

TABLE OF CONTENTS

| | |
|---|-----------|
| 1. The violence of 17-18 March 2004 | 1 |
| 2. The run-up to the violence - UNMIK complacency? | 4 |
| 3. The failure of minority return programmes | 7 |
| 4. The authorities' response to the violence – surprise, confusion and inconsistency | 7 |
| 4.1 KFOR..... | 8 |
| 4.2 French KFOR and the burning of Svinjare/Frashër | 11 |
| 5. Allegations of KPS misconduct and complicity..... | 13 |
| 5.1 CIVPOL – confusion and inaction..... | 17 |
| 5.2 The Kosovo Protection Corps (KPC)..... | 18 |
| 6. UNMIK and KFOR investigations and arrests..... | 19 |
| 7. The plight of the IDPs | 20 |
| 7.1 The Ashkali from Vuçitrn/Vushtrri | 23 |
| 8. The PISG and the municipalities – ambivalence? | 24 |
| 8.1 Reconstruction and compensation | 26 |
| 9. Minority Refugee and IDP returns to Kosovo | 27 |
| 9.1 The Legal Framework..... | 27 |
| 9.2 Continuing protection needs | 28 |
| 10. Summary of Amnesty International's concerns..... | 31 |

Serbia and Montenegro (Kosovo/Kosova)

The March Violence: KFOR and UNMIK's failure to protect the rights of the minority communities

Amnesty International is deeply concerned at the failure of the domestic and international security forces to adequately protect minority communities in the violent clashes which occurred on 17 – 18 March 2004. The organization is also seriously concerned at allegations of complicity by some members of the Kosovo Police Service (KPS - the domestic police force)¹ in the violence which, the authorities estimated, involved some 51,000 people in 33 violent incidents throughout Kosovo – predominantly involving ethnic Albanians attacking Kosovo Serb enclaves and communities. Nineteen people died and over 950 were injured in the violence and there was large-scale destruction of property. Over 4,000 people were forced to flee their homes.

1. The violence of 17-18 March 2004

Since the United Nations Security Council Resolution (UNSCR) 1244/1999 of 10 June 1999, Kosovo, while officially remaining part of Serbia and Montenegro, has been administered by the UN Interim Mission in Kosovo (UNMIK)² with the international military force in Kosovo

¹ The KPS while being multi-ethnic is predominantly Albanian reflecting the make-up of the population of Kosovo as a whole. As of 31 March 2004 it comprised a total of 5,704 officers of whom 84.6 per cent were Kosovo Albanians, 9.3 per cent Kosovo Serbs and the remaining 6.2 per cent from other ethnic groups; 85.2 percent were male and 14.8 per cent female. UNSC S/2004/348, Annex I, 30 April 2004. There is also the international police force CIVPOL which as of 31 March 2004 was comprised of 3,248 officers from 48 different countries.

² UNMIK Regulation 2001/19 'On a Constitutional Framework for Provisional Self-Government in Kosovo', promulgated by the Special Representative of the (UN) Secretary-General (SRSG) for Kosovo on 15 May 2001, initiated the first steps towards handing governmental power to local inhabitants. It allowed for the formation of the Kosovo Assembly, the Provisional Institutions of Self-Government (PISG), which met for the first time on 4 March 2002. However, under Article 8.1 of the regulation, most executive governmental powers remained reserved exclusively for the SRSG. These included: the protection of minority communities; the power to dissolve the Assembly and call new elections; setting the budget; control over monetary policy; control and authority over border customs; appointing and removing judges; deciding on assignment of international judges and prosecutors; exercising powers and responsibilities of an international nature in the legal field; authority over law enforcement institutions and the correctional service; control and authority over the Kosovo Protection Corps (manned in the main by demilitarized ex-members of the Kosovo Liberation Army); concluding and overseeing agreements with states and international organizations in all matters within the scope of UNSCR 1244 (1999). In addition, the regulation gave the SRSG power of decision in consultation with or cooperation with the PISG over a number of other governmental functions including: external relations; control over cross-border/boundary transit of goods

(KFOR)³ led by the North Atlantic Treaty Organization (NATO) remaining the sole official military force.

The March violence erupted in Kosovo after reports that three ethnic Albanian children had drowned after four of them had jumped into the river Ibar near the northern town of Mitrovica/Mitrovicë on 16 March. The fourth boy, who had survived, reportedly claimed that they had been attacked by Serbs and jumped into the river to escape, although the official investigation into the deaths by an international prosecutor found no evidence to support the claim that they were attacked by Serbs.⁴ The previous day in Čaglavica/Çagllavicë near the capital Priština/Prishtinë an 18-year-old Serb was seriously injured in a drive-by shooting, believed to have been perpetrated by Albanians, and resulting in road-blocks by Serbs in protest.

Following reports of the drowning of the three boys, large crowds of Albanians and Serbs gathered on 17 March in Mitrovica/Mitrovicë – which has been the scene of violent inter-ethnic clashes in the past – on either side of the bridge over the river Ibar, which divides the town between the predominantly Serbian north and Albanian south. Violence broke out, including grenades thrown at KFOR soldiers: reportedly seven people were killed and hundreds wounded. The wounded included 11 French KFOR troops attempting to keep order reportedly by using rubber bullets and stun-grenades. The situation appeared to have calmed by the evening of 17 March when a curfew of 19.00 hours was imposed on the town. In the meantime, violence had spread to a number of places throughout Kosovo including the capital Priština/Prishtinë and almost every major town.⁵

The authorities estimated the events involved some 51,000 people in 33 violent incidents throughout Kosovo⁶ – predominantly involving Albanians attacking Serb enclaves and communities, but also involving Albanians attacking other minorities, notably the Ashkali community in Vučitrn/Vushtrri. There were also reports of Albanians forced to flee the Serb majority areas of N. Mitrovica/Mitrovicë and Leposavić/Leposaviq. There were also serious allegations of complicity by Albanian members of the KPS in inter-ethnic attacks in Vučitrn/Vushtrri, and elsewhere.⁷

(including animals); authority to administer public, state and socially-owned property; and administrative control and authority over railways, frequency management and civil aviation functions.

³ In April 2004 KFOR was made up of contingents from 29 different countries including non-NATO member countries. Initially in 1999 KFOR numbered 40,000 but by March 2004 had been scaled down to some 17,000 members.

⁴ However, the investigation did not clarify how the boys happened to fall in the river. Radio B92, Belgrade, 12 June 2004.

⁵ For a detailed chronology of the violence see, The International Crisis Group (ICG), *Collapse in Kosovo*, 22 April 2004.

⁶ UNMIK Police Spokesperson Derek Chappell, 22 March 2004, reported by *Reuters* 22 March 2004.

⁷ In response to the events of 17-18 March, there were a number of attacks on minorities in Serbia and attacks on mosques in Belgrade and Niš. Some 88 people were arrested for attacking the police in Belgrade during these disturbances and a further 53 arrested for rioting in Belgrade; 11 people were arrested in Niš for burning the

On 30 April 2004 the UN Secretary-General, Kofi Annan, reported to the UNSC on the events of March. In his report he stated:⁸

“The onslaught led by Kosovo Albanian extremists against the Serb, Roma and Ashkali communities of Kosovo was an organized,⁹ widespread, and targeted campaign. Attacks on Kosovo Serbs occurred throughout Kosovo and involved primarily established communities that had remained in Kosovo in 1999, as well as a small number of sites of recent returns. Properties were demolished, public facilities such as schools and health clinics were destroyed, communities were surrounded and threatened and residents were forced to leave their homes. The inhabitants of entire villages had to be evacuated and, following their departure, many homes were burned to the ground. In other cases, there were attempts to illegally occupy and, in some cases, allocate abandoned property.

A total of 19 persons died in the violence, of whom 11 were Kosovo Albanians and 8 were Kosovo Serbs¹⁰, and 954 persons were injured in the course of the clashes. In addition, 65 international police officers, 58 Kosovo Police Service (KPS) officers and 61 personnel of the Kosovo Force (KFOR) suffered injuries. Approximately 730 houses belonging to minorities, mostly Kosovo Serbs, were damaged or destroyed. In attacks on the cultural and religious heritage of Kosovo, 36 Orthodox churches, monasteries and other religious and cultural sites were damaged or destroyed.”

Hadrović mosque. Some 24 people were also arrested for attacking Albanian and Gorani business premises in the Vojvodina.

⁸ UNSC S/2004/348, 30 April 2004.

⁹ The question of whether or not the violence was organized in the sense of a coherent Kosovo-wide strategy remains controversial. When asked on this point by Amnesty International on 3 May 2004, UNMIK police spokesperson Neeraj Singh denied that UNMIK had stated that the violence was centrally organized. He said they viewed the violence as being spontaneous and then being directed by local organized groups who directed the crowds. However, KFOR spokesperson Lt. Col. James Moran told Amnesty International on 5 May 2004 that KFOR did see the riots as being organized and he spoke of bus loads of organizers travelling from town to town which KFOR had stopped. The International Crisis Group in their report *Collapse in Kosovo* of 22 April 2004 devoted an entire section to this question and concluded that: “The reality appears to have been a series of local outbursts and actions without central planning but with a high degree of local coordination.”

¹⁰ While there was violence in the Serb-dominated N. Mitrovica/ë which saw some 350 Albanians flee to the Albanian southern part of the town (see below) due to fear of attack from Serbs, overwhelmingly the violence was characterized by attacks by large crowds of Albanians on Serb communities (as well as in some instances others notably the Ashkali of Vučitrn/Vushtrri - see below). However, the majority of those killed were Albanians, and the Kosovo human rights group the Council for the Defence of Human Rights and Freedoms (CDHRF) on 22 March stated that KFOR and UNMIK police were responsible for “most of the killings” – CDHRF press conference reported by *KosovaLive* news agency 22 March 2003. On 5 May KFOR spokesperson Lt. Col. James Moran informed Amnesty International that a sniper in Mitrovica/ë was the only fatality definitely attributable to KFOR at that time, although eye-witnesses at Čaglavica/Çagllavicë informed Amnesty International of at least one Albanian shot dead by KFOR when he attempted to drive a lorry into an armoured personnel carrier. The CDHRF also reported another Albanian crushed to death by a Greek KFOR tank in Uroševac/Ferizaj. CDHRF 26 March 2004. UNMIK has not made available information on the number of fatalities caused by CIVPOL or KPS officers.

