, March 1998.
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Houses burn in Gornja Klina, Kosovo, March 1999. © Reuters

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Refugees from Kosovo head towards the Macedonian border in March 1999 © UNHCR / R.
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Nine-year-old
Burim Ninaj © AI

Albina Zeba © AI

Rescue workers at the television headquarters hit by NATO bombs © AP/ Srdjan Ilic

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An appeal at Brazda refugee camp to locate a missing family © Howard J. Davies

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A photo album lies abandoned at Blace refugee camp. © Howard J. Davies

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Ethnic Albanian refugees wait for food in DurrNs, Albania, April 1999 © Reuters

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A young ethnic Albanian refugee in KukNs, Albania, April 1999 © AP Photo / Jerome Delay