

**Flygtningenævnets baggrundsmateriale**

|                                    |                                                 |
|------------------------------------|-------------------------------------------------|
| <b>Bilagsnr.:</b>                  | <b>15</b>                                       |
| Land:                              | Kosovo                                          |
| Kilde:                             | US Department of State                          |
| Titel:                             | Country Report on Human Rights Practices – 2008 |
| Udgivet:                           | 25. februar 2009                                |
| Optaget på<br>baggrundsmaterialet: | 24. marts 2009                                  |
|                                    |                                                 |

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| <b>Title</b>            | 2008 Country Reports on Human Rights Practices - Kosovo                                                                                                                                                                                                                                                    |
| <b>Publisher</b>        | United States Department of State                                                                                                                                                                                                                                                                          |
| <b>Country</b>          | Serbia                                                                                                                                                                                                                                                                                                     |
| <b>Publication Date</b> | 25 February 2009                                                                                                                                                                                                                                                                                           |
| <b>Cite as</b>          | United States Department of State, <i>2008 Country Reports on Human Rights Practices - Kosovo</i> , 25 February 2009. Online. UNHCR Refworld, available at: <a href="http://www.unhcr.org/refworld/docid/49a8f17bac.html">http://www.unhcr.org/refworld/docid/49a8f17bac.html</a> [accessed 23 March 2009] |

## 2008 Country Reports on Human Rights Practices - Kosovo

Bureau of Democracy, Human Rights, and Labor  
February 25, 2009

Kosovo declared independence from Serbia on February 17. The country has a population of approximately 2.2 million. The UN Interim Administrative Mission in Kosovo (UNMIK) administered Kosovo under the authority of UN Security Council (UNSC) Resolution 1244 of 1999 until June 15, when the country's constitution entered into effect. The constitution establishes a parliamentary democracy and incorporates international human rights conventions and treaties. Multiparty elections in November 2007 for the Assembly generally reflected the will of the voters. Prior to February 17, Kosovo was administered under the civil authority of UNMIK, led by a special representative of the UN secretary-general (SRSG). The government gradually assumed authority and responsibilities in most areas during the year. With the promulgation of the constitution in June, the UNMIK role in the administration of Kosovo was supplanted by other internationally-sponsored mechanisms envisioned under the Ahtisaari plan, including the International Civilian Office and the EU Rule of Law Mission (EULEX), which replaced UNMIK police on December 9. The government, UNMIK international civilian authorities, and the UN-authorized North Atlantic Treaty Organization peacekeeping force for Kosovo (KFOR) generally maintained effective control over security forces.

The government and UNMIK generally respected the human rights of residents; however, there were problems in some areas, particularly relating to minority communities. The most serious of these were deaths and injuries from unexploded ordnance or landmines; corruption and government interference in security forces and the judiciary; lengthy pretrial detention and lack of judicial due process; cases of politically and ethnically motivated violence; societal antipathy against Serbs and the Serbian Orthodox Church; lack of progress in returning internally displaced persons to their homes; government corruption; violence and discrimination against women; trafficking in persons, particularly girls and women for sexual exploitation; societal violence, abuse, and discrimination against minority communities; societal discrimination against persons with disabilities; abuse and discrimination against homosexuals; and child labor in the informal sector.

### RESPECT FOR HUMAN RIGHTS

#### 1. Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government, UNMIK, or its agents committed arbitrary or unlawful killings. Unlike in previous years, UNMIK forces did not kill any individuals during demonstrations.

On April 4, Human Rights Watch wrote to the governments of Kosovo and Albania requesting that the governments investigate alleged organ trafficking of civilians from Kosovo to Albania during the 1999 Kosovo conflict. Both governments rejected the allegations. In 2004 allegations first arose that in 1999 traffickers kidnapped civilians from Kosovo and brought them to Albania, where some were killed and their organs sold. At that time UNMIK and the International Criminal Tribunal for the Former Yugoslavia (ICTY) conducted preliminary investigations into the matter, which resulted in no further action. Albanian authorities stated that they cooperated in those investigations. In July the Council of Europe appointed a special rapporteur to report on the allegations. In October Albanian prosecutors met with their Serbian counterparts in Tirana to discuss the issue. They were unable to agree on joint next steps.

During the year UNMIK authorities completed their investigation in the case of UNMIK security forces who shot and killed two protesters and seriously wounded two others with rubber bullets during a February 2007 demonstration by the Self-Determination Movement in which protestors became violent. The UNMIK Department of Justice concluded the loss of life was unjustified and that the facts gave reasonable suspicion of criminal acts among security personnel who had fired the rubber bullets. The UNMIK Department of Justice also concluded that insufficient evidence existed for charges to be lodged against any particular officers.

There were reports of politically motivated attacks and threats against Kosovo Albanian political and institutional figures during the year.

On January 8, prosecutors charged Kosovo Serbs Milic Milicevic, Milivoje Zdravkovic, Radojko Dunjic and Dusan Manjolic for assaulting members of SRSJ Joachim Ruecker's and KFOR Commander General Xavier de Marnhac's security detail in Gorazdec/Gorazdevac, Peje/Pec in December 2007. According to media accounts, some Kosovo Serb villagers were angry that Ruecker and de Marnhac had chosen to meet with two Kosovo Serbs working for the Kosovo government whom the attackers believed did not represent the broader community. There were no reports of injuries.

During the year there were reports of two deaths and three injuries from landmines or unexploded ordnance from the 1998-99 conflict.

There were developments in the February 2007 incident in which shots were fired at Anton Berisha, the head of the Telecommunications Regulation Authority, as he traveled on the Pristina-Peje/Pec highway. On April 22, the Pristina District Court placed suspects Agron Haradinaj, Mentor Qela, Agim Hoti, and Driton Spahiu in pretrial detention. Police also arrested and subsequently released three others suspected of involvement. The trial of the four defendants continued at year's end.

There were no developments in the 2007 killing of Kosovo Police Service (KPS) officer Avni Kosumi; a police investigation remained ongoing at year's end.

There were no developments during the year in the December 2006 case of Hetem Sadri Rexhaj, who was killed in police custody in Peje/Pec. There were also no developments in the investigations of the following killings that may have been politically motivated: the 2006 killing of Mark Oroshi, who was suspected of killing attorney and Istog/Istok Democratic League of Kosovo (LDK) political activist Shaban Manaj in 2001, or the 2006 killing of Kosovo Serb Dragan Popovic, who was shot and killed in his home in the ethnically mixed Kline/Klina municipality.

On April 17, the Prizren District Court convicted Osman Zyberaj and Shyqeri Shala for the 2005 murder of Hasan Rustemi and the attempted murder of Nezim Rustemi. Both victims were witnesses in the then-ongoing trial of Selim Krasniqi, a Kosovo Protection Corps (KPC) officer charged with war crimes against Kosovo Albanian civilians in the Drenoc/Drenovac Detention Camp in Prizren in 1998. Krasniqi and one codefendant were convicted and sentenced to 7 years' imprisonment in 2006.

On June 6, Florim Ejupi was found guilty for the "Nis Express" bus bombing case and

sentenced to 40 years' imprisonment. Ejupi had been indicted on charges that he and accomplices planned and executed the 2001 bombing near Podujeve/Podujevo that killed 11 Kosovo Serbs and injured 40 others.

#### **b. Disappearance**

There were no reports of politically motivated disappearances; however, there were still thousands of persons missing from the 1998-99 conflict whose remains had not been identified or whereabouts determined.

According to the International Committee of the Red Cross (ICRC), as of November there were 1,919 persons still listed as unaccounted for since the 1998-99 conflict, of whom 70 percent were Kosovo Albanians and 30 percent were Kosovo Serbs and other minorities.

During the year the Ministry of Justice and the Office on Missing Persons and Forensics (OMPF) continued to identify the remains of missing persons. On December 9, EULEX joined their operations. Since 2002 the OMPF, in coordination with the Ministry of Justice, performed 642 field operations and exhumations, 71 of which took place from January to November. Since 2002 the OMPF recovered the remains of over 3,800 missing persons and focused on identifying 1,570 sets of human remains discovered in Kosovo, along with approximately 900 sets from Serbia.