“The violence in March has completely reversed the returns process. Minority areas were targeted, sending a message that minorities and returnees were not welcome in Kosovo. 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. The majority of those who fled were in the Pristina and southern Mitrovica regions (42% and 40%, respectively), but displacement affected all regions of Kosovo. Of the displaced, 82 per cent are Kosovo Serbs and the remaining 18 per cent include Roma and Ashkali displaced. It is estimated that 350 Kosovo Albanians were displaced from the northern section of Mitrovica.”

On 18 March a joint statement by the Provisional Institutions of Self-Government (PISG), Kosovo political leaders, the UN Special Representative of the Secretary General (SRSG),¹¹ the European Union presidency and the QUINT (a body comprising the offices in Kosovo of France, Germany, Italy, UK and USA) called for the violence to stop, and stated that police investigations to identify and locate the perpetrators were being conducted. NATO confirmed that it was to send extra troops to supplement the 17,000 KFOR members already stationed there and some 2,000 extra troops from NATO and non-NATO countries were deployed. By the end of April the majority of these extra troops had returned to their respective garrisons.¹²

On 11 June 2004 United Nations Secretary-General Kofi Annan announced that he had appointed Ambassador Kai Eide of Norway to investigate the March events. Ambassador Kai Eide was tasked with probing the political implications of the violence between Albanians and Serbs and recommending ways in which the province's multi-ethnic residents can live together again peacefully.

2. The run-up to the violence - UNMIK complacency?

The continuing uncertainty over the question of the ‘final status’ of Kosovo has contributed to inter-ethnic tensions which, as noted below, have risen in the last year.¹³

¹¹ Harri Holkeri, the SRSG at the time, resigned for reasons of ill-health on 25 May; his successor, Soren Jessen-Petersen, was announced on 17 June 2004.

¹² UNSC S/2004/487, 11 June 2004.

¹³ In November 2003, the Contact Group indicated that a review of Kosovo's final status would take place in mid-2005, provided that the PISG had undertaken to implement the measures set out in the document *Kosovo Standards Implementation Plan (KSIP)*, 10 December 2003, “Standards for Kosovo”, endorsed by the Security Council on 12 December 2003; (a subsequent version, revised in light of the March events, was published on 31 March 2004). The KSIP received little popular support from the majority of the Albanian community, although five joint UNMIK-PISG working groups have been established. Despite initial support for the KSIP by Belgrade, Serbia's Prime Minister, Vojislav Kostunica, on 2 March 2004, referred to “partition” and the “territorial autonomy.... of Kosovo and Metohija”.

However, Amnesty International believes that a major factor in the recurrence of ethnic violence in Kosovo has been the failure of UNMIK as well as the authorities in Serbia and Montenegro¹⁴ to seriously address the legacy of human rights violations and abuses in Kosovo, including in particular the continuing impunity for the perpetrators of inter-ethnic violence, and a continuing failure to resolve the fate of those who “disappeared” and were abducted before, during, and following, the conflict in 1999. The organization is also extremely concerned at the lack of progress by UNMIK in bringing to justice those responsible for the abduction of some 1,200 Serbs, Roma and members of other minority communities since 1999. This has been compounded by UNMIK’s apparent failure to adequately investigate and bring prosecutions in relation to many ethnically motivated murders and other violent attacks which have occurred since 1999, and the ensuing impunity this affords to the perpetrators.¹⁵

In April 2003 Amnesty International released its report *Serbia and Montenegro (Kosovo/Kosova) “Prisoners in our own homes”: Amnesty International’s concerns for the humans rights of minorities in Kosovo/Kosova* (AI Index: EUR 70/010/2003) which detailed the continuing impunity for past inter-ethnic crimes, and the failure of UNMIK to guarantee freedom of movement and access to social and economic rights for minorities. These conditions continued to obstruct the viable return to their homes for minority refugees and internally displaced people (IDPs). In April 2003 UNMIK stated that the report was outdated and claimed that it did not take into account progress which, UNMIK claimed, had occurred in the previous year.¹⁶

Nevertheless, other actors including the office of the United Nations High Commissioner for Refugees (UNHCR) continued to point to the adverse situation of minorities in Kosovo. For example, the UNHCR update on the situation of minorities in Kosovo from January 2003 contains a number of examples where acts of violence were reported to the Kosovo police, but where no follow-up was taken. Speaking about violence against Kosovo Serbs the report notes for instance: “Even when KFOR detains a perpetrator, and he/she is handed over to the police, the case will not be filed or followed up.”¹⁷ In March 2003, the UNHCR reiterated its criticism emphasizing the deteriorating security situation of Kosovo Serbs, the lack of action by the police and judiciary to acts of aggression directed against them, and impunity for the perpetrators.¹⁸

¹⁴ See Amnesty International, *Serbia and Montenegro: Amnesty International’s concerns and Serbia and Montenegro’s commitments to the Council of Europe*, AI Index: EUR 70/002/2004.

¹⁵ See Amnesty International, *Serbia and Montenegro (Kosovo): The legacy of past human rights abuses*, AI Index: EUR 70/009/2004, April 2004.

¹⁶ For example see statements by UNMIK spokesperson Isabella Karlowicz reported by *BBC Albanian Service* 30 April 2003.

¹⁷ *UNHCR: Update on the situation of Roma, Ashkaeli, Egyptian, Bosniak and Gorani in Kosovo*, January 2003, p. 8.

¹⁸ See *UNHCR Position on international protection needs of individuals from Kosovo in light of recent inter-ethnic confrontations*, March 2004. This paper also noted that: “Investigations [into the March 2004 violence] have been slow”.

Attacks against minorities and against minority properties including culturally significant sites continued throughout 2003 with apparent impunity. In January 2003 KFOR reversed the decision taken in late 2002 to remove protection from Orthodox churches and monasteries against attacks by Albanians. In June a Serb family, 80-year-old Slobodan Stolić, his 78-year-old wife Radmila and 55-year-old son Ljubinko were brutally murdered in Obilić/Obiliq and their house burnt in what was seen as a racist attack to intimidate remaining Serbs into leaving the area. In June KFOR announced that the security situation in Uroševac/Ferizaj had deteriorated with arson attacks on minority properties and an explosion in the yard of an Orthodox church.

On 13 August, the day the recently appointed Special Representative of the UN Secretary General, Harri Holkeri, arrived in Kosovo, Albanians allegedly killed two Serb youths and wounded several others in an attack on a swimming party in the Serb enclave of Goraždevac/Gorazhdvec near Peć/Pejë. There were several incidents of physical attacks on Albanians by Serbs in retaliation. Other incidents of inter-ethnic violence included grenade attacks on houses, including one such incident on 31 August in Cernica/Cërnice in which one Serb man was killed and four others were wounded, and the widespread stoning of vehicles perceived as belonging to minorities.¹⁹ The declining situation was to some extent acknowledged: the monthly report by the UN Secretary-General to the UNSC on the situation in Kosovo covering the period for July 2003 noted that the general security situation had become less secure since the middle of July, while the report covering the period for August noted that inter-ethnic murders had “resulted in an escalation in inter-ethnic aggressiveness”.²⁰ In February 2004 the Ombudsperson wrote to KFOR urging a return of the fixed KFOR guard posts which had been removed from some Serb villages.²¹

Another factor was the arrests and trials of some ex-Kosovo Liberation Army (KLA) members. In the second half of 2003 these arrests and trials provoked mass protests by tens of thousands of Kosovo Albanians, who saw the detainees as ‘freedom fighters’, as well as attacks on UNMIK vehicles and property.²² Such protests continued in early 2004 with an escalation of rhetoric and polemic in the local media.²³ In February in Klina/ë municipality Albanians protested at the return of Serb IDPs and refugees and demanded to know about the fate of the Albanian ‘disappeared’ by Serbian security forces in 1999 (see above).²⁴

¹⁹ See *Amnesty International, Concerns in Europe and Central Asia, June- December 2003* (AI Index: EUR 01/01/2004), April 2004.

²⁰ See UNSC S/2003/855 and S/2003/931 of 3 September and 3 October 2003 respectively.

²¹ *FoNet* news agency, Belgrade, 10 February 2004.

²² See *Amnesty International, Concerns in Europe and Central Asia, June- December 2003* (AI Index: EUR 01/01/2004), April 2004.

²³ The role of three Kosovo-wide television stations, RTK, KTV and TV21, in whipping up tension in the March violence was the subject of the OSCE Temporary Media Commissioner, Robert Gillette’s report of 26 April 2004. At the launch of the report he stated that prudent, calm and accurate journalism might have prevented or at least lessened the scale and intensity of the March violence. OSCE news release, 26 April 2004.

²⁴ *FoNet* news agency, Belgrade, 21 February 2004.

3. The failure of minority return programmes

An estimated total of some 235,000 people - of whom Serbs were estimated to number some 180,000 and the remaining from other minorities - had fled Kosovo by the end of August 1999 fearing retribution from members of the KLA and others. Despite repeated initiatives from the Kosovo authorities, minority returns have not occurred, or been feasible, on any significant level.²⁵ The most successful year so far was 2003 when, as noted above, only 3,664 returned.²⁶ In June 2003 UNMIK in conjunction with UN Development Program launched a Rapid Response Returns Facility to help returning internally displaced people (IDPs) and refugees.²⁷ However, few IDPs and refugees returned. UNMIK launched the 2004 Strategy for Sustainable Returns in December 2003,²⁸ but the failure of UNMIK and KFOR to provide adequate protection for minority communities during the March events, especially to recently returned communities such as the Ashkali in Vučitrn/Vushtrri (see below) and the Serbs in Belo Polje/Bellopojë, will leave a legacy which will be hard to overcome.

