Resolution 1077 (1996)[1]

Albanian asylum-seekers from Kosovo

Parliamentary Assembly

1. The Assembly is seriously concerned by persistent reports from many reliable sources of continuing systematic human rights violations against the Albanian population in Kosovo, including torture, police brutality, violent house searches, arbitrary arrests, political trials and irregularities in legal proceedings.

2. The Assembly deplores the ethnic persecution and discrimination which appear to be directed mainly at those Kosovo Albanians engaged in passive resistance to the Serb authorities, which suppressed Kosovo's autonomous status within the former Socialist Federated Republic of Yugoslavia in 1989, and at those active in the "parallel" Kosovo Albanian Assembly, Government, education, health and welfare systems. Such discrimination has also resulted in the dismissal of over a hundred thousand Kosovo Albanians from their jobs and the ejection of hundreds from their homes.

3. Invoking such persecution, some 340 700 Kosovo Albanians have sought asylum in several Council of Europe member states in recent years, for example 230 000 in Germany and 60 000 in Sweden. Between 3% and 15% per cent of these, depending on the country, have been given refugee status under the 1951 Geneva Convention and its 1967 Protocol. The remainder, considered to have migrated mainly for economic reasons, are subject to voluntary or forced repatriation.

4. When international sanctions interrupted air travel to the Federal Republic of Yugoslavia (Serbia and Montenegro), some Council of Europe countries organised the forced mass repatriation of rejected asylum-seekers from Kosovo via Bulgaria, Hungary and "the former Yugoslav Republic of Macedonia". However, the restoration of air travel has not permitted direct mass deportations since the federal Yugoslav authorities refuse readmission of rejected asylum-seekers unless certain conditions are met. These conditions, relating mainly to the validity of identity documents, financial assistance and the lifting of sanctions, are the subject of bilateral negotiations with the countries concerned, which have of necessity postponed planned mass repatriation pending their outcome.

5. Consequently, the Assembly, recalling its Recommendation 1237 (1994) on the situation of asylum-seekers whose asylum applications have been rejected, as well as United Nations General Assembly Resolutions 49/204 of 23 December 1994 and 50/190 of 22 December 1995 on the situation of human rights in Kosovo, and the resolutions on the subject adopted by the European Parliament in 1990, 1991 and 1992:

5.1. calls on the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Government of the Republic of Serbia:

a. to strictly respect and safeguard human rights in Kosovo;

b. to allow the International Committee of the Red Cross immediate access to all detainees;

c. to guarantee the return to their homes of rejected Kosovo Albanian asylum-seekers in safety and dignity;

d. to renounce their plans for the systematic mass resettlement of Serbs in Kosovo and to respect the principle of proportionality in deciding where to locate Serb refugees so as to avoid aggravating tensions between the Serbs and the Albanian majority in Kosovo;

1. Assembly debate on 24 January 1996 (5th Sitting) (see Doc. 7444, report of the Committee on Migration, Refugees and Demography, rapporteur: Mr Cucó). Text adopted by the Assembly on 24 January 1996 (5th Sitting).

e. to accept the good offices of the Council of Europe and the European Union in the organisation of a population census in Kosovo;

f. to resume negotiations with the representatives of the Kosovo Albanians with a view to finding a suitable framework for co-existence based on full recognition of, and respect for, the political, national, cultural, social and economic rights of the Kosovo Albanians in accordance with Council of Europe principles and instruments;

5.2. urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) allow the establishment of genuine democratic institutions in Kosovo, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict in the region;

5.3. calls on the Federal Republic of Yugoslavia (Serbia and Montenegro):

a. to adopt an amnesty for deserters and draft evaders;

b. to fulfil its obligation to readmit rejected asylum-seekers from Kosovo in accordance with international law;

5.4. calls on the representatives of the Kosovo Albanians to explore every opportunity to find a suitable framework for co-existence between the Serbian and Kosovo Albanian populations based on full recognition of, and respect for, their political, national, cultural, social and economic rights in accordance with Council of Europe principles and instruments;

5.5. invites the governments of the member states of the Council of Europe:

a. to renounce their intention to forcibly return rejected Albanian asylum-seekers from Kosovo, and to grant them temporary protection until such time as the human rights situation in Kosovo allows them to return in safety and dignity;

b. to organise any voluntary returns in groups under the aegis of the International Organisation for Migration (IOM) directly to Pris¯tina airport, after informing local human rights organisations;

c. to discuss the problems of the Kosovo Albanian asylum-seekers and refugees directly with the representatives of these groups;

d. to exert pressure on the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Government of the Republic of Serbia to respect and safeguard the human, political and national rights of the Kosovo Albanians;

e. to promote the resumption of dialogue between the representatives of the Kosovo Albanians and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Serbia under the aegis of the high representative responsible for the civilian aspects of the implementation of peace, referred to in the Dayton Agreement, with a view to agreeing confidence-building measures and to reaching a mutually acceptable political settlement;

5.6. invites the Organisation for Security and Co-operation in Europe (OSCE) to allow the Federal Republic of Yugoslavia (Serbia and Montenegro) to resume participation in its work with a view to fostering dialogue between the Serb authorities and the Kosovo Albanians and to sending a long-term international observer mission to Kosovo in co-operation with the Council of Europe;

5.7. calls on the Governments of Bulgaria, Hungary, "the former Yugoslav Republic of Macedonia" and Romania to refuse to allow their countries to serve as transit points for the forced return of rejected Albanian asylum-seekers from Kosovo.