By the end of November, 396 unidentified sets of remains were in OMPF custody (354 bodies were exhumed in Kosovo and 42 were transferred from Serbia). Through November the OMPF received 101 positive DNA matchreports, representing 54 identifiable individuals. During that same period, the OMPF and the International Commission on Missing Persons worked on the identification of 12 cases of missing persons for which there were not enough blood donors to provide information for a match. DNA information and traditional methods were combined to confirm identification of remains. During the first 11 months of the year, the OMPF conducted 71 field operations, recovering 60 unidentified remains and transferring them to the mortuary for autopsy and identification.

In 2006 the Serbian government transferred the last sets of identified remains of Kosovo Albanian victims of the 1998-99 conflict found in mass graves in Serbia. These remains were returned to families for burial. Families of the missing continued to request that the Serbian government provide access to records that might indicate locations of additional mass graves or places where bodies may have been incinerated.

During the year, officials from Kosovo and Serbia met three times in a working group on missing persons, chaired by the ICRC and under the auspices of the SRSG. Although a sub-working group on forensic issues met three times during the year and the parties conducted several teleconferences on forensic issues, hundreds of sets of human remains in the Pristina morgue remained unidentified.

According to the ICRC, during the period between January and August, the OMPF handed over 75 identified sets of human remains to families, including nine victims from ethnic minority communities. Forty-one were transferred through the OMPF from Serbia to Kosovo; 16 were transferred from Kosovo to Serbia (exhumed in Kosovo and handed over to families in Serbia), and 98 were transferred within Kosovo (exhumed in Kosovo and handed over to families in Kosovo).

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law and constitution prohibit such practices. Unlike the previous year, there were no reports that the government, UNMIK (which maintained oversight and executive authority in police functions through December 9), EULEX, or KFOR (which has limited arrest and detention authority) engaged in such practices.

In April 2007 a KPS-led raid in the Serb-majority municipality of Shterpce/Strpce,

conducted solely by ethnic Albanian police officers, resulted in injuries to several Kosovo Serb suspects and credible allegations of excessive use of force and inappropriate behavior. As a result, the KPS launched an investigation of 11 officers. The KPS issued formal disciplinary letters to five of the officers and cleared the remaining six officers of wrongdoing. Following this incident, KPS implemented a new requirement that at least one KPS officer who belongs to the ethnic group targeted by a police operation participate in planning. Additionally, new guidelines require that an officer who speaks the language of the suspects must be present at all times to translate.

#### *Prison and Detention Center Conditions*

Prisons and detention centers reportedly met international standards; and the government permitted visits by independent human rights observers. During the year there were some allegations of abuse and mistreatment of prisoners. The Kosovo Rehabilitation Centre for Torture Victims (KRCT), an NGO that visited and monitored Kosovo prisons during the year, reported in December that Kosovo Correctional Service (KCS) staff physically and verbally abused prisoners at the Dubrave/Dubrava prison. The KRCT also reported on additional allegations of mistreatment regarding the Lipjan/Lipljan prison.

In August 2007, a group of prisoners incarcerated for terrorism, murder, attempted murder, and robbery escaped from Dubrave/Dubrava prison. Police subsequently arrested three escapees. Macedonian police subsequently killed three other escapees near Tetovo, Macedonia, in November 2007. On March 25, the KPS confirmed the arrest of three additional escapees. At year's end, two escapees remained at large.

UNMIK reported bringing disciplinary proceedings against KCS members during the year. Through November 30, 22 KCS staff members were dismissed from the service, three received written warnings, and one staff member was demoted.

During the year the average monthly prison population at Dubrave/Dubrava was 744 inmates, below its total capacity of 1,104. The Dubrave/Dubrava and Lipjan/Lipljan prisons and six detention centers operated during the year, including the newly renovated Lipjan/Lipljan detention center.

During the year UNMIK completed transfer of responsibility for administering Kosovo's prisons to the KCS, which operates under the Ministry of Justice. The KCS managed daily operations at the Dubrave/Dubrava prison, with the exception of the 32-prisoner high-risk section, which remained under international supervision. UNMIK retained a limited monitoring and mentoring role in the prisons and relinquished its previous authority to take control of the prison system during emergencies.

UNMIK permitted ICRC and ombudsman visits and monitoring of the country's prisons and detention centers. In February 2007 the Ministry of Justice granted the Council for Defense of Human Rights and Freedoms (CDHRF), a local NGO, full access to all prisons, detention centers, and correction centers. The CDHRF had previously complained that it was denied access on some occasions. The CDHRF, along with the ICRC, the ombudsman, and the Kosovo Center for the Rehabilitation of Torture Survivors inspected Dubrave/Dubrava prison during the year.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government, UNMIK, and KFOR generally observed these prohibitions.

#### *Role of the Police and Security Apparatus*

Local security forces included the KPS and the KPC, a civilian emergency response organization that functioned under the authority of the SRSG. Through early December, UNMIK maintained oversight and intervention authority over the police but continued to

transfer police authority and functions to the KPS. On December 9, EULEX took over UNMIK's mandate to monitor, mentor, and advise local judicial and law enforcement institutions. EULEX also possessed limited executive authority in areas including war crimes, witness protection, the Financial Intelligence Unit, and international police.

Through early December, an international commissioner of police directed both UNMIK police and the KPS. After December 9, the head of the EULEX police component assumed responsibility for monitoring, mentoring, and advising the KPS. Members of ethnic minorities comprised 15.5 percent of 7,050 KPS officers at year's end; 10 percent of KPS officers were Kosovo Serbs. Following the February 17 declaration of independence, 347 Kosovo Serb officers began boycotting the KPS in protest, largely at the behest of Serbian authorities; however, the Ministry of Internal Affairs continued to pay the boycotting officers. Women accounted for approximately 15 percent of KPS officers.

Executive authority over the KPS was shared among the government, UNMIK, and EULEX. The KPS was responsible for all day-to-day police operations in all areas of the country except the northern regions of Zubin Potok, Zvecan, Leposaviq/Leposavic, and Mitrovica/Mitrovica. In those regions Kosovo Serb KPS units worked directly for UNMIK until EULEX supplanted UNMIK on December 9. Specialized police units on war crimes, counterterrorism and hostage rescue, and the witness protection program remained staffed by international UN police officers and operated independently of the KPS due to the sensitivity of those functions. Units on criminal intelligence and organized crime were operated jointly. Both the international police and the judiciary have broad discretion to intervene in any particular criminal matter. As a practical matter, most policing duties and responsibilities were in the hands of the KPS.

Corruption and government influence remained problems in the security forces. For example, in September police arrested seven members of the Customs Service for their involvement in a ring smuggling pharmaceuticals into the country. There was no further information available at year's end.

The Police Inspectorate of Kosovo (PIK) operates as an independent body under the Ministry of Internal Affairs, designed to promote police efficiency and effectiveness, hold police accountable for their actions, and investigate alleged legal violations. The PIK forwards the results of investigations revealing violations to the Senior Police Appointment and Disciplinary Committee (SPADC) for possible further action. During the year the PIK investigated 2024 active cases, of which 789 were based on complaints from citizens, and 1,235 were from the KPS itself. Of those cases, 168 were being investigated further, 323 were deemed unfounded, 482 investigations were completed and forwarded to SPADC, and 781 were turned over to the Professional Standards Unit (PSU), which focused on investigating and punishing minor police offenses. The remaining 270 cases were still under investigation. Forty-three percent of serious violations were for conduct unbecoming an officer, while 30 percent were for insubordination. Nine percent of investigations involved allegations of inappropriate use of force, 5 percent focused on allegations of criminal offenses, and 1.5 percent concerned complaints of corruption.

The PSU handles the investigation and punishment of minor police offenses and is run by the KPS. During the year, the PSU opened 989 cases, most commonly involving unauthorized absence from duty, leaving the area of assignment, and damage or loss of police property. As of year's end, 716 of these cases were completed, 500 were deemed to have merit, 212 were deemed unfounded, and four remained open. The PSU closed one case without investigative measures due to the resignation of the accused officer. Sanctions ranged from dismissal to temporary suspension or mandatory training. As of December, a total of 273 cases were still under investigation; in cases involving violations of the criminal code, many of the employees were suspended temporarily pending a court decision.