4. The authorities' response to the violence – surprise, confusion and inconsistency

Despite the above-noted rise in tensions, UNMIK and KFOR have admitted that the March events came as a complete surprise.²⁹ The events showed that there appeared to have been no contingency planning for any public order incidents on such a scale, and that the security forces - KFOR, CIVPOL and the KPS - failed to provide a coordinated response in dealing with them.

The most notable example of this lack of coordination occurred in the divided town of Mitrovica/ë. Lack of communication between French KFOR and CIVPOL had been highlighted by Amnesty International as far back as early 2000.³⁰ French KFOR in the town are widely perceived as being sympathetic to the Serbs and hostile to the Albanians. In April 2002 French KFOR troops stood by as Serbs attacked CIVPOL officers – most of whom

²⁵ See Amnesty International, *"Prisoners in our own homes"* Op. Cit.

²⁶ There is a slight discrepancy in the UN figures: UNSC S/2004/71 of 26 January 2004 stated that a total of 3,629 people returned to communities where they were in the minority, including 1,487 Kosovo Serbs, 1,387 Roma/Ashkali/Egyptians, 377 Bosniaks, 133 Gorani and 245 Kosovo Albanians.

²⁷ See Amnesty International, *Concerns in Europe and Central Asia January- June 2003* (AI Index: EUR 01/016/2003), October 2003.

²⁸ See UNSC S/2004/71, 26 January 2004.

²⁹ For example, see 'NATO acknowledges surprise over scale of Kosovo clashes' *AFP*, 24 March 2004 where an anonymous NATO military official who wished to remain anonymous stated: "I know the [NATO] secretary general has said that both KFOR and UNMIK have openly admitted that they were surprised by the wide-scaleness [sic] of the violence that occurred".

³⁰ See Amnesty International, *Federal Republic of Yugoslavia (Kosovo): Setting the standard? UNMIK and KFOR's response to the violence in Mitrovica*, AI Index: EUR 70/013/00, 13 March 2000.

were Polish – with grenades and small arms, wounding 26 of them, and obstructed CIVPOL officers – most of whom were from the US – from coming to their colleagues' aid.³¹ During the March violence KFOR, CIVPOL and KPS coordinated well in the Serbian northern part of the city, but in the Albanian south it was very different. The ICG reported that on midday on 17 March French KFOR informed police that they would not protect them from snipers claiming they had no ammunition, and that in the south “French KFOR treated CIVPOL and KPS at best as impediments.” On 18 March French KFOR, apparently acting on rumours of thousands of armed Albanians approaching, ordered CIVPOL and KPS out of their regional headquarters and told them to burn the building down and remove or destroy their computers, and CIVPOL did withdraw across the river Ibar to the north but refrained from burning the building. On 18 March, French KFOR reportedly also attempted to disband the KPS in South Mitrovica/ë entirely, demanding from KPS commanders telephone numbers of KPS officers, phoning them and telling them to stay home, and driving those KPS who were present out of the city police station at gun-point: amply illustrating the lack of trust and cooperation between French KFOR and the Albanian KPS in S. Mitrovica/ë.³²

4.1 KFOR

Under UNSCR 1244/1999 KFOR is responsible for “establishing a secure environment in which refugees and displaced persons can return home in safety” (9(c)), and “ensuring public safety and order” (9(d)). Amnesty International is seriously concerned at eye-witness accounts and other reports which indicate that in some instances KFOR troops signally failed to discharge the duties assigned to them under UNSCR 1244/1999. Under UNSCR 1244/1999 UNMIK has no control over KFOR which constitutes the army in Kosovo in the interim period. Civilian democratic control over KFOR is exerted by the respective governments of troop-contributing countries who have responsibility for, *and only for*, their respective national contingents. This means that civilian democratic control over KFOR troops is divided up between a number of national governments who only have control over their own troops. In the past, Amnesty International has raised with both NATO and with the governments of NATO member-states the structural weaknesses in KFOR that have led to a lack of accountability for human rights violations committed by KFOR personnel.³³ The organization called, *inter alia*, for central mechanisms in KFOR, or on a higher level in NATO itself, for investigating alleged human rights violations and abuses committed by troops in Kosovo, rather than leaving such investigation solely to the will and competence of the respective sending state from which the alleged perpetrators came. A major problem illustrated in the March events was this lack of centralized control over KFOR which saw different national contingents using different interpretations of the rules of engagement and

³¹ See ICG Report, *UNMIK's Kosovo Albatross*, 3 June 2002.

³² See ICG Report, *Collapse in Kosovo*, 22 April 2004, p 21 on which the following is based.

³³ See Amnesty International, *The apparent lack of accountability of international peace-keeping forces in Kosovo and Bosnia-Herzegovina*, AI Index: EUR 05/002/2004, April 2004.

acting in different ways. Despite the presence of an overall KFOR commander, COMKFOR, it is apparent that operational control is left to the battalion commanders of the individual national contingents.³⁴

For example, as detailed below, some national contingents, notably those under French command in Multi-National Brigade (MNB) North-East, and those under German command in MNB South-East, interpreted their mandates as solely the protection of people rather than extending this protection to property as well. As a result some KFOR troops took no action to prevent mobs systematically destroying minority settlements, in some instances within sight of major KFOR bases. Conversely other KFOR national contingents such as the Swedish contingents in MNB Centre took a more resolute stand against the systematic criminal destruction.³⁵

Amnesty International was informed by KFOR spokesperson Lt. Col. James Moran on 5 May 2004 that both NATO and KFOR have carried out investigations into KFOR actions in the March events. On 24 May Amnesty International wrote to both KFOR Commander Lt. Gen. Holger Kamerhoff and NATO Secretary-General Jaap de Hoop Scheffer requesting to be informed as to the method and findings of these investigations. As of 30 June no reply had been received. However, there have been a number of reports from official sources which clearly point to official acknowledgment that KFOR failed to discharge the duties assigned to them under UNSCR 1244/1999. On 2 June 2004 NATO South Wing-Commander Admiral Gregory Johnson reported to the NATO Council on efforts made to strengthen the KFOR mission in Kosovo. He was reported as saying that: *"it was necessary to eliminate the limitations noticed in the March violence that stood in the way of the proper use and operation of the troops deployed in the province as well as to improve intelligence activities"*.³⁶

On 18 May 2004 the Austrian newspaper *Die Presse* published an interview with the head of Austrian KFOR Col. Chris Platzer. In the interview, when asked about KFOR mistakes in the March events, he replied:

"We have problems at operational level; there are not enough forces in the country... We were unable to cope with the number of demonstrators... It was also discovered that there are partly very great restrictions for the various national contingents; some are not permitted to use tear gas, others may not leave their operations area. This is a hindrance."

³⁴ Amnesty International asked KFOR spokesman Lt. Col. James Moran of the US Army specifically on this point but he refused to comment. Senior officials in UNMIK told Amnesty International that in practice the Commander of KFOR (COMKFOR) almost always negotiates with the national contingents rather than instructing them and that in practice UNMIK deals directly with the relevant Multi-National Battalion (MNB) commanders instead of COMKFOR.

³⁵ For example Swedish KFOR troops successfully protected the 13th century Gračanica monastery and another Serbian church – see *Forum 18 News Service*, 'Kosovo: Nobody charged for destruction of Orthodox Churches and monasteries', 6 May 2004.

³⁶ *VIP news*, 3 June 2004, Belgrade.

He went on to illustrate the lack of central structure in KFOR regarding information sharing by stating:

"It is correct that the services did not communicate sufficiently. However, this would not have been of any use, anyway, because nobody knew anything. Now the exchange of information has been stepped up. I cannot judge how adequate this is. Everybody has his national secrets. The Americans use primarily technical means to gain information. We Europeans use sources in the country. However, we are permitted to investigate only in uniform, not civilian clothes. This creates natural limits."

Amnesty International further notes an article in the German daily *Der Spiegel* of 3 May 2004, which gives details of the conduct of German KFOR troops during the March events, which is severely critical of German KFOR actions especially in Prizren. The article contrasted the official German version with that of others including German CIVPOL officers:

"'We reacted quickly,' Lt-Gen Kammerhoff [COMKFOR] said of the engagement of the 20,500 KFOR troops, which he has commanded since last October. German defence minister Peter Struck also highly praised the 'prudent behaviour' of his 3,600 soldiers: 'They reacted rationally, preventing an escalation and thus protecting human lives.'

That is Berlin's version. Reports of eyewitnesses in Prizren, however, reveal a completely different picture. Not only Serbs, but also UN officials, troops from other KFOR contingents, Albanian human rights activists and independent journalists accuse the Bundeswehr [German army] of failure and even cowardice. The Bundeswehr played a sad, perhaps even very shameful role in restraining the violence. The German soldiers ran away, hiding like rabbits in their barracks and emerged again with armoured vehicles only once the Albanian crowd had calmed down, having completed its work of destruction.

Between 6 p.m. and 9 p.m. [on the 17 March] the crowd rioted in the old part of town on the slope beneath the ruins of a Byzantine castle. The houses of Serbian refugees were set on fire. A company of KFOR soldiers, guarding the Serbian church of St. George from behind barriers of sandbags, fled with the clergy and the remaining Serbs into the barracks. The demonstrators applauded, set fire to the church and 56 more houses and, in the end, the Orthodox church of the Holy Virgin of Ljevis, not far from the municipal building. German defence minister Struck once had said that this church is a symbol of lasting peace brought by our mission.

Some extremists continued on up the river Bistrica to the monastery of Holy Archangels. The approach road could have been easily blocked with a few armoured vehicles, especially since master sergeant [named] and 19 soldiers of the Bundeswehr were stationed in the 14th century monastery.

About 200 demonstrators sent a delegation under a white flag to the Germans and ensured them that nothing bad would happen to them, and that 'we only want to burn down the monastery'. The KFOR protectors evacuated six monks and their two visitors to their armoured vehicles and drove them to the other side of the Bistrica. The monastery was then burned down.

