Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1397 (1999)[1]

Crisis in Kosovo and situation in the Federal Republic of Yugoslavia

Parliamentary Assembly

1. The Assembly expresses its strongest condemnation of the killings of forty-five ethnic Albanians in the village of Racak on 15 January 1999 by Serbian security forces. The Assembly takes note of the reports by the Kosovo Verification Mission (KVM), stating that some of the victims, including women, elderly persons and at least one child, had been shot at close range.

2. The Assembly demands that the instigators and perpetrators of this crime be brought to justice. It recalls that, according to Article 8 of the Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the court has the competence to investigate this and other allegations of crimes against humanity committed in Kosovo. Consequently, it demands that the Yugoslav authorities end their obstruction of the tribunal's work and in particular, to allow ICTY officials into Kosovo to investigate these killings.

3. The Assembly expresses its full support for the work of the Kosovo Verification Mission (KVM) and demands that the Yugoslav authorities and the Kosovar political forces fully co-operate with this mission.

It requests the Yugoslav authorities to respect the relevant resolutions of the United Nations Security Council, the agreement concluded between the Special Envoy of the United States President, Ambassador Holbrooke, and Yugoslav President Miloševic, as well as subsequent agreements concluded by the Yugoslav authorities with the OSCE and Nato.

If the non-respect of international obligations by the Yugoslav authorities continues, the Assembly calls on the relevant international bodies to actively consider all options to ensure their compliance.

The Assembly strongly condemns all acts of terrorism committed by the Kosovo Liberation Army (KLA/UCK) and other armed groups. It calls on the Albanian political forces in Kosovo to put pressure on the KLA/UCK to make it comply with the demands of the international community.

It calls for the deployment of substantial international military forces on the frontier between the Federal Republic of Yugoslavia and Albania with a view to preventing the smuggling of arms to fighting groups in Kosovo.

The Assembly notes that the escalation of the conflict in recent weeks has led to a further deterioration of the situation of refugees and displaced persons in the region, in particular preventing their return. The Assembly considers that, pending agreement on a political solution to the conflict, priority should be given to protection and assistance for refugees, displaced persons and persons deprived of liberty, as well as to the tracing of missing persons. The Assembly expresses its full support for the efforts made in this field by the UNHCR, the ICRC and other humanitarian agencies, and calls on the member states to step up donor funding in response to the consolidated interagency appeal launched by the United Nations on 17 December 1998.

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1. Assembly debate on 28 January 1999 (6th Sitting) (see Doc. 8308, report of the Political Affairs Committee, rapporteurs: MM. Bársony and Bloetzer; Doc. 8309, opinion of the Committee on Migration, Refugees and Demography, rapporteurs: MM. Dinçer and Iwinski; and Doc. 8310, opinion of the Committee on Culture and Education, rapporteur: Mr Zingeris). Text adopted by the Assembly on 28 January 1999 (6th Sitting).

In view of the present humanitarian situation in Kosovo, the Assembly welcomes the member states' positive response to the UNHCR's appeal not to deport rejected asylum seekers to Kosovo, and calls on governments to maintain this policy.

It urges both sides to begin negotiations without preconditions on the future political status of Kosovo and lends its support to the efforts of the Contact Group in this respect. The Assembly reiterates its position that such political status should respect the territorial integrity of the Federal Republic of Yugoslavia.

The Assembly reiterates that a long-term, peaceful solution to the crisis will require democratic reforms throughout the Federal Republic of Yugoslavia. In this context, it expresses its grave concern at the rapidly deteriorating human rights situation in Serbia, in particular the further restrictions on the freedom of expression imposed by the recent Serbian law on public information and the law on universities. It calls for both laws to be abrogated immediately.

The Assembly considers that, until now, its political dialogue with the authorities of the Federal Republic of Yugoslavia has not produced any significant results. Maintaining such a dialogue will largely depend on the compliance of these authorities with the Assembly's recommendations.

It reaffirms its decision to continue dialogue with democratic political forces and representatives of civil society committed to a peaceful solution of the Kosovo crisis and democratic reforms in the Federal Republic of Yugoslavia. In this context, it welcomes the initiative of the Political Affairs Committee to invite them to attend a parliamentary colloquy on the future political status of Kosovo in Paris on 12 March 1999 and encourages other committees to hold similar meetings in their fields of competence, in particular that of education.

The Assembly considers that the present Yugoslav authorities do not respect any of the principles of the Council of Europe.

The Assembly therefore recommends that the Committee of Ministers :

1. consider, if the non-respect of international obligations by the Yugoslav authorities continues, sending back the request for Council of Europe membership by the Federal Republic of Yugoslavia submitted by its Minister of Foreign Affairs on 18 March 1998;
2. urge member states to take appropriate measures to stop all terrorist and military activities including those by the KLA/UCK and other Kosovo Albanian armed groups;
3. rapidly formulate positive ways in which the Council of Europe can contribute to the activities of KVM;
4. submit formally to the Contact Group a Council of Europe offer to contribute, in its field of competence, to the implementation of the group's proposals for the solution of the conflict;
5. urge member states to generate the necessary resources to ensure adequate protection and assistance to refugees and displaced persons by UNHCR and other humanitarian agencies in Kosovo;
6. increase its support to civil society in the Federal Republic of Yugoslavia and use all possible means to make this support known to non-governmental organisations, to the authorities of the Federal Republic of Yugoslavia and to the Yugoslav population at large, for example by organising meetings on the spot and fact-finding missions.