#### *Arrest and Detention*

Police generally made arrests openly using a warrant issued by a judge or prosecutor;

however, in some cases, masked or undercover officers conducted arrests. By law, arrests must be based on prosecutor orders and arrestees must be brought before a judge within 72 hours. The majority of the year's arrests were carried out by the KPS. There were no reports that the KPS abused the 72-hour rule; authorities generally charged arrestees within six hours or released them. Arrestees have the right to be informed of the reason for their arrest in a language they understand; to remain silent and not answer any questions except those concerning their identity; to obtain free assistance of an interpreter; to obtain defense counsel and to have defense counsel provided if they cannot afford one; to receive medical and psychiatric treatment; and to notify a family member. KPS and UNMIK police generally respected these rights in practice.

Under extraordinary circumstances, KFOR can arrest and detain individuals without a warrant. The KFOR commander can detain individuals for 72 hours, renewable for a second 72-hour period. After 144 hours, KFOR must then release a detainee. There were no reports that KFOR arrested persons without a warrant during the year.

KPS and UNMIK police may hold individuals for up to 72 hours without a court order. The court may hold individuals in pretrial detention for 30 days from the day of arrest but can extend detention up to a total of 18 months. The law allows for house arrest, confiscation of travel documents, and expanded use of bail as alternatives to pretrial detention, but these were applied in only a handful of cases. Defendants could also appeal their detention on remand.

Lengthy detentions, both before and during judicial proceedings, remained a problem. The law provides that a judge may impose this extraordinary measure only when ordinary measures, such as house arrest, are insufficient to secure the defendant's presence during criminal proceedings and enable proper administration of the criminal proceedings. In practice judges routinely used detention on remand without showing any evidentiary justification.

Trial delays were caused by factors including judicial inefficiency and corruption.

#### **e. Denial of Fair Public Trial**

The constitution, the previous constitutional framework, and the government provide for an independent judiciary; however, the local judiciary was at times biased and subject to outside influence and did not always provide due process. There were credible reports of corruption in the local judiciary, and the court system was inefficient.

Until December 9, legal authority was held by UNMIK under UNSC Resolution 1244. UNMIK police and justice authorities held executive responsibility for the judicial system but worked with local judges and prosecutors; UNMIK continued to transfer some reserved competencies to the Ministry of Justice, the Ministry of Internal Affairs, and the KJC until it was replaced by EULEX. The Serbian government continued to operate an unsanctioned parallel judicial system in Kosovo Serb enclaves and in majority Serb municipalities. In mid-March protests against Kosovo's independence, Kosovo Serb protesters forced the closure of the district and municipal courts in Mitrovica/Mitrovica and municipal courts in Leposaviq/Leposavic and Zubin Potok. On October 3, UNMIK announced the reopening of the Mitrovica/Mitrovica District Court. On December 9 EULEX deployed three judges, three prosecutors, and three legal officers to the Mitrovica/Mitrovica District Court. The municipal courts remained closed at year's end.

The court system includes a Supreme Court, five district courts, including a commercial court, 25 municipal courts, 25 minor offense courts, and an appellate court for minor offenses. At year's end there were eight UNMIK-appointed international judges and seven international prosecutors. The government maintained a central public prosecutor's office, five district prosecutors, and seven municipal prosecutors. The Kosovo Special Prosecutors Office continued to operate under UNMIK oversight, and included six special prosecutors focused on serious crimes including human trafficking, corruption, and

counterterrorism.

While the law provides that a panel of two professional and three lay judges try serious cases, an UNMIK regulation authorizes international prosecutors to try cases of a sensitive ethnic or political nature before a panel of three international judges. Since beginning their work in 2000, international prosecutors completed 513 of the 727 cases assigned to them.

During the year UNMIK divided its Judicial Inspection Unit into two distinct units: the Office of the Disciplinary Counsel (ODC) and the Judicial Audit Unit (JAU). The ODC was responsible for investigating the activities of judges, prosecutors, and lay judges and for prosecuting cases of misconduct before the Kosovo Judicial Council (KJC). The JAU analyzed and evaluated the functioning of the courts and public prosecutors' offices, and submitted reports and recommendations to the KJC, Ministry of Justice, and the Assembly. Since 2001 the ODC processed a total of 2,482 complaints, including 399 during the year. Of those 399, the unit rejected 221 cases and completed 50 investigations. During the year the ODC referred 40 cases to the KJC, which had a total of 59 cases pending at year's end. The KJC convened one disciplinary hearing before the Judicial Disciplinary Committee. During the year the JAU completed three audit reports.

### *Trial Procedures*

Trials are public, and the law provides for the right of defendants to be present at their trials, to confront witnesses, to see evidence, and to have legal representation. Representation may be provided at public expense if necessary; however, this procedure was used rarely in practice. Defendants are presumed innocent until proven guilty and have the right of appeal. Trials are heard by panels consisting of professional and lay judges; there are no jury trials.

In 2007 the government established a Legal Aid Commission, an independent government agency that provides free legal assistance to low-income individuals. The commission began operations in January. As of June 30, it had provided legal assistance to 538 persons through the five district Legal Aid bureaus. The commission provided assistance to 272 persons in administrative matters, 207 in civil matters and 59 in criminal matters. Of all persons receiving assistance, 207 (38 percent) were female and 48 (9 percent) were minorities, including members of the Roma, Turkish, Bosniak, Serbian, and Egyptian communities. The commission referred 79 cases (15 percent) to advocates from the national bar association for legal aid-funded court representation while legal aid officers handled the remaining cases. The most common types of legal disputes included social assistance and pension cases, property and family law cases, and inheritance disputes.

The Ministry of Justice-operated judicial integration section continued to address judicial system problems affecting minorities. In addition, the ministry operated 11 court liaison offices to assist minority communities in Kosovo Serb-majority areas by accompanying members of minorities to courts, filing documents with courts on their behalf, and providing information and legal assistance to refugees and internally displaced persons (IDPs). In response to past criticism by legal experts and human rights observers of a lack of fairness in criminal trials involving ethnic minorities, international judges and prosecutors – rather than Kosovo Albanians – tried and prosecuted cases involving Kosovo Serbs.

Kosovo's justice system and the ICTY continued to identify and punish perpetrators of war crimes from the 1998-99 conflict; however, many cases remained unresolved.

On May 27, Pristina police arrested Gjelosh Krasniqi, one of four men implicated in the 1999 disappearance of police officer Mark Luli, and charged Krasniqi with war crimes, kidnapping, robbery, and murder. Prosecutors alleged that Krasniqi and three unknown armed suspects entered Luli's home dressed in German KFOR uniforms and ordered Luli to accompany them; Luli was never seen again. Krasniqi remained in custody awaiting trial at year's end.



On October 10, an international prosecutor indicted Momcilo Jovanovic for war crimes in the Peje/Pec District Court. Jovanovic was charged with murder and other violations of the laws of war for incidents that took place in 1998 and 1999 in the village of Katundi i Ri/Vitomirca. Further court proceedings were pending at year's end.

#### *Political Prisoners and Detainees*

There were no reports that the government, KFOR, or UNMIK held political prisoners or detainees during the year.

#### *Civil Judicial Procedures and Remedies*

According to a 2006 Organization for Security and Cooperation in Europe (OSCE) report, interference by municipal authorities and the UNMIK Department of Justice hampered judicial independence in civil matters. The OSCE cited instances in which municipal authorities plainly obstructed court proceedings, pressured judges in cases to which authorities were party, and influenced third parties to prevent courts from exercising their authority. The OSCE also reported that the UNMIK Department of Justice instructed judges not to process claims for compensation for property damages caused by KFOR, UNMIK, or the municipalities. During the year the OSCE reported some progress in this area but not enough to reduce the backlog. The UNMIK Department of Justice claimed that it did not pursue such compensation claims because the logistical challenges they posed were insurmountable. It also claimed that an influx of property-related claims would hinder the courts' work, increase their already large backlog of cases, and require special planning and coordination, since it would be necessary to provide security escorts to a large number of Kosovo Serb claimants. In July 2007 the OSCE reported that UNMIK and municipal authorities improperly interfered with judicial independence in the proposed sale of property in the Roma settlement in the Mitrovice/Mitrovica region.

In November the Commission of the European Communities reported that the Kosovo judicial system remained weak at all levels. The Commission report cited the low public confidence in the justice system as well as the continuing existence of three parallel sources of legislation: ex-Yugoslav law, UNMIK regulations, and Kosovo law as particular problems. The Commission also noted that the backlog of court cases remained a serious problem.