The first attacks [on 18 March] began at about 3 p.m. and targeted the police station in the city centre. Calls for assistance directed to KFOR remained unanswered. Stones flew at the building, automobiles were overturned, no soldiers anywhere were to be seen. KFOR obviously had not used the time to consider or re-examine its concept of engagement in order to prevent renewed unrest.

This was followed by an attack on the police headquarters only a kilometre away. Policemen from different nations, including Germans, were exposed to a constant hail of stones and Molotov cocktails. The extremists were receiving support and refills from a nearby gas station. Gunshots rang out.

'We pleaded with KFOR for assistance,' reported one official. 'They told us that the soldiers were on their way but nothing happened.' The one thing which the policemen saw was a military vehicle from which soldiers on a nearby hillside were observing the orgy of violence. 'I felt like scum,' wrote a German policeman in his report. 'The worst thing,' said another official, 'is that the rioters achieved their goals. The soldiers merely watched the progression of ethnic cleansing. Our mission failed.'

Only when the rioters in Prizren began to throw grenades into the UNMIK building did German KFOR intervene. It sent a few armoured vehicles and the situation calmed down immediately."

4.2 French KFOR and the burning of Svinjare/Frashër

Amnesty International is seriously concerned at eye-witness accounts and other reports which indicate that in some instances French KFOR troops and other KFOR troops under French Multi-National Brigade (MNB) North-East command signally failed to discharge the duties assigned to them under UNSCR 1244/1999 of 10 June 1999.

For example, eye-witnesses informed Amnesty International that in the afternoon of 18 March a crowd of approximately 500 Albanians, after having set on fire the Orthodox Church in South Mitrovica/ë, marched on foot out of Mitrovica/ë towards the Serbian village of Svinjare/Frashër located just to the south of the town. The village has been inhabited by Serbs for generations. UNMIK police reportedly gave KFOR warning that a hostile crowd

was assembling some two hours previously.³⁷ The crowd approached the village by two roads which met at a junction where the French KFOR base “Belvedere” is situated on a small hill some 500 metres from the entrance to the village. There are a substantial number of troops from France, Belgium, Luxembourg and Morocco stationed at this base as well as a contingent of French Gendarmerie. There is also a logistics/support vehicle depot on the other

French KFOR base, “Belvedere”: photo taken from Svinjare/Frashër © AI

a

side of the road with some 100 KFOR vehicles. The eye-witnesses reported that the front ranks of the crowd carried Albanian flags and the crowd was chanting “U - Ç - K” (abbreviation for the Kosovo Liberation Army, in Albanian *Ushtrisë Çlirimtare të Kosovës*) and carried bottles which transpired to be petrol bombs. The eye-witnesses reported that there appeared to be no evidence of firearms in the crowd. The eye-witness accounts stated that there was an international presence of a small (approximately eight to 10) Moroccan KFOR contingent with a

jeep and a lorry as well as one UN civilian police car and three armoured UN vehicles with some international civilian police (CIVPOL) members stationed in a blockade across the road at the entrance to the village.

However, the crowd of Albanians reportedly did not stop at the above-mentioned blockade but merely walked off the road into the gardens of the houses and, after sticking an Albanian poster on the first house on the right when entering the village (which belonged to an Albanian), began to systematically burn all the houses belonging to Serbs. At the same time another crowd of Albanians from the neighbouring village of Pantina/ë to the south began to systematically attack and burn the Serb houses in the village from the south. An Amnesty International delegation noted on 9 May that all the Serb houses showed evidence of being burned, some were completely destroyed and the houses were also spray-painted with Albanian names and

Serb house in Svinjare/Frashër burned by Albanians; taken from same place as previous photo © AI

³⁷ ICG from interview with a police source, *o c p* 20.

slogans. Displaced Serb residents informed Amnesty International that a substantial amount of moveable goods was also destroyed whilst other property such as cattle was stolen by the Albanian crowd. Reportedly the KFOR troops and CIVPOL police did not attempt to stop the attacks on property in any manner. Amnesty International received information that French KFOR personnel arrived on the scene with translators and a bus and proceeded to evacuate all the 200 or so Serbs from the village to the nearby KFOR “Belvedere” camp where they were left to watch their homes burning and their life-long possessions either destroyed or stolen while KFOR did nothing to deter the attackers. There were no reports of any injuries.

Amnesty International understands that in the March events French KFOR prioritized the protection of persons over the protection of property. Furthermore, under UNSC Resolution 1244/1999 KFOR is charged with “ensuring the protection and freedom of movement of itself” (9(h)). However, Amnesty International believes that the duties of KFOR as defined in UNSC Resolution 1244/1999 as “establishing a secure environment in which refugees and displaced persons can return home in safety” and “ensuring public safety and order” clearly include protecting minority property wherever possible. The deliberate destruction of houses was not just an attack on property but a clear message to the minority community to leave. Given this, and the very close proximity of such a main KFOR base, Amnesty International is seriously concerned that no attempt was made by KFOR to stop the attackers and to protect law and order as they are charged to do under UNSC Resolution 1244/1999. Furthermore, the complete failure to protect the minority Serbs’ property is in direct contradiction to the duty to establish “a secure environment in which refugees and displaced persons can return home in safety” in that it sends, by allowing the forcible displacement of such a long-settled community, a clear signal to other refugees and displaced minority members that they cannot rely on the security forces for adequate protection.

Amnesty International is calling on NATO and KFOR to make public their investigation into KFOR actions during the March violence. The organization is also calling on the French government, NATO and KFOR to specifically undertake a thorough investigation into the role and actions of French KFOR in addressing the violence in Svinjare/Frashër and to make the method and findings of such an investigation public. The organization is also calling for similar investigations to be undertaken by the German government, NATO and KFOR into the violence in Prizren.

5. Allegations of KPS misconduct and complicity

Amnesty International is also concerned about a number of allegations of KPS misconduct during the March events. While in many places KPS officers discharged their duty in the face of violent crowds and 58 KPS officers were injured during the violent events,³⁸ there were

³⁸ UNMIK announced that in addition 65 CIVPOL officers were injured out of the total number of over 900 injured during the events, UNMIK Police Briefing Notes, 31 March 2004.

allegations that in some instances the KPS stood by and made no effort to stop the violence. In other instances there were allegations that members of the KPS actively took part in the violence. A senior source in UNMIK who wished to remain anonymous informed Amnesty International in late March that allegations of KPS involvement were received from Vučitrn/Vushtrri, Prizren and other locations. Another source in UNMIK who wished to remain anonymous informed Amnesty International in May that there were reports of KPS involvement in Prizren, and that Serb KPS officers in Lipjan/Lipljan had reportedly been threatened by their Albanian colleagues not to come to work and KPS officers in Lipjan/Lipljan had greeted people in the crowd and not intervened to prevent the violence. The Ombudsperson's office reported that it had opened *ex-officio* investigations regarding the conduct of KPS officers in the March events in a number of municipalities.³⁹ These *ex officio* investigations were subsequently joined into one new case with an enlarged scope, *Ex Officio* Registration No. 30/2004 - *Human Rights Aspects of the Reaction of the International and Local Public Authorities to the Events of 17-20 March 2004*.⁴⁰ The OSCE mission in Kosovo (OMiK)⁴¹ which undertook a monitoring programme to gain an overview of the human rights violations which occurred in the March events also noted "allegations that individual Kosovo Albanian KPS officers actively participated in the disturbances (or did not prevent the attacks taking place)".⁴²

Amnesty International is seriously concerned at these allegations and is calling on UNMIK to carry out thorough investigations into these allegations and to make the method and findings of such investigations public. The organization calls for any police officer found to have failed to discharge their duty to be subject to disciplinary procedures, and any found to have actively participated to be subject to criminal prosecution.

An example concerns the events in Vučitrn/Vushtrri on 18 March from about 4.30pm onwards in the Ashkali quarter of the town when all of the 260 or so members of the Ashkali community from Vučitrn/Vushtrri were forced to leave their homes. These homes - with the exception of those in such close proximity to Albanian houses that there would have been a serious risk of fires spreading - were systematically torched and destroyed. In all some 65-70 houses were destroyed. The Ashkali in Vučitrn/Vushtrri had been subject to similar inter-ethnic violence in 1999 and had then also been forced out of their homes.⁴³ However, from May 2002 onwards many had returned after conditions for sustainable return, facilitated by an

³⁹ Ombudsperson Institution in Kosovo, Quarterly Information Sheet, January- March 2004.

⁴⁰ Communication from Ombudsperson Institution in Kosovo, 11 June 2004.

⁴¹ OMiK forms a distinct component of UNMIK (Pillar III) and is responsible *inter alia* for democratization and governance, human rights monitoring, rule of law, and police education and development.

⁴² OMiK Department of Human Rights and Rule of Law, *Human Rights Challenges following the March riots*, 25 May 2004, p 7.

⁴³ According to reports 352 Ashkali families lived in Vučitrn/Vushtrri before June 1999; however, when KFOR entered Kosovo in 1999 only 24 Ashkali individuals remained there. The Ashkali consider themselves as a distinct ethnic group and unlike the Roma, speak Albanian and often live, as in Vučitrn/Vushtrri, in areas populated by Albanians.

ethnic Albanian NGO in conjunction with the UNMIK Office for Returns and Communities (ORC) and the UNHCR, had apparently been put in place.⁴⁴ One of the Ashkali⁴⁵ informed Amnesty International:

"On 18 March at 16.30 I was inside my house and my wife told me, 'look!'. She had seen big black smoke. I went to the window and saw black smoke, and from where it was, I knew it was the church. One of my sons turned on the local radio. I heard a reporter saying that demonstrators had burned the church,⁴⁶ and he had named the people who were responsible. The church was about 15 minutes' walk away from my house. After about 10 minutes I saw a group of about 300 demonstrators running towards our area.

