

Working Group on the Protection of Persons Under Threat in Kosovo

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Participants made the following specific recommendations:

To the United Nations:

1. **The UN Secretary-General as a matter of high priority should raise the issue of protection of civilians in Kosovo directly with world leaders and UN bodies.**
2. **The UN should create a central point of contact at headquarters for ensuring adequate support and attention to protection issues in Kosovo.** The Office for the Coordination of Humanitarian Affairs (OCHA) might play a pivotal role until there is a UN human rights mission in place.
3. **The UN and donor countries should provide the High Commissioner for Human Rights with adequate resources to field a human rights monitoring mission** in order to increase presence in the field, evaluate and report on protection concerns, conduct an assessment of the legal system, engage in trial monitoring and visits to detainees in cooperation with the ICRC, and when appropriate, assist UNHCR in determining when conditions exist for return in safety and dignity.
4. **An emergency joint mission by UN Rapporteurs and Working Groups (as mentioned above) and the Representative of the UN Secretary-General on Internally Displaced Persons** should be undertaken.
5. **The UN should review its participation in the provision of assistance to government-run "humanitarian centers"** given the concerns expressed above and reports that food shipments have been interdicted by Serbian forces.
6. **UNHCR should expand its presence in Kosovo and all necessary support should be given to its effort.** UNHCR protection officers in Bosnia and Hercegovina made a valuable contribution through their presence. More protection officers could bolster the UNHCR staff in Kosovo.
7. **Other UN agencies should consider expanding their operations in Kosovo to meet the growing humanitarian needs.**

To the US Government:

1. **The US Government needs to make good on its stated promises not to allow a repeat of the atrocities committed in Bosnia. It should assume a leadership role in NATO on this issue, and should not be seen as substituting the provision of food for decisive political or military action.**
2. Kosovo represents a significant threat to regional peace and security. Unchecked violence could easily spill over into Macedonia and other areas. **But the US should not allow a policy of "containing" the crisis in the Balkans to overlook the need to protect the people of Kosovo.** The focus on containment has emboldened the FRY to continue its attacks on its own citizens while hiding behind the cloak of sovereignty.
3. **The US should follow through quickly with its stated interest in enlarging KDOM (Kosovo Diplomatic Observer Mission).** The inclusion of more observers from countries perceived as neutral could help expand KDOM's ability to secure access to areas where civilians are at risk. Experts in international humanitarian law might also be invited to join the teams.
4. **Participants expressed appreciation for current US efforts to distribute food to civilians where they are as opposed to encouraging them to come to FRY Government-designated centers.** One participant recommended "saturating the area with food" and another making air drops of food in order to reach persons in need and to send a message that the international community will not tolerate the blocking of humanitarian assistance.
5. **The United States should ensure that information relating to war crimes and crimes against humanity be forwarded to the International Criminal Tribunal for the former Yugoslavia,** including that which relates to leadership responsibility for violations of international law.

To the International Community:

1. **Contingency plans must be developed** for two scenarios--one in which there is military intervention and the other in which there is no such intervention. In both cases, monitoring of violations of international humanitarian and human rights law should play an important part as well as accountability.
2. **International support should be mobilized for ICRC and KDOM access to detainees.** Once a detainee is registered by ICRC, the incidence of summary execution and torture is decreased. Visits to detainees by KDOM or others should be coordinated with the ICRC, which has strict standards for visitation.
3. **A list of persons denied visas to Kosovo should be compiled and the list made public in an effort to bring pressure on the FRY to gain access.** Representatives of international humanitarian organizations, human rights groups and prominent individuals, for instance the US Ambassador for War Crimes Issues, David Scheffer, have been denied visas.
4. The decision of the Montenegro to re-open its border to IDPs is encouraging. While recognizing the difficulty of neighboring countries and republics to

shoulder the economic and social responsibility for refugees and IDPs, **the right to freedom of movement and to seek asylum should be strongly defended and supported with provisions of aid.**

5. **Special attention should be paid to the protection of local NGO workers.** Given the killing of three ethnic Albanian humanitarian aid workers and the disappearance and imprisonment of local human rights activists, protective accompaniment should be provided to these groups. One participant suggested that monks from the Orthodox church accompany ethnic Albanian humanitarian workers. Similarly, international and Albanian humanitarian aid workers should work to ensure that Serbian non-combatants are assisted.
6. The investigation of allegations of violations of international humanitarian law by both sides and appropriate subsequent legal action is in the view of the participants an immediate imperative. **It was recommended that persons in Canada and other nations urge Chief Prosecutor Louise Arbour of the International Criminal Tribunal to visit the Federal Republic of Yugoslavia, establish an ICTY office in Kosovo, and expedite investigations there.**