There were no reports of difficulty in enforcing court orders resulting from civil litigation. However, according to a 2006 survey, only 14 percent of the pending cases to affect a civil order resulted from civil litigation; 69 percent of such cases dealt with debt collection by utility companies.

#### *Property Restitution*

The Kosovo Property Agency (KPA) is responsible for the resolution of residential, commercial, and agricultural property claims arising from the Kosovo conflict.

As of December the KPA administered 4,146 properties; 3,173 upon the request of a successful claimant, and 973 based on ex officio interventions by the Housing and Property Claims Commission (HPCC, the predecessor adjudication agency to the KPA). Of these cases, 135 were subjects of repossession requests. As of December, the agency had received 40,065 total claims: 35,955 for agricultural property, 1,011 for commercial property, and 3,099 for residential property. Kosovo Serbs in the northern part of Mitrovice/Mitrovica continued to occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part occupied and denied Kosovo Serbs access to their property.

The KPA's mandate includes supervising the rental of specific, abandoned properties in Kosovo, most of which belonged to Kosovo Serbs. To that end, the agency managed a rental scheme for properties under its administration, enabling property holders to receive rental income. At year's end, a total of 897 properties were being rented, 158 of

which were rented ex officio. The KPA collected 653,562 euros (approximately \$892,852) in rent through this program.

The KPA remained unable to enforce 10 remaining HPCC decisions (of approximately 30,000 total) for properties located in northern Mitrovice/Mitrovica, due to concern by authorities that attempts at enforcement would lead to violence. Similar difficulties hindered enforcement of the rental scheme in the north Mitrovice/Mitrovica.

On May 15, the SRSG reconstituted the HPCC under the KPA to examine requests for reconsideration in instances where the original claim had been denied. The HPCC resolved 12 requests for reconsideration originating from the old HPD mandate in its June and August meetings. Additionally, the Kosovo Property Claims Commission, a quasi-judicial arm of the KPA acting under the KPA mandate, resolved 14,088 claims by the end of August.

In June the law was amended to bring the KPA under the control of the government; the Serbian government subsequently suspended the KPA's access to cadastral and other relevant property records located in Serbia. The Serbian government announced that the suspension would continue until UNMIK reasserted its authority over the KPA. The suspension of the KPA's operations in Serbia significantly reduced the agency's ability to fulfill its mandate, since 90 percent of the claimants were located outside of the country. The suspension prevented access to the relevant archives and caused delays in claims adjudication.

The backlog of property-related claims in municipal courts remained high, with some 21,000 outstanding at year's end, representing almost exclusively monetary claims by Kosovo Serbs for war-related damage.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and the government, UNMIK, and KFOR generally respected these prohibitions in practice. KFOR forces assisted UNMIK civilian police and the KPS in conducting searches for high-risk suspects and independently searched private property for weapons without court orders, based on UNSC Resolution 1244's peacekeeping authority.

### **2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and of the press, and the government and UNMIK generally respected these rights in practice. However, there were reports of intimidation of reporters, including by officials in the public sector and government and by politicians and businesses. The media also encountered difficulties and obstructions in obtaining information from the government and public institutions. The law on broadcast media prohibits hate speech and speech that incites ethnic violence.

Individuals generally could criticize authorities publicly or privately without reprisal.

According to the Association of Professional Journalists of Kosovo, media outlets' financial difficulties left their editorial independence and journalistic professionalism vulnerable to outside influence and pressure. Some newspapers were financially self-sufficient or operated through aid donations and thus were able to develop editorial policies independent of business and political interests. However, other newspapers relied on funding from businesses and political interest groups, who provided financial support in exchange for positive coverage. During the year there were no reports that the government or UNMIK pressured or influenced the independent print media.

Print media were self-regulated by a press code of conduct adopted by the Press Council

of Kosovo, an organization composed of print editors and publishers. The council's complaint board may impose fines for breaches of the code of conduct, including penalties of up to 2,000 euros (\$2,600) for serious violations, such as hate speech and defamation.

During the year the country had 113 licensed broadcasters (45 of which broadcast in minority languages), and these broadcasters expressed a wide variety of views. Of the 68 broadcasters whose primary language was Albanian, the three public television stations of the government-funded RTK group (TV, Radio Kosova, and Radio Blue Sky), also broadcast daily in minority languages.

Journalists reported pressure from politicians and organized crime, which frequently resulted in indirect forms of censorship. Some journalists refrained from critical investigative reporting out of fear for their personal security. Journalists were occasionally offered financial benefits in exchange for positive reporting or for abandoning an investigation; some were verbally threatened by government officials and suspected criminals for perceived negative reporting on them. According to editors, government agencies withdrew regular advertising from newspapers that had published critical coverage of them.

The Assembly directly oversaw Radio Television Kosovo (RTK), the country's public broadcaster, and the Ministry of Finance controlled its budget. The law provides for regulation of RTK program content and requires that at least 15 percent of RTK program time, including prime time, be dedicated to minority communities in their respective languages on a proportional basis.

The Independent Media Commission implemented regulations and enforced codes of conduct governing broadcast media. The commission is a permanent body overseen by a seven-member governing council that includes two international members.

On May 14, the Independent Media Commission Council expressed concern over a request from the prime minister's office to national broadcasters, asking them to broadcast and rebroadcast an April 16 speech, at specific times and in a coordinated manner. The council noted that the tone of the request, with explicit instructions, could only be interpreted as pressure by the government on independent media.

Following public criticism, the newspaper *Infopress* stopped publishing lists of Kosovo Serbs drafted into the Yugoslav Army during the 1998-99 conflict.

Unlike in previous years, there were no altercations reported between journalists and police. However, during the year the Association of Professional Journalists of Kosovo reported 13 instances of press freedom abuses. Those included verbal threats to journalists and their agencies by subjects affected by negative media coverage, and pressure not to publish certain materials and articles.

During the year there were several incidents of violence or harassment directed at the media.

On January 6, a group of over 20 Kosovo Serb men attacked a four person KTV crew filming the celebration of Orthodox Christmas near the Kosovo Serb enclave of Gracanice/Gracanica. The attack took place when the group learned that crew members were Kosovo Albanians. The group obstructed the cameraman while he was filming and punched him twice in the head. Police intervened on behalf of the crew and escorted them out of the village. The case was referred to the police, but there were no further developments in the matter.

On February 21, a locally hired cameraman of the Tirana-based Top Channel TV was attacked while filming an anti-independence protest in north Mitrovice/Mitrovica. A group of protestors, led by a masked man, approached the cameraman, beat him, and destroyed his camera within view of KPS and UNMIK police. Following the incident, a KPS

spokesperson told reporters that he regretted the assault on the cameraman, adding that he urged the reporters and the cameraman to stay away from the crowd. The case was reported to the police but no arrests followed.

On June 6, crew members from the Balkan Investigative Reporting Network (BIRN) were intimidated and assaulted by security personnel at the KJC building. The television crew was preparing a story on local courts' unpaid electricity bills when a KJC security guard twisted the cameraman's hand, damaging the camera, and detained the cameraman for an hour inside the building. The guard accused the crew of attempting to secretly film the building. There were no further developments in this case by year's end.

There were no developments in the following 2007 cases: the March 2007 assault on *Lajm* reporter Enis Veliu; and the September arson at the home of journalist Milaim Zeka, who had written reports about controversial cases, including high-profile killings and corruption.

#### *Internet Freedom*

There were no government, UNMIK, or KFOR restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In September the Telecommunications Regulatory Authority reported that approximately 23 percent of citizens used the Internet daily.

#### *Academic Freedom and Cultural Events*

There were no government, UNMIK, or KFOR restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

#### *Freedom of Assembly*

The constitution and law provide for freedom of assembly, and the government, UNMIK, and KFOR generally respected this right in practice. An UNMIK regulation required that demonstration organizers give 48 hours advance notice for police coordination.

On February 19, ethnic Serb protestors from Kosovo and Serbia attacked the Gate 1 and Gate 31 border crossings between Kosovo and Serbia to protest the independence declaration. After the protestors departed, KFOR units regained control of the gates and closed them to border crossings for 24 hours. On February 20, authorities reopened the gates without the presence of customs officers, but with UNMIK, KFOR, and the KPS present. By year's end EULEX customs officers had begun performing limited customs duties at those sites.