Our area is a mixed area, including Ashkali houses occupied by the Albanians in 1999. They started looking at which houses were Ashkali houses. The neighbours pointed at the Ashkali houses. They [the demonstrators] started throwing bottles with petrol. They had hoes, spades and metal bars. They jumped the wall around the Ashkali houses and started throwing bottles. My house was the third in the queue and they tried to come inside [the external doors to the yard]. They went to my next-door neighbour who is a spokesman for the community. Between our houses there is a wall. They went into the yard of his house and I could not see what was happening. I heard some shots (but I did not see them with any guns) and many voices. There was a big noise. After the shots the demonstrators left the yard and closed the big metal doors. They went back about 200m or 300m and started to throw stones and bottles with petrol. This happened around 25 to 30 minutes after they had arrived. I heard the sirens of some cars. I was in my yard. The family was in the house. I saw the doors of the gate open and I saw the police, and thought that they were coming to help us. There was Albanian KPS, who I knew as traffic police, and some Albanian Special Unit."

However, instead of attempting to disperse the crowd or coming to the aid of the besieged Ashkali, the police allegedly took actions against some Ashkali and appeared to be acting in conjunction with the crowd.

"They [the police] told me to put my hands up, and when they came near they told me to lie face down on the ground. They started to handcuff me, they were very nervous, they asked where my weapons were and one of them kicked me several times, three or four times on my right hand side and then several times on my back. They told me to turn over and to

⁴⁴ See Amnesty International, *Serbia and Montenegro (Kosovo/Kosova): "Prisoners in our own homes": Amnesty International's concerns for the human rights of minorities in Kosovo/Kosova*, AI Index: EUR 70/010/2003, April 2003, p. 56. One family had been forcibly returned from another European country on 17 March and was unable to get from the airport and had to be evacuated to Prizren instead – information from ORC, 4 May 2004.

⁴⁵ All of the three Ashkali men quoted requested that their names be kept confidential. When asked if they had reported the events referred to below to the police they said they had not as they had no confidence in the police and feared possible future retribution if they provided their names. They had, however, informed the Ombudsperson's office.

⁴⁶ The church is situated next door to a KFOR compound but this afforded it no protection – see ICG *Collapse in Kosovo*, p 51.

stand up, and said they were taking me to the police station... I saw the traffic police inside my yard, they asked where my weapons were and insulted me with many words on a national basis. They punched me in the chest and on my head. The demonstrators were about 100m – 200m away, and two houses were burning.

The police said, 'What shall we do with this man?' 'Send him to the police station'. The police car was outside, and when I was outside of my gate I saw the demonstrators. When they saw me handcuffed, the demonstrators started to clap and chant 'UÇK'. The policeman who ordered me to the police station is called A H.⁴⁷ He was present when I was hit, and he ordered me to go to the police station and put me in the police car, and the demonstrators tried to throw stones and come towards the car, but the police said, 'You know what our agreement was', and the demonstrators stopped.

When we got to the police station they searched me and told me to sit in a chair and wait. I was near the main police station office and I heard the police receiving three or four phone calls [calling for help]. The police were not interested. People had requested UNMIK or KFOR to come, and they said, 'We don't have UNMIK or KFOR; we don't know how to help you.' It appeared that they were not interested."

Another Ashkali informed Amnesty International how the crowd had attacked his house and again how the KPS, when they eventually arrived, had taken no action against the crowd but rather had arrested his son for possession of a weapon for which he had an UNMIK permit.

"The crowd of 300-400 opened the gates [to his walled yard] and came inside and started to smash the windows of the cars in the yard and break the house windows. They then tried to get inside the house using a small axe, metal bars and pieces of wood, and hit BX [his son] on the forehead with a hoe. When I saw this I started to shoot in the air and the crowd retreated and I closed the gates. The crowd chanted 'UÇK, UÇK' and started to throw stones, I saw weapons but they did not try to come inside again for 20-25 minutes. We called the police 10 – 20 times but they did not want to answer, they just hung up, when we told them which area we were from the line went dead. We asked the police to get KFOR but they said there was no KFOR there... After 20-25 minutes the police came, some of the crowd had dispersed but when they saw the police arrive they came back again. I was initially pleased that the police had arrived. I saw the KPS officers talking with the crowd and how they brought the demonstrators back. The police knocked on my gate and one of my family opened the gate. When the police came in they immediately started to arrest my family."

Burned Ashkali house in Vučitrn/Vusshtri. © AI

⁴⁷ Name known to Amnesty International.

His son alleged that the police hit him twice in the back with the butt of an automatic weapon while arresting him and that as he was being led away in handcuffs police kicked his wife in the groin and leg when she ran up to him holding their two-year-old son.

Amnesty International also received an uncorroborated allegation that a KPS officer threw what appeared to be a petrol bomb into one of the Ashkali house and that KPS prevented people from trying to put the fire out.⁴⁸

The above testimony - that repeated requests to the KPS to call for assistance from KFOR were ignored - was corroborated by French KFOR at the Novo Selo Mađunsko/Maxhunaj camp (the nearest KFOR base and where the Ashkali community were subsequently moved for their protection - see below) some five or six kilometres south of the town. Amnesty International was informed that they had received no calls for assistance from the KPS.⁴⁹

As well as the concern at the allegations of KPS complicity in the violence against the Ashkali community in Vučitrn/Vushtrri, Amnesty International is also concerned at the allegations of police ill-treatment.

The organization is calling for a thorough and impartial investigation into the actions of the KPS in Vučitrn/Vushtrri in these events and that any law enforcement officials reasonably suspected of complicity in the violence be brought to justice, and any found responsible for ill-treatment face disciplinary action, and where appropriate, criminal charges.

5.1 CIVPOL – confusion and inaction

As of 31 March 2004 CIVPOL was comprised of 3,248 officers from 48 different countries.⁵⁰ The March events illustrated the inherent problems of such a diverse force with some CIVPOL commanders appearing to restrict their actions to protecting their own police stations.⁵¹

An example of the inability of CIVPOL to prevent the destruction concerns the burning of St Nicholas's Church in the old part of Priština/Prishtinë. The church is situated up a narrow street, rr. Shkodra, very close to the Ministry of Environmental and Spatial Planning and is close to the UNMIK (and KPS) police headquarters. On the evening of 18 March - i.e. towards the end of the violence when the element of surprise had long since passed – the church was torched by a crowd of mostly Albanian teenagers. The narrowness of the

⁴⁸ The ICG also reported that it had “heard of at least two instances in which KPS officers threw petrol bombs”. ICG *o c p* 20.

⁴⁹ KFOR officer at the base, 9 May 2004. He also stated that as the base was primarily a logistical one, they would not have been able to respond in any case as they did not have sufficient personnel on site.

⁵⁰ UNSC S/2004/348, Annex I, 30 April 2004.

⁵¹ ICG *o c p* 20.

approach road would suggest that the church could have been defended with only a few officers. In the event, KPS officers initially prevented the crowd from moving through the narrow streets. An Italian CIVPOL riot police detachment arrived and, according to the ICG tear gas was fired by CIVPOL without warning the KPS officers. In the confusion one CIVPOL officer was shot in the leg, possibly by a KPS officer, while another KPS officer was mistakenly shot three times by an Italian CIVPOL officer. The teenage crowd scattered.⁵² However, the police units then evacuated the priest and departed, allowing the crowd to return unopposed and burn the church and priest's house.

Church of St Nicholas, Priština/Prishtinë © AI

5.2 The Kosovo Protection Corps (KPC)

The KPC was set up as the successor to the KLA and sees itself as the nucleus of a state army if the final status of Kosovo so allows. Although ostensibly multi-ethnic, its KLA roots result in it being overwhelmingly Albanian. Its membership in June 2004 was 3,003 active members including 132 non-Albanians of whom 32 were Serbs, while its reserve personnel was 1,728 of whom 22 were non-Albanian.⁵³ During the March events the KPC mounted joint patrols with US KFOR in some areas and thus for the first time was granted a public security role which it had previously been denied by both UNMIK and COMKFOR.⁵⁴

⁵² ICG *o c* p 49. The ICG reported that tear gas was fired by CIVPOL without warning the KPS officers, and that in the confusion one CIVPOL officer was shot in the leg, possibly by a KPS officer, while another KPS officer was mistakenly shot three times by an Italian CIVPOL officer.

⁵³ UNSC S/2004/487, 11 June 2004.

⁵⁴ ICG *o c* p 23. Paragraph 15 of UNSC 1244/99 “Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General”.

6. UNMIK and KFOR investigations and arrests

On 5 May Deputy Commissioner of Police Robbie Pedlow, who was Director of Operations on 17 March, informed Amnesty International delegates that there would be a thorough review of CIVPOL and KPS actions during the March events, and on 3 June UNMIK announced that a full report on the March violence had been delivered to the United Nations although this report was, as of 24 June, not publicly available. The OSCE reinforced that: "It is essential, in order to maintain confidence in the accountability of the KPS, that any allegations of criminal conduct, or violations of policies and procedures (including violations of human rights standards) by KPS officers during the events of 17-18 March are fully and properly investigated." and recommended that:

*"UNMIK Police and the KPS take steps to ensure that minority communities, and in particular those individuals who have complained of police misconduct during the March violence, are kept fully informed of the progress and outcome of these investigations".*⁵⁵

However, the process to date has displayed a marked lack of transparency from UNMIK, and there have been no public details of any investigations into alleged KPS involvement nor of any investigations into the professional standards of the KPS during the March events, although on 17 June UNMIK did state that an official police report on the March violence would eventually be forthcoming.⁵⁶

On 17 June UNMIK announced that police had so far arrested 270 individuals for offences related to the violent events with International Prosecutors handling 52 cases of a more serious nature involving 26 defendants of whom 18 were in detention,⁵⁷ and approximately 120 cases being handled by local prosecutors, either in the Minor Offences, Municipal or District Courts of Kosovo.⁵⁸ However, UNMIK had not by June given details of any cases involving alleged KPS complicity.