On February 22 a group of Kosovo Serbs in northern Mitrovice/Mitrovica protested the country's independence declaration and the EULEX mission by throwing fireworks and rocks towards police officers deployed on the northern side of the Iber/Ibar Bridge. The crowd dispersed after two hours of protests.

On February 25 Serbian Army reservists protesting Kosovo independence injured 19 KPS members by throwing rocks at them at the Gate 4 border crossing between Kosovo and Serbia. Police reopened the crossing the following day.

The KPS used force on a few occasions to disperse demonstrations and beat demonstrators while making arrests.

On March 14, Kosovo Serb protesters stormed the district and municipal court in north Mitrovice/Mitrovica, forcing their way past 45 police officers in riot gear. On March 17,

UNMIK police, supported by KFOR, retook the courthouse using tear gas and rubber bullets. During the operation, 47 UNMIK personnel were injured, and Ihor Kynal, a Ukrainian international police officer, was killed by a hand grenade thrown by an unidentified protester. During the melee, two Kosovo Serb KPS officers who were participating in the protest were injured.

### *Freedom of Association*

The constitution and law provide for freedom of association, and the government, UNMIK, and KFOR generally respected this right in practice.

The OSCE Mission in Kosovo routinely registered political parties under UNMIK auspices, and the Ministry of Public Services registered NGOs. Following independence, this authority transferred to the Central Election Commission.

### **c. Freedom of Religion**

The constitution and law provide for freedom of religion, and the government and UNMIK generally respected this right in practice. The constitution incorporates international human rights conventions and includes provisions that protect religious freedom and prohibit religion-based discrimination. The

There are no specific licensing regulations for religious groups; however, religious organizations must register as NGOs with UNMIK and the Ministry of Public Services in order to purchase property or receive funding from UNMIK or other international organizations. Religious groups complained that NGO status did not adequately reflect their religious character, and the Protestant Evangelical Church refused to register as an NGO.

At a June 5 meeting, the Decan/Decani municipal assembly unanimously rejected an SRSG decision which maintained the monastery's ownership over disputed property in the area pending a court decision.

Pursuant to a 2002 law requiring public education institutions to refrain from religious instruction or other activities promoting any specific religion, the Ministry of Education prohibited the wearing of headscarves. The ministry continued to enforce this prohibition, particularly at schools with obligatory uniforms, despite a 2004 opinion by the ombudsman that the rule should apply only to teachers and school officials, not students.

On February 26, the ombudsman received a complaint from a student in a secondary school in Viti/Vitina municipality that she was ordered by her principal not to attend school with her headscarf. The ombudsman requested that the Education Ministry allow her to attend with a headscarf, and on September 1, the student resumed attending classes while wearing her headscarf. During the year two women also complained to the ombudsman that they applied for teaching positions in two separate secondary schools but were not hired because they wore headscarves. In both cases the ombudsman advised the complainants to pursue their cases in court.

Protestant groups continued to report that they experienced discrimination in media access, particularly by public television station RTK. The Protestant Evangelical Church in Kosovo, known as the Fellowship of the Lord's People, reported in 2006 that Decan/Decani municipality, citing negative reaction from local citizens, denied it permission to build a church facility on land the church purchased previously. The case remained pending before the Supreme Court at year's end.

While several Protestant churches were burglarized during the reporting period, community leaders did not consider these incidents to be motivated by religious discrimination. However, individual Protestants alleged verbal discrimination directed against them.

The Islamic community continued to assert that UNMIK's denial of a radio frequency for an Islamic radio station and the national library's closure of its prayer room constituted violations of religious freedom.

### *Societal Abuses and Discrimination*

Societal violence decreased marginally, but tensions between ethnic communities remained high, especially following the February 17 declaration of independence.

Security concerns continued to affect the Kosovo Serb community and its freedom to worship. Some Kosovo Serbs asserted that they were unable to travel freely to practice their faith.

Unlike in previous years, there were no reported incidents of rock throwing and other assaults against Serbian Orthodox clergy traveling outside of their monasteries. However, pilgrims traveling by bus from Serbia to attend services at Decan/Decani Monastery often had rocks thrown at their vehicles, usually by children. In the western municipalities of Peje/Pec, Decan/Decani, Gjakove/Djakovica, Istog/Istok, Kline/Klina, Skenderaj/Srbica, and south Mitrovice/Mitrovica, clergy requested and received KFOR vehicle escorts. Clergy stated that they could not visit church members in the west (where the most important Serbian Orthodox holy sites were located) without an escort, and members cited threats to their security as impediments to their ability to visit holy sites. Monks and nuns at some monasteries reportedly did not use parts of monastery property – often land outside the monastery walls – due to safety concerns.

During the year, prosecutors decided to pursue charges against a Kosovo Albanian man from Zvecan municipality who threatened a Serbian Orthodox nun from the Sokolica monastery in July 2007. A trial was pending at year's end.

There were no further developments in a 2006 case in which unknown attackers shot at a car driven by Serbian Orthodox priest Srđan Stankovic in Zvecan municipality. UNMIK charged a Kosovo Serb police officer in connection with the incident. The case was turned over to an international prosecutor.

During the year there were numerous cases of vandalism and theft directed against Serbian Orthodox Church property. Many cases involved theft of objects made of precious metals, while others involved vandalism, often of newly reconstructed churches.

Early in the year, the KPS adopted new operating procedures to provide greater protection for Serbian Orthodox religious and cultural sites. As part of this effort, the government approved 50,000 euros (\$65,000) to fund the expansion and enhancement of KPS protection, including private security guards, cameras, and lighting at the most vulnerable sites.

On February 25, Jeton Mulaj, suspected of firing a rocket-propelled grenade at Decan/Decani Monastery in March 2007, surrendered voluntarily to the police. The special prosecutor indicted him on March 19; on September 18 the Peje/Pec District Court convicted Mulaj of charges including unlawful weapons possession and damaging a protected monument. The court sentenced Mulaj to three-and-a-half years in prison.

On March 1, four unknown individuals stole the bell from the Serbian Orthodox church in Novake, Prizren. KPS subsequently found the bell in a forest a few hundred yards from the church. Police made no arrests, and an investigation continued at year's end.

On June 5 in Kacanik, Ferizaj/Urosevac, KFOR reported to the police that unknown persons had damaged the entrance door of the church in Kacanik/Kacanik; an investigation continued at year's end.

There were no further developments in the February 2007 incident in which unknown

perpetrators damaged the interior of the Orthodox Church in Mire/Lepi village and stole approximately 30,000 Serbian dinars (\$560) or the March 2007 case in which unknown persons vandalized the Church of St. John in Peje/Pec.

The Serbian Orthodox church expressed concern about the status of the green space of the main park of Gjakove/Djakovica, a part of the park the church considers its property. At year's end, discussions were underway between the various stakeholders involved to resolve this issue.

The government-funded Reconstruction Implementation Commission (RIC) completed extensive renovations on 19 of 34 Serbian Orthodox religious sites damaged during the March 2004 riots. This work included additional construction at several previously identified sites as well as some new sites, including the Church of St. Andrew at Podujeve/Podujevo and the Church of Saints Peter and Paul in Istog/Istok. During the year progress on RIC projects was delayed for reasons related to Kosovo's declaration of independence. Nevertheless, on September 16, the Serbian Orthodox Church accepted the keys to two reconstructed church properties in Prizren, the diocesan bishop's residence and the Orthodox seminary.

During the year Kosovo Muslims reported numerous incidents directed against their community, including theft, vandalism, and threats. For example, on April 22, KPS officers on a routine patrol in Gjilan/Gnjilane discovered that an estimated 30 Muslim gravestones in a local cemetery had been damaged. On June 17 police arrested two suspects. The case was forwarded to the prosecutor's office.

On June 26, Kosovo Serbs and Roma clashed with Kosovo Albanians in the village of Berivojce/Berivojce, Kamenice/Kamenica municipality where work on building of a mosque was expected to start. The proposed mosque building site was located in the Serb part of the ethnically-mixed village, and the Serb community had traditionally used the land for gatherings. The proposed construction did not adhere to legal procedures designed to ensure community consent for construction on land where that community lives.