KFOR also detained people in connection with the March events under COMKFOR Directive 42 which allows COMKFOR and section level KFOR commanders of MNBs to authorize detentions which are outside of the rule of law and violate international human rights. Specifically COMKFOR Directive 42 allows COMKFOR to authorize detentions for long periods without judicial authorization or any recourse to judicial review. Amnesty International has repeatedly raised its concerns over the use of COMKFOR Directive 42 with KFOR, NATO and the governments of NATO countries.⁵⁹ KFOR spokesperson Lt. Col.

⁵⁵ OMiK, *o c* pp 7-8.

⁵⁶ Kenneth Stica of CIVPOL, reported by *KosovaLive*, 17 June 2004. It remains unclear the difference between the forthcoming report and that already delivered to the UN.

⁵⁷ UN News Service, 17 June 2004.

⁵⁸ UNMIK Police Briefing, 21 April 2004.

⁵⁹ See Amnesty International, *The apparent lack of accountability of peace-keeping forces in Kosovo and Bosnia-Herzegovina*, AI Index: EUR 05/002/2004, April 2004, and *Serbia and Montenegro (Kosovo): The legacy of past human rights abuses*, AI Index EUR 70/009/2004, April 2004. See also

James Moran informed Amnesty International on 5 May that 19 people had been so detained for up to “five to seven days” for “interrogation” before being transferred to UNMIK police.

Amnesty International calls on UNMIK to comply with OMIK's recommendations and release details as to where the cases under investigation originated from, and whether any involve alleged KPS complicity. Amnesty International further urges the authorities to ensure that all victims of attacks are regularly and fully informed about the progress of investigations, and about any action taken – including disciplinary or criminal action – as a result of the investigation. The organization also calls for COMKFOR Directive 42 to be immediately revoked, and urges that any person, not connected to the NATO-led military mission detained by KFOR should, as a matter of course, be transferred immediately over to the domestic authorities.

7. The plight of the IDPs

In May 2004 an Amnesty International delegation visited Kosovo and met with the Office for Returns and Communities (ORC) in UNMIK who informed Amnesty International that UNMIK's policy was to temporarily re-house Serbian IDPs from the March violence *in situ* wherever possible until their houses were re-built, which was scheduled to be by the end of October 2004. This policy was in place in order to discourage movement of such people to Serbian enclaves as this would be seen as supporting ethnic cleansing. For the Serbs from Svinjare/Frashër for example, UNMIK was looking at the possibility of onsite temporary container dwellings while their homes were being re-built. The ORC informed Amnesty International that some 1,000 – 1,200 IDPs had been initially sheltered in KFOR bases, but that most had been moved, or had removed themselves, to other locations. There were some who remained in KFOR camps, such as the Ashkali of Vučitrn/Vushtrri (see below) and 31 mostly elderly Serb women in the German KFOR camp in Prizren.⁶⁰

The Amnesty delegation visited three sites in N. Mitrovica/ë where Serb IDPs from Svinjare/Frashër and other people from places such as Obilić/q were living. These were: a secondary technical school in N. Mitrovica/ë where some 60 people - ranging in age from children to the elderly of both ages, many of whom were suffering from medical ailments and needing medication - were housed in a gymnasium; some unfinished apartments in Zvečan where predominantly elderly Serbs from Svinjare/Frashër were squatting in bare rooms with damp plaster walls and no running water or electricity except for what they had themselves

⁶⁰ ORC, 4 May 2004, who informed Amnesty International that German KFOR was very keen for these women to move out but that the women themselves were quite content to remain at the camp: not just for reasons of security but because they enjoyed a high standard of medical care and attention and other services. Some other Serb IDPs remained in KFOR camps, e.g. the five families of Serb IDPs from Uroševac/Ferizaj in the nearby Greek KFOR base. In June it was announced that these would return to the town to live in a collective accommodation centre until their homes were rebuilt, *KosovaLive*, 18 June 2004.

provided (by water from a hosepipe and electricity similarly run in from outside through a window); and in Mali Zvečan, up in the hills above Zvečan itself, in buildings built to re-house Serb refugees from Bosnia-Herzegovina displaced in the 1990s. It was apparent that there was little or no assistance from UNHCR or any other official body for these Serb IDPs. Apparently this was because they had moved from their initial places of displacement to N. Mitrovica/ë - showing that they did not want to return to their homes and were thus acting against UNMIK policy - and so had fallen outside of the system.

Serb IDPs living in a school gymnasium in northern Mitrovica/ë © AI

The Serb IDPs from Obilić/q⁶¹ informed Amnesty International that after the attacks on 17 March they were evacuated by KFOR and spent seven days in a KFOR camp before being transferred by KFOR to a school in Gračanica/Gračanicë. However, they feared for their future security and wanted to come to N. Mitrovica/ë where they felt their security was more secure due to the larger Serb presence, and so after a short period of some days they hired private lorries and came to Mitrovica/ë. The Serb IDPs from Svinjare/Frashër who were squatting in Zvečan informed Amnesty International that after being evacuated on 18 March to the nearby French KFOR base, they requested to move to N. Mitrovica/ë, again for reasons of perceived security. N. Mitrovica/ë is in close proximity to Svinjare/Frashër, but such a movement of Serbs from an Albanian area south of the town to the Serb-dominated north could be seen as being party to ethnic cleansing. Thus KFOR was not keen on this option and instead offered temporary accommodation in the French KFOR bases at Selo Mađunsko/Maxhunaj, some 14 kilometres south of Vučitrn/Vushtrri. The Serb IDPs informed Amnesty International that after they refused this option, they were transported by KFOR to the railway station in Zvečan near to N. Mitrovica/ë and left to their own devices. Some of the IDPs informed Amnesty International that they had heard of UNMIK's container option but all thought this was completely unrealistic and they had little or no faith in the authorities being able or willing to adequately protect them in the future if they returned. In June the ORC informed Amnesty International that work had begun on some 30 of the damaged houses in Svinjare/Frashër, and that some 50 containers were on site for the IDPs but remained empty as the Serb IDPs were unwilling to move into them.⁶² However, the ORC stated that some of the IDPs were independently coming to the village to see how the reconstruction was progressing.

In June, the ORC informed Amnesty International that there had been a shift in UNMIK policy. Previously assistance was given to IDPs only if they acknowledged a desire

⁶¹ It should be noted that not all Serb IDPs from Obilić/q had moved to N. Mitrovica/ë. In June the ORC informed Amnesty International that 30 families of Serb IDPs from Obilić/q were willing to return and that some had moved into the container temporary accommodation option provided *in situ* by UNMIK.

⁶² By 21 June some of these empty container homes, donated by Russia, had been vandalized or looted. The ORC informed Amnesty International that "a couple" had been vandalized, while *SRNA* on 22 June reported that six had been looted, while *FoNet* on 21 June reported that "most of the fifty" had been destroyed.

to return to their homes; now UNMIK had adopted a policy of assisting people who had sought protection by relocating themselves to an area where they felt they were safe, and, Amnesty International was informed, there was no policy of obliging people to return if they did not want to. Moreover, after the March events, UNMIK would only encourage return where there was a considerable degree of sustainability in terms of physical protection, and economic and social rights such as employment and educational opportunities. Regarding the Serbs in N. Mitrovica/ë, in addition to the existing presence of some 3,000 Serb Roma IDPs from 1999, the influx of 500-1,000 IDPs created a real problem compounded by the Zvečan municipal council's tendency to look to Serbia rather than Priština/Prishtinë for help. The municipal council wanted these squatters to vacate the buildings, and UNMIK was looking at a 'hotel' option – similar to the Ashkali IDPs from Vučitrn/Vushtrri (see below). UNHCR, the United Nations Development Programme (UNDP), aided by the NGO, the United Methodist Committee on Relief (UMCOR), were responsible for food distribution and other services for a three-month period ending 25 June.⁶³

Amnesty International welcomes the shift in UNMIK policy to assist secondary displacement of IDPs, and calls on UNMIK and the municipal authorities to ensure that basic assistance, including adequate housing facilities, education and medical treatment for those in need, is provided to all IDPs including those Serbs who have decided to relocate to N. Mitrovica/ë or other areas for reasons of perceived security.

⁶³ The ORC informed Amnesty International on 21 June that the assistance – primarily food distribution – would continue after this period, and that UNMIK was negotiating with the PISG as to the mechanics of how this assistance will be provided.

7.1 The Ashkali from Vučitrn/Vushtrri

Following the attack on 17 March (see above), the entire Ashkali community of Vučitrn/Vushtrri, numbering some 270, was evacuated by the KPS to the KPS police academy in Vučitrn/Vushtrri and then taken by KFOR to the French KFOR base at Novo Selo Mađunsko/Maxhunaj where they were housed in tents in a field. The Ashkali had made it clear that they were only interested in third country asylum and had no interest in return to their homes, having been attacked and burnt out twice since 1999. UNMIK's interim solution was to transfer them from the KFOR base to the half-finished Vicianum Motel on the outskirts of Vučitrn/Vushtrri which would be under constant KFOR protection. Ashkali delegates at the camp informed Amnesty International on 9 May that this proposal was unacceptable – the community was so traumatized by the violent events described above, that they had not even taken up proposals to visit, under KFOR protection, their destroyed homes and see if there was anything salvageable from the wreckage. Their distrust of the Albanian community was such that they refused to meet with the Albanian NGO which had facilitated their returns in 2002 (see above) and also with the municipal authorities of Vučitrn/Vushtrri.⁶⁴ UNMIK had informed them that it was not within UNMIK's competence to transfer them to third countries but that UNMIK was willing to facilitate such a possibility and had put forward the Ashkali request to UK, France, Sweden, Germany, Belgium and Switzerland as well as to European Union (EU) High Representative Javier Solana personally (as specifically requested by the Ashkali). Germany and Belgium have replied in writing expressing sympathy and regrets but stating that they are not willing to take them on the basis that this would legitimize ethnic cleansing at source. France, UK and Sweden replied that they refused to provide asylum, and Belgium and Switzerland unofficially also replied negatively. Some 70-80 had left the camp by early June leaving some 170 remaining. Of those who had left some 15 or so had already got visas for other countries prior to March and the rest moved to family or friends in other parts of Kosovo.⁶⁵ On 11 June some 90 people – the adult members of the community – went on hunger-strike in protest at the failure to gain third country asylum, and because the EU's Javier Solana had not replied to their request to meet with him. However, following visits by Javier Solana's special representative in Kosovo, Fernando Gentilini, on 12 June and the Kosovo Ombudsperson on 18 June, both of whom explained that third country asylum in the EU was very unlikely, the hunger strike was ended.⁶⁶ As of 21 June, some 135 people remained within the camp.⁶⁷

Amnesty International appreciates that it is outside of UNMIK's competence to acquire third country asylum protection for the Vučitrn/Vushtrri Ashkali, and the organization is calling on EU member states to accept them.

⁶⁴ Council for the Defence of Human Rights and Freedoms (CDHRF) press release, 18 May 2004.

⁶⁵ Information from ORC, 8 June 2004.

⁶⁶ Information from Pax Christi, 15 and 18 June 2004.

⁶⁷ Information from ORC 21 June 2004. Regarding the 35 Ashkali who had left since the start of the hunger strike, ORC believed that they had either moved to other locations within Kosovo or to Serbia.

In the interim period the organization believes that the wishes of the Ashkali in the French KFOR base at Selo Mađunsko/Maxhunaj not to be returned to the temporary accommodation on the outskirts of Vučitrn/Vushtrri should be respected by UNMIK. Amnesty International believes that returning the traumatized community to such a proposed location in close proximity to the scene of the crime would subject the community to additional unnecessary suffering and unease, especially as the community believes that the perpetrators have not been brought to justice and fears further attacks. Although UNMIK states that the temporary location would be adequately protected from any such future attacks, the organization also believes that such protection would necessitate severe and unacceptable limits on Ashkali freedom of movement and access to employment, education and health care; such conditions, the organization believes, would amount to detention. On 21 June the ORC informed Amnesty International that they fully appreciated such concerns and were attempting to negotiate with the remaining Ashkali in the camp to try and find more acceptable options to guarantee the rights of the community in Kosovo in the interim period.

8. The PISG and the municipalities – ambivalence?

Initially Albanian politicians with very few exceptions failed to condemn the violence and many instead tacitly justified it or blamed UNMIK and Serbian actions and institutions for the violence.⁶⁸ After a meeting on 18 March between UNMIK and local and institutional leaders, Prime Minister Bajram Rexhepi, along with other PISG ministers, Jakup Krasniqi, Ethem Çeku and Behxhet Brajshori went to Çaglavica/Çagllavicë – the scene of two days of severe violence - to convince the Albanian crowd to end their siege of the village. Reportedly within two minutes the violence stopped.⁶⁹

On 2 April Kosovo Albanian officials within the PISG, as well as representatives of the Turkish, Bosniak, Roma, Ashkali and Egyptian communities, signed an open letter addressed to the population, condemning the violence and calling on politicians and the people of all ethnicities to work together to build a better Kosovo. The letter called for a memorandum of understanding for a partnership between Kosovo Albanians and Kosovo Serbs based on mutual respect and the marginalization of extremists on both sides, and for a memorandum of understanding between the religious leaders and the population, according to which the religious leaders would preach tolerance and respect. The President of the Kosovo Assembly subsequently specifically condemned the violence against Kosovo Serbs in a speech to the Assembly.⁷⁰

The Albanian-dominated municipalities were specifically criticized by UN Secretary General Kofi Annan in his report on the March events to the UNSC on 30 April 2004. He stated:

⁶⁸ See ICG *o c* pp 25-26.

⁶⁹ *Ibid*, p 49 and UNSC S/2004/348 30 April 2004.

⁷⁰ UNSC S/2004/348, 30 April 2004.

“Overall, the municipalities — with very few exceptions — failed to respond adequately to the crisis and did not take timely measures to contain or prevent the violence. At the peak of the crisis, the reaction of the municipal authorities was generally passive or tardy. In most cases, the municipal authorities did not take measures to prevent the violence from spreading. Most municipalities condemned the violence through public statements or declarations of the Municipal Assembly; but anti-Serb proclamations were also made and there was reluctance to take constructive action or to reach out to the Kosovo Serb community. While Municipal Assemblies, Boards of Directors, or other municipal senior staff may have held emergency meetings, they often resulted in weak municipal declarations or were limited to discussions. Constructive action to address the violence was rare at those meetings. However, there were exceptions. The Municipal Presidents in Istok (Pec region) and Kamenica (Gnjilane region) took action on 17 March to disperse protesting crowds in the town. In Decani (Pec region), the Municipal President personally intervened to stop crowds from marching on the Serbian Orthodox monastery.

At the same time, the actions of a number of municipal officials provoked greater instability. Political party leaders in Urosevac (Gnjilane region) initially made an inflammatory statement, though the Municipal Assembly later issued a statement condemning the violence. Following the arson attacks on 19 homes in the Kosovo Serb return site of Belo Polje in Pec and the subsequent displacement of 24 people, the Pec Municipal President, who had repeatedly rebuffed requests to visit the site to welcome returnees, visited the village on 19 March 2004 after all its homes were destroyed to lay a wreath at the site where a Kosovo Albanian had been shot dead by an UNMIK police officer during the evacuation of Kosovo Serbs who were under attack. The Malisevo Municipal Assembly adopted an inflammatory declaration in support of those perpetrating the violence, condemning Serbian ‘criminals’ and accusing UNMIK of killing protestors.

Most municipalities continued to send negative signals after the violence subsided. In Pristina and Malisevo Albanian flags were put up on the municipal building in a sign of defiance and intolerance while in Pec an Albanian flag was placed across from the municipal building. In Kamenica the municipality and its President called for Kosovo Serbs to be removed from the payroll because of their absence from work.⁷¹ Only in five municipalities — Pristina, Obilic and Lipjan, Prizren and Vitina — did the policy and finance committees meet and allocate funds to the internally displaced.”

Amnesty International calls on the Kosovo municipal authorities to desist from policies which exacerbate inter-ethnic tensions, and – as set out in the Revised Kosovo Standards Implementation Plan to ensure that appropriate investigations are conducted, and sanctions imposed, on members of any municipal authority who contributed to the violence or failed to exercise their authority during that period.

⁷¹ The Kosovo Legal Aid Network (KLAN) reported that during the 17-18 March violence, two Ashkali brothers from Vučitrn/Vushtrri were unlawfully dismissed from their jobs at Vučitrn/Vushtrri hospital. KLAN, *CRP Activities Report* – May 2004.

The organization calls on the municipal authorities to take all necessary measures, including the development of a municipal return strategy, to ensure the successful return and integration of minority IDPs and refugees, including through the provision of non-discriminatory access to public services such as education, healthcare and social assistance.

The organization also urges that sanctions against individuals - such as job dismissal for failure to turn up for work - levied on any member of a minority community who was unable to turn up for work because of the March violence be lifted.

8.1 Reconstruction and compensation

The ORC informed Amnesty International in May that the reconstruction was to be led by the PISG with a support team from the ORC and that the PISG wanted it to be completed by September 2004. Money had been set aside for this task and the question of minority involvement in the reconstruction process whereby a certain percentage of the builders would be from minorities was at that time being worked out with the PISG. The PISG set up a Damage Assessment Committee headed by Behxhet Brajshori who announced on 25 May that the committee had estimated the damage to homes as totalling some €12m. He also emphasized that all the destroyed or damaged houses would be rebuilt by the end of October 2004.⁷² The ORC stated that the re-building/repair of the damaged or destroyed churches and other religious/cultural buildings was a separate issue in which UNESCO was also involved and was not at that time in the budget or in the same time-scale.

Thus the PISG has pledged to rebuild or repair homes destroyed or damaged in the March violence before winter, and on 9 June Behxhet Brajshori announced that of the 843 houses damaged in the March violence, 163 had been reconstructed and another 101 were in the process of being so.⁷³ However, the issue of compensation for moveable goods - personal property such as furniture, machinery, livestock and the like - had by mid-June not been agreed. ORC informed Amnesty International that UNMIK's position was that the loss of all such goods should be compensated for in full but that the PISG had not fully agreed to this as it feared abuse of such compensation through false claims.⁷⁴ In June ORC informed Amnesty International that the PISG was then considering a 'flat-rate' per person/family option or a possible 'start-up kit' to assist those who returned to re-built homes, but that this was all still under discussion.

Amnesty International calls for full compensation for all moveable goods destroyed, damaged or stolen during the March violence. The organization also believes that all victims of violent crime such as those who suffered during the March violence are also entitled to

⁷² *KosovaLive* news agency, 25 May 2004.

⁷³ *KosovaLive* news agency, 10 June 2004.

⁷⁴ ORC interview, 4 May 2004.

compensation as a right, and calls on the authorities in Kosovo to pay adequate compensation as required by international standards.

9. Minority Refugee and IDP returns to Kosovo

Amnesty International is extremely concerned that despite the events of 17-19 March - in which more than 4,000 members of minority communities were displaced following violent attacks, including arson, on their homes - many EU governments, especially Germany, Holland, Sweden, Denmark and Norway may attempt to forcibly return members of minority communities to Kosovo.

9.1 The Legal Framework

Since 1999, the majority of refugees from Kosovo who are members of minority communities have been granted temporary protection by states outside their normal refugee protection systems. In some countries, this temporary protection has been extended on an annual basis, and then only to certain groups of refugees, as the situation in Kosovo fails to improve. Whatever their status, Amnesty International notes that these states remain bound by their obligation to respect the principle of *non-refoulement*.

The grant of temporary protection has in some cases been extended to recognized Convention⁷⁵ refugees, and in others to people who have not as yet had access to a refugee status determination procedure. In either case, the principle of *non-refoulement* still applies and they may not be forced to return to Kosovo without an individualized assessment of whether they have a continuing well-founded fear of persecution in Kosovo.