There were no reports of anti-Semitic acts. Approximately 40 individuals from two families in Prizren had some Jewish roots, but there were neither synagogues nor Jewish institutions in the country other than a small cemetery in Pristina.

There were no developments in the August 2007 case in which 14 Jewish gravestones were deliberately damaged.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government and UNMIK generally respected these rights; however, interethnic tensions and real and perceived security concerns restricted freedom of movement in practice. During the year the government, UNMIK, and KFOR generally maintained the protection of these rights for minority communities as compared to the previous year. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Police continued to assess the security situation as stable but fragile. No crimes related to freedom of movement were reported to police. Nevertheless, members of all ethnic communities continued to remain largely within or travel between areas where their group comprised the majority. Rock-throwing and other forms of intimidation continued to affect Kosovo Serbs when traveling outside Kosovo Serb majority areas.

There were attacks during the year on vehicles carrying Serbs and other ethnic minorities. For example, on January 25, the KPS reported that Kosovo Albanian youths threw stones at a car driven by a Kosovo Serb living in Gjilan/Gnjilane. The suspects escaped from the scene. On February 1, masked, armed men stopped a bus that routinely carries Kosovo Serbs to Serbia near Podujeve/Podujevo and demanded 20,000 euros (\$26,000). The suspects also took the keys of the bus. Police subsequently arrested a Kosovo Albanian man. A police investigation continued at year's end. On July 5, the KPS reported that five or six Kosovo Albanian youths in Suhodoll/Suvi Dol village in Mitrovice/Mitrovica threw stones at a vehicle operated by a Kosovo Serb. The KPS reported that police issued a warning to the juveniles' parents.

There were no developments in the October 2007 case in which a bus carrying a group of ethnic Serbs from Kosovo and Serbia was stoned on the way to the Decan/Decani Monastery.

There were no developments in the November 2007 case in which unknown persons threw stones at a bus carrying 30 professors and students from the Warsaw Theological Seminary to Zocishte/Zociste Monastery while the bus was parked in the middle of a majority Kosovo Albanian village.

Sporadic incidents of violence and intimidation targeting minorities continued to limit freedom of movement for Kosovo Albanians in northern Kosovo. The government and UNMIK enhanced efforts to facilitate minority travel, but real and perceived risks deterred many minorities from traveling outside their neighborhoods, especially after the country declared independence.

On February 28, Kosovo Albanian residents of villages in Leposaviq/Leposavic sent a letter to domestic and international authorities requesting police escort for their minibus when transporting residents of these villages to and from Mitrovice/Mitrovica. The residents said they did not feel safe travelling outside of their villages through Serb-majority areas without police protection.

During the year UNMIK discontinued a program that had previously offered no-fee Kosovo license plates to Kosovo Serbs who had already registered their vehicles in Serbia. In practice, Serbs traveling north of the Ibar/Ibar River into north Mitrovice/Mitrovica generally removed their Kosovo license plates and drove without license plates in northern areas of the country. Persons travelling into Serbia removed their Kosovo license plates at the Serbian border, and border police issued them temporary Serbian license plates.

During the year there were incidents targeting infrastructure used by minorities. For example, on March 6 Kosovo Serbs reported to police in Gjilan/Gnjilane that unknown suspects had demolished and then stolen parts of a metallic pedestrian bridge in a Serb village. Police identified four Kosovo Albanian suspects and arrested three of them. An investigation continued at year's end. On June 26, a pedestrian discovered unexploded ordnance along the railway in Old Kacanik Village in Ferizaj/Urosevac. On July 7, a passerby discovered an explosive device under a railway bridge in Mitrovice/Mitrovica.

There were no developments in the following 2007 cases: the March discovery by hunters of an unexploded grenade near a transmitter in Mitrovice/Mitrovica; the April discovery of an explosive device on a bridge in Gjilan/Gnjilane; and the April discovery of unexploded ordnance under a bridge in Vrbovc/Vrbovac village in Gjilan/Gnjilane. There were also no developments in the 2007 incidents in Leposaviq/Leposavic municipality in which explosive devices were placed along the road leading to the ethnic Albanian villages of Koshtove/Kostova, Bistrice/Bistrica, and Ceraje/Ceraja.

On March 3, the Serbian news agency RTS reported that Serbian Railways took control of the railroad infrastructure in northern Kosovo after nine years of UNMIK management. Branislav Ristivojevic, the president of the board of Serbian Railways, stated the move would provide higher quality transportation than UNMIK Railways had offered, adding that once the railway met the Serbian Railway standards, service would resume. The



same day, Kosovo Serbs in Leshak/Lesake blocked the movement of the train to protest the country's independence. On March 4, KFOR stopped the train from running to Leshak/Lesake from Fushe Kosove/Kosovo Polje. Rail service had not been restored by year's end.

The government regulated movement in and out of Kosovo. The law provides that the central civil registry may issue travel documents to any person registered as a habitual resident of Kosovo, and the registry routinely issued such documents in practice. On July 23, UNMIK confirmed that it would no longer issue UNMIK travel documents to Kosovo citizens. The government began issuing Kosovo passports on July 30.

The law prohibits forced exile, and authorities did not use it.

#### *Internally Displaced Persons (IDPs)*

According to the UNHCR, 205,855 persons from Kosovo remained displaced in Serbia and 16,077 in Montenegro as a consequence of the 1998-99 conflict. Of the 4,100 persons displaced by riots in 2004, approximately 1,200 remained IDPs. There were 19,978 persons displaced within Kosovo, 52 percent of whom were Kosovo Serbs and 38 percent were Kosovo Albanians.

Due to the country's declaration of independence, relatively few persons returned during the year. Between January and November, UNHCR registered only 533 returnees, considerably fewer than the 1,815 who returned in 2007 or the 1,669 who returned in 2006. The greatest number of returnees came from Serbia (323 returnees), followed by Montenegro (85) and Macedonia (36), with 15 returnees from all other countries. Seventy-four persons returned from displacement inside Kosovo. Most returns were concentrated in Peje/Pec and Pristina regions. While municipal governments generally supported returns, obstacles remained for Kosovo Serb returnees.

As of November, overall minority returns since 2000 stood at 18,527 persons. Kosovo Serbs comprised approximately 28 percent of returnees during the year, compared with 32 percent in 2007. Roma (including Ashkali and Egyptians) continued to return, comprising 48 percent of the overall number of returns compared to 49 percent in 2007. In Mitrovice/Mitrovica, Kosovo Serbs in the north and Kosovo Albanians in the south continued to illegally occupy each others' properties, hindering potential returns.

As of August, 37 Roma families (144 persons) remained at the lead-polluted Cesmin Lug camp for IDPs. Osterode, a medical treatment facility also in north Mitrovice/Mitrovica, housed 98 families (395 persons) who were relocated from Cesmin Lug and two other polluted camps in 2006.

UNMIK continued to make slow progress rebuilding the original Roma settlement in south Mitrovice/Mitrovica destroyed in 1999 by Kosovo Albanians. Displaced persons began returning to the neighborhood in 2006; by the end of 2007, 368 inhabitants – 307 Roma, 59 Ashkali, and two Serbs – had returned.

#### *Protection of Refugees*

The law provides for the granting of asylum and refugee status in accordance with the 1951 Convention relating to the Status of Refugees or its 1967 protocol. The asylum law entered into effect on June 15; however, regulations to implement this law had not been adopted by year's end. During the year UNHCR assisted the newly-formed Department of Borders, Asylum, and Migration in building its capacity to adjudicate claims, to provide training to border police to help identify and process individuals in need of protection at ports of entry, and to prevent refoulement.

In practice the government and UNMIK provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

### 3. Respect for Political Rights: the Right of Citizens to Change Their Government

The constitution and law provide residents with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

The country declared independence on February 17. Over the course of the year, local authorities gradually assumed authority and responsibilities in most areas of governance. The law provides for a 120-member Assembly, which has the authority to select a president, a prime minister, and other ministers and government officials.

#### *Elections and Political Participation*

International and domestic observers determined that the November 2007 Kosovo Assembly elections generally reflected the will of the voters, although few Kosovo Serbs participated, largely due to Serbian government pressure to boycott. No significant irregularities were reported. Kosovo had a multiparty system dominated by five Kosovo Albanian parties with several minority parties and coalitions.