Amnesty International believes that current conditions in Kosovo demonstrate that grounds do not exist for ending international protection in accordance with the cessation clauses under the Refugee Convention (Articles 1C(5) and (6)). The organization believes that this will remain the case until the conditions in the country of origin are demonstrated to have substantially and durably improved to the point where there is no risk of serious human rights violations against returnees. The events of March 2004 demonstrate that the situation in Kosovo, in particular in relation to minorities, remains highly volatile.

Amnesty International notes that UNHCR has recently called on host countries to refrain from any repatriation of minorities and to allow people who had previously agreed to a voluntary return, to withdraw from their decision.⁷⁶ The UNHCR position is both strong and

⁷⁵ Refers to the 1951 UN Convention on Refugees

⁷⁶ "UNHCR Position on international protection needs of individuals from Kosovo in light of recent inter-ethnic confrontations", 30 March 2004.

unequivocal, recognizing that the escalation of inter-ethnic violence was all over Kosovo, and that the speed and severity of the incidents underscore the highly volatile situation. It is also explicit about the palpable failures of UNMIK and KFOR to protect those affected by the violence. In this regard, UNMIK's and KFOR's failures should be seen as demonstrating that the organs which carry quasi-state responsibility in Kosovo are unable to provide protection in that territory.

Amnesty International does not believe that the current situation provides any basis for states to argue that individual asylum-seekers are able to benefit from an internal protection/flight alternative. While any such assessment must of course be made on a case by case basis, it is the organization's view that there must be clear evidence that protection is both legally and practically accessible. On this basis, it must be possible to conclude that a person who has a well-founded fear of being persecuted can nonetheless look to the authorities in his/her state of origin for protection that is both legally and practically effective and durable. The inability (or unwillingness) of the quasi-state to protect in this situation clearly illustrates that there is no basis on which the possibility of an internal protection/flight alternative can be credibly entertained. UNMIK, by routinely turning down requests from governments for *refoulement* of minorities,⁷⁷ tacitly admits that it cannot sufficiently protect these minorities. The internal protection/flight question is further complicated by the lack of clarity in relation to the question of Kosovo's final status. Amnesty International is opposed to relocation to Serbia and Montenegro (including for Serbs) not least because it legitimizes ethnic cleansing. Within Kosovo itself, return to small enclaves which depend upon protection by KFOR troops is unsustainable and should be opposed.

9.2 Continuing protection needs

Amnesty International had noted slow improvements in the safety and security of minorities, and an increase in their freedom from racist attacks and other forms of discrimination, including in access to social and economic rights, up until March of this year. However, the organization considers that following the events of 17-18 March 2004, the dangers to members of minority communities are now greater than they have been at any time since July-August 1999, when the majority of members of minority communities were driven from their homes by members of the KLA and others.

Although a large number - some 1,600 by mid-June⁷⁸ - of those displaced have returned since March, Amnesty International remains predominantly concerned about Serbian IDPs from Svinjare/Frashër, Obilić/q and other locations who are now living in northern Mitrovica/ë (town and municipality), and have no desire to return due to fears for their safety and security.

⁷⁷ ORC interview with Amnesty International delegates, 4 May 2004.

⁷⁸ The Belgrade Coordination center reported that 1,800 Serbs and other minorities had returned to their homes, *Beta* news agency, Belgrade, 26 April 2004.

Kosovo Serbs

Even before March, ORC policy was to refuse to accept any Serb or Roma returns, and had – in Germany for example – a memorandum of understanding in place, whereby Germany would not deport any Serbs or Roma to Kosovo. The understanding allowed for the return of Kosovo Albanians except those from N. Mitrovica/ë.

In March 2004 some 3,300 Serbs were forcibly displaced from their homes. Subsequently some 950 – as of 7 April – of these IDPs had removed themselves from KFOR bases and Serb enclaves, in which they had been given temporary shelter, to the Serbian municipalities around Mitrovica/ë, which already supports a population of some 3,000 forcibly displaced in July-August 1999.⁷⁹ These communities identified that they did not feel safe elsewhere, and even though their houses were to be rebuilt, they felt that they could not return to their homes after the March events.

Even in areas where Serbs have returned to their homes, and despite increased security patrols (for example in the Gjilan/Gnjilane region), it has been reported that individuals are considering selling their houses and moving to Serbia.

However, even after the March events, ORC informed Amnesty International in May that many EU states were now refusing to accept the previously asserted and respected rights of UNMIK to screen each potential return case. Other states also now appear to be pursuing the issue of an internal protection/flight alternative (being returned to Serbia) for both Serbs and Roma, which ORC, UNHCR and Amnesty International consider unacceptable. Amnesty International strongly opposes any suggestion that the internal protection/flight alternative is a viable option, based on the arguments above.

Kosovo Roma and Ashkali

Up until March 2004, ORC policy was to refuse to accept any cases of Roma being returned to Kosovo. In view of the specificity of the situation, and the small size of the population concerned, Amnesty International considers that it is possible to conclude that individual case assessments would show that forcible return of Roma or Ashkali, in the light of the attacks in Vučitrn/Vushtrri (see above), to Kosovo would constitute a violation of the principle of *non-refoulement* as these groups remain at risk. Amnesty International is thus also opposed to the promotion of voluntary repatriation in such circumstances. On 1 June the Kosovo Ombudsperson reportedly wrote to the governments of Belgium, Germany, Norway, Sweden and the Netherlands urging them to reconsider their decisions on deporting Kosovo Roma and Ashkasli. He stated: “The situation has deteriorated to such an extent that neither UNMIK nor

⁷⁹ Information from ORC.

the local police are in a position to guarantee the safety of members of these national minorities”,⁸⁰

Kosovo Albanians

Amnesty International maintains its position that Albanians from communities, including the three northern municipalities of Mitrovica/ë, Leposavić/q and Zubin Potok, and other locations in which they are in the minority, should not be subjected to forcible return.

Gorani, Bosniaks and Turks

Prior to the March events, ORC and UNHCR considered that Gorani, Bosniaks and Turks were able to safely return to Kosovo. These communities mainly live in the Prizren municipality where in March many Serbs were displaced from their homes, some after violent attacks, and many houses, several churches and other historic Serb buildings were burned down (see above).

Although Gorani, Bosniaks and Turks were rarely directly targeted in the March riots, the ORC considers that their freedom of movement has been limited and their perceptions of risk to their personal security have increased since the March events. Amnesty International urges the authorities in host countries to consider each individual on a case-by-case basis and again refrain from blanket deportations.

Amnesty International urges all countries to desist from forcibly returning all Serbs, Roma, and Ashkali as well as Albanians if they originate from minority communities such as N. Mitrovica/ë, Leposavić or Zubin Potok.

⁸⁰Information from ORC.

10. Summary of Amnesty International's concerns

Amnesty International is calling on NATO and KFOR to make public their investigation into KFOR actions during the March violence. The organization is also calling on the French government, NATO and KFOR to specifically undertake a thorough investigation into the role and actions of French KFOR in the violence in Svinjare/Frashër and to make the method and findings of such an investigation public. The organization is also calling for similar investigations to be undertaken by the German government, NATO and KFOR into the violence in Prizren.

Amnesty International is seriously concerned at the allegations of KPS involvement or acquiescence in the violence, and is calling on UNMIK to carry out thorough investigations into these allegations and to make the method and findings of such investigations public. The organization calls for any police officer found to have failed to discharge their duty to be subject to disciplinary procedures, and any found to have actively participated to be subject to criminal prosecution.

The organization is calling for a thorough and impartial investigation into the actions of the KPS in Vučitrn/Vushtrri in the events of 18 March and that any law enforcement officials reasonably suspected of complicity in the violence be brought to justice, and any found responsible for ill-treatment face disciplinary action, and where appropriate, criminal charges.

Amnesty International calls on UNMIK to comply with OMIK's recommendations and release details as to where the cases under investigation originated from, and whether any involve alleged KPS complicity.

Amnesty International further urges the authorities to ensure that all victims of attacks are regularly and fully informed about the progress of investigations, and about any action taken – including disciplinary or criminal action – as a result of the investigation.

The organization calls for COMKFOR Directive 42 to be immediately revoked, and urges that any person, not connected to the NATO-led military mission detained by KFOR should, as a matter of course, be transferred immediately over to the domestic authorities.

Amnesty International welcomes the shift in UNMIK policy to assist secondary displacement of IDPs, and calls on UNMIK and the municipal authorities to ensure that basic assistance, including adequate medical treatment for those in need, is provided to all IDPs including those such as the Serbs from Svinjare/Frashër, Obilić/q and other places who have decided to re-locate to N. Mitrovica/ë or other areas for reasons of perceived security.

Amnesty International is calling on EU member states to accept the Vučitrn/Vushtrri Ashkali as refugees.

Amnesty International calls for full compensation for all moveable goods destroyed, damaged or stolen during the March violence. The organization also believes that all victims of violent crime such as those who suffered during the March violence are also entitled to compensation as a right, and calls on the authorities in Kosovo to pay adequate compensation as required by international standards.

Amnesty International calls on the Kosovo municipal authorities to desist from policies which exacerbate inter-ethnic tensions, and – as set out in the Revised Kosovo Standards Implementation Plan to ensure that appropriate investigations are conducted, and sanctions imposed, on members of any municipal authority who contributed to the violence or failed to exercise their authority during that period.

The organization calls on the municipal authorities to take all necessary measures, including the development of a municipal return strategy, to ensure the successful return and integration of minority IDPs and refugees, including through the provision of non-discriminatory access to public services such as education, healthcare and social assistance.

The organization also urges that sanctions against individuals - such as job dismissal for failure to turn up for work - levied on any member of a minority community who was unable to turn up for work because of the March violence be lifted.

Amnesty International urges all countries to desist from forcibly returning all Kosovo Serbs, Roma, and Ashkali as well as Albanian if they originate from minority communities such as N. Mitrovica/ë, Leposavić/q or Zubin Potok.