The law provides that individuals may nominate themselves as candidates to their parties, which must hold open and transparent internal elections to select candidate lists. Party affiliation played an important role in access to government services and social and employment opportunities. Traditional social arrangements and clan loyalties also played an important, although unofficial, role in political organizations.

There were 38 women in the 120-seat Assembly. The law requires that women occupy every third spot on each political party's candidate list. There were no women on the eight-member Assembly presidency and only two female ministers and three female deputy ministers. Women represented 31.6 percent of the elected municipal representatives.

Following the November 2007 elections, there were 24 ethnic minority members in the 120-seat Assembly, including 10 Kosovo Serbs and 14 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. There were three minority government ministers – two Kosovo Serbs and one Kosovo Bosniak – and two Serb and two Bosniak deputy ministers. One Kosovo Bosniak; one Kosovo Turk; and a representative of the Roma, Ashkali, and Egyptian communities held a rotating seat on the Assembly presidency. Kosovo Serbs from several political parties won the 10 set-aside Assembly seats in the 2007 election. Before that election, the holders of those seats did not claim their set-aside cabinet posts and continued to boycott Assembly votes, although they did participate in committees. A Kosovo Serb led the Ministry of Returns. The constitution requires that the Assembly reserve 10 seats for Kosovo Serbs and 10 for members of other ethnic groups, but ethnic minorities were underrepresented at the municipal level where there were no similar quotas.

The overall electoral system did not change significantly compared to the one in place during UNMIK's tenure. On June 5, the Assembly passed an election law, which the president signed on June 15. The new law provides that the country is a single, multi-member electoral district; elections will be held with open lists according to a proportional-majority system; a quota system ensures adequate representation for women and minorities in the Assembly; and parties must overcome a five percent threshold to enter the Assembly.

On May 11, Kosovo Serbs held elections in enclaves and in Kosovo Serb-majority municipalities to establish parallel municipal governments, and began to establish these parallel authorities in June. On April 9, UNMIK stated that organizing elections for these parallel structures was a violation of UNSC Resolution 1244. On May 14, UNMIK declared that the parallel municipal structures arising from these elections were illegitimate, and that UNMIK would not cooperate with them. The government also declared that parallel institutions to be illegal and invalid.

### *Government Corruption and Transparency*

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity.

There was widespread public perception of corruption in both the government and UNMIK. International organizations and NGOs continued to report that corruption was a serious problem. A lack of effective judicial oversight and general weakness in the rule of law contributed to corruption in the government. Despite its diminishing mandate, UNMIK continued to adjudicate many sensitive cases related to corruption and interethnic crimes.

In its November report, the Commission of the European Communities noted that corruption was widespread and remained a major problem in the country. The report contended that the existing institutional legislative framework addressing corruption was unclear and recommended the adoption of more anticorruption legislation as well as improved enforcement. The Commission also noted that the weak judicial system inhibited progress in combating corruption.

The Office of the Auditor General, an independent body, reviewed fiscal management and accountability in the central government, municipal authorities, and publicly owned enterprises. During the year the office audited every ministry, the president's office, and the Assembly. Most reports were critical of government administrative, fiscal management, and procurement practices.

The government took steps to combat corruption. Beginning March 26, the law required government officials to disclose all gifts they receive. On March 11, the Kosovo Anticorruption Agency (KAA) announced that it had received 61 reports of corruption in 2007, and that corruption in 2007 was estimated to have cost the government 31 million euros (approximately \$40 million). On July 17, the KAA estimated that corruption had cost the government 6 million euros (\$7.8 million) during the first half of the year.

On January 8, KosovoLive reported that internal auditors of ministries, municipalities, and agencies of Kosovo requested that Kosovo institutions implement the 2006 law on internal auditing. The Head of the Auditing Office in the Ministry of Trade and Industry (MTI), Adem Zogiani, said that the Auditing Office was prevented from implementing the law since June 2007.

On June 3, the Peje/Pec prosecutor's office announced charges against six former international UNMIK officials and one local citizen on suspicion of misusing 230,000 euros (\$300,000) dedicated for humanitarian projects.

On June 26, police arrested Judge Elez Hoxha of the Pristina District Court on suspicion of bribery, following a 4-month investigation. At year's end Hoxha remained under house arrest, awaiting further court proceedings.

On August 7, the Ministry for Communities and Returns indefinitely suspended Emilija Rexhepi from her post as director of the Department of Administration due to conflicts of interest. Using another name, Rexhepi allegedly ensured a tender from the ministry worth approximately 90,000 euros (\$117,000) was awarded to the NGO Equality which she previously directed. Police has not opened an investigation by year's end.

The Peje/Pec prosecutor's investigation into the conduct of 11 international and eight local employees of Radoniqi Hydro-System in its dealings with the Kosovo Electric Company continued during the year. On August 15, the Peje/Pec District Court authorized a six-month extension in the investigation.

On January 22, the Pristina District Court convicted Sanije Gashi of misappropriating 43,387 euros (\$59,233) in her capacity as the budget and finance manager of the Pristina

Tax Administration. On May 23, the Supreme Court heard Gashi's appeal and on June 23, reduced her term of imprisonment from four years to two and a half. The court also prohibited Gashi from serving in the government for three years after her release, and ordered her to pay costs of the criminal proceedings and reimburse the 43,387 euros (\$59,233) to the Kosovo Tax Administration.

There were no further developments in the investigation of the 2006 assault on the independent international auditor general, which took place after his office released a critical report on Pristina municipality.

The 2006 audit ordered by Assembly leader Kule Berisha to investigate the tenure of his predecessor, Nexhat Daci, uncovered serious mismanagement, misuse of public funds, and procurement irregularities. In December 2007 the Pristina District Court indicted Daci on three counts of embezzlement. On March 21, an international judge confirmed the indictment, and Daci awaited trial at year's end.

There were also developments in the case of Ahmet Alishani, Daci's senior advisor, arrested in 2006 on suspicion of fraud and bribery. On March 21, Alishani was indicted on charges of fraud and bribery, and entered a plea of not guilty. He was released pending trial, which had not begun by year's end.

On April 14, the trial of Leme Xhema, former Director of the Post and Telecommunications of Kosovo (PTK); Roger Reynolds, former divisional manager at Kosovo Trust Agency; Mustafa Neziri, former director of Norway Invest; Ronnen Sorensen, former managing director and chairman of Norway Invest, and Ove Johansen commenced in Pristina before international judges. The defendants were charged in connection with the alleged misuse of 300,000 euros (\$390,000). Johansen, who was arrested on April 5 in Montenegro, allegedly arranged the fraudulent transfer of these funds from PTK to a phantom company headquartered in Norway.

There were developments in the case of Sabajdin Llonqari and Fitim Maksutaj, two former finance officers at Dubrave/Dubrava Prison, who were arrested in 2006 for abusing their official position and falsifying documents. On August 19, the Supreme Court confirmed the judgment by the Peje/Pec District Court prohibiting the defendants from entering or approaching the Dubrave/Dubrava Detention Center, or in any way contacting various witnesses and prison finance office employees until August 29.

The law provides for access to official government documents but does not include penalties for failure to comply; in practice ministries rarely granted access during the year. There is no law that provides public access to official UNMIK documents and in practice, members of the public were unable to access these documents.

During the year the media complained regularly about lack of access to official documents. Journalists also criticized the 15-day window for compliance, which effectively meant that journalists could never obtain official documents in time to meet their own publishing deadlines. On May 14, the NGO IREX reported that during the year only 14.7 percent of journalists' requests for information were honored, even fewer than the 24.5 percent honored the previous year. IREX reported that the majority of institutions either did not understand their legal obligations or simply ignored them.

In August 2007 the Association of Professional Journalists of Kosovo reported that a survey measuring the responsiveness of government and public institutions to media requests for official documents indicated that only 23 percent of requests were successfully completed. The survey also indicated that none of the institutions approached by journalists provided the petitioner with a register of available documents.

#### **4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A wide variety of domestic and international human rights groups generally operated

without government restriction, investigating and publishing their findings on human rights cases. The government, UNMIK, and KFOR were occasionally cooperative and responsive to their views.

On March 29, unknown assailants in Mitrovica/Mitrovica threw a Molotov cocktail outside the headquarters of humanitarian organization Norwegian Church Aid, causing minor damage. A police investigation continued at year's end.

An ombudsman was responsible for investigating allegations of government abuses of international human rights laws. Former deputy ombudsman Hilmi Jashari continued to serve as acting ombudsman during the year. While the ombudsman actively issued intervention letters, reports, and recommendations, his recommendations were not always followed by the government, local courts, or the KPS. The ombudsman investigated cases concerning property rights, abuse of official authority, administrative acts or omissions by public authorities, lack of proper investigations into criminal acts, issues involving the length of court proceedings and the execution of court decisions, employment-related disputes, and impunity. In September, OSCE noted that although every ministry had established a human rights unit, approximately half of the units lacked qualified staff and sufficient budgets.

In 2006 the ombudsman's mandate was changed to exclude UNMIK from its purview; a new Human Rights Advisory Panel within UNMIK was established in April 2007 and charged with UNMIK oversight. At year's end the Assembly had not yet appointed a new ombudsman, and an acting ombudsman remained in place.

On July 21, the ombudsman reported that the courts and ministries were the most frequent violators of human rights in the country. The ombudsman also noted that recent reforms in the judiciary were insufficient, and the system still suffered from grave defects.

The government, UNMIK, and KFOR generally cooperated with ICTY. On April 4, ICTY acquitted former Prime Minister Ramush Haradinaj and codefendant Idriz Balaj of all charges stemming from the alleged murder, persecution, rape, and torture of Kosovo Serb civilians in 1998. The court convicted codefendant Lahi Brahima of torture and mistreatment of prisoners and sentenced him to six years in prison.

On April 28, ICTY commenced trial of Astrit Haraqija, the former minister of culture, youth, and sports; and Bajrush Morina, his political advisor. The two were charged with threatening a witness who planned to testify against Haradinaj. On December 17, the ICTY sentenced Haraqija to five months imprisonment and Morina to three months.

On July 24, ICTY convicted journalist Baton Haxhiu of contempt for publishing the names of protected witnesses during the Haradinaj trial. The court fined Haxhiu 7,000 euros (\$9,100).

## **5. Discrimination, Societal Abuses, and Trafficking in Persons**

The law specifically prohibits discrimination on the basis of race, gender, ethnic origin, disability, or language; however, violence and discrimination against women, persons with disabilities, and ethnic minorities persisted.

### *Women*

The law criminalizes rape; however, spousal rape is not specifically addressed. Under the criminal code, rape is punishable by one to 10 years in prison; statutory rape (sexual intercourse with a child under 14) is punishable by five to 15 years in prison.

Rape was significantly underreported due to the cultural stigma attached to victims and their families. According to the Ministry of Justice, victim advocates provided services to victims in approximately 34 cases of rape from January to September. UNMIK police

reported that, during the same time period, 35 people were arrested for rape and five were convicted.

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. The law prohibits domestic violence, and convictions carry prison terms of six months to five years. When victims did press charges, KPS domestic violence units conducted investigations and transferred cases to prosecutors. According to UNMIK, family loyalties, close-knit communities, and the backlog of cases in both civil and criminal courts added to the low rate of prosecution.

As with rape, domestic violence remained a significant problem that was underreported. In July 2007 the OSCE issued a report on domestic violence that highlighted problems in the adjudication of domestic violence cases, including unlawful delays in reviewing applications for protection orders. The OSCE also expressed concern over appellate procedures in domestic violence cases; in some cases, courts unlawfully noted in their decisions that an appeal by the defendant would stay the execution of a protection order.

The KPS reported that 21 domestic violence victims were housed in shelters between January 1 and June 30. The Center for Protection of Women and Children provided assistance to 63 victims of domestic and sexual violence between January and September 24. The Ministry of Justice Victim Advocate and Assistance Unit was involved in 646 domestic violence cases between January and June. Convictions in such cases were rare, and sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the male-dominated society contributed to the high level of domestic abuse and low number of reported cases.

There were no governmental agencies dedicated solely to dealing with family violence. The Ministry of Labor and Social Welfare provided some financial support to NGOs running shelters for domestic violence victims, which also accommodated some trafficking victims. The ministry provided social services through social welfare centers. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape.

During the year a 24-hour anonymous hotline for reporting domestic abuse operated in Pristina, Gjilan/Gnjilane, Peje/Pec, Prizren, and Mitrovice/Mitrovica. The hotline provided assistance to 582 victims during the year; it received 446 calls related to domestic violence, 27 to trafficking cases, 25 to child mistreatment, and 35 to sexual mistreatment. The hotline informed callers of their rights, available shelters, and related information.

The KPS training school offered special courses on domestic violence and rape. There were no reports that the KPS responded inappropriately to rape or domestic abuse allegations. Although the law prohibits prostitution, it remained prevalent. During the year the UNMIK police prostitution investigation unit turned over its responsibilities to the KPS. UNMIK continued to monitor and mentor the KPS.

There is no specific law against sexual harassment, which was a common problem. Women's rights organizations indicated that sexual harassment commonly occurred on the job, but went unreported due to fear of expulsion or physical retaliation. Public awareness of sexual harassment remained low, and few cases were reported.

Women possess the same legal rights as men but traditionally have a lower social status, which affected their treatment within the legal system. Despite a lack of legal impediments, relatively few women obtained upper-level management positions in business, the KPS, or government. While the number of employed women continued to increase, female unemployment remained at around 80 percent, 25 to 30 percent higher than the rate for men. Women represented less than 30 percent of the government workforce.

Traditional social attitudes toward women resulted in discrimination. In some rural areas, women often had little ability to make decisions involving their children or to exercise control over property. While the law makes no gender distinction in the right to inherit property, family property customarily passes only to men. Kosovo Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family, while the widow returns to her birth family.

### *Children*

While education is free and compulsory up to age 15, statistics from 2005, the most recent year for which data was available, indicated that only 77 percent of children between the ages of seven and 14 from non-Serb minority communities (Roma, Ashkali, Egyptian, Turkish, Bosniak, Gorani, and others) attended school. Girls from non-Serb minorities attended school at a rate of 69 percent. In contrast, 97.5 percent of Kosovo Albanian and 99 percent of Kosovo Serb children were enrolled in primary school. During the year the government for the first time purchased books for pupils through the fifth grade. Less than 10 percent of children aged two to five attended preschool.

The UN Children's Fund (UNICEF) reported that the lack of facilities for minority education in parts of Kosovo made it difficult for some IDPs to return to their homes.

UNICEF estimated that less than 75 percent of children who completed compulsory basic education enrolled in secondary school and the continuation rate for Kosovo Albanian girls was less than 55 percent. Among girls from non-Serb minority communities, only about 40 percent enrolled in secondary schools.

The law requires equal conditions for school children regardless of mother tongue and provides the right to native-language public education for minority students through secondary school. Schools teaching in Serbian, Bosnian, and Turkish operated during the year. Both Kosovo Serb and Kosovo Albanian children attended schools with inadequate facilities that lacked basic equipment. A few schools housed both Kosovo Serb and Kosovo Albanian pupils, who studied different curricula and rotated class schedules.

Roma, Ashkali, and Egyptian children attended mixed schools with Kosovo Albanian children but reportedly faced intimidation and bullying in some majority Albanian areas. Romani children tended to be disadvantaged by poverty, leading many to start work both at home and in the streets at an early age to contribute to family income. Romani children were also disadvantaged by having to learn another language to attend school since many spoke Romani at home. Some Kosovo Bosniak children in predominantly Bosniak areas occasionally were able to obtain primary education in their language, but those outside such areas received instruction in Albanian.

A 2006 study by UNICEF and the Ministry of Education on the prevalence of violence in schools found that violence against children was condoned. Corporal punishment was an accepted practice in homes and schools. Those who lived far from school reported they were afraid to travel the distance due to the threat of peer violence. Children reported that persons close to them were perpetrators of violence; that boys were at higher risk for physical violence and that girls were at higher risk of verbal abuse.

Trafficking in children was a problem. On August 7, the OSCE Mission in Kosovo and the international NGO Terre des Hommes launched a public information campaign against child trafficking and begging.

In response to this report, the government created a "safe and nonviolent schools" project, which included the creation of a nationwide violence prevention network. Activities included the drafting of a national action plan to ensure a safe, non-violent and friendly environment in society and schools, and various awareness-raising activities and workshops. On February 11, the Ministries of Education, Interior, Justice, and Labor and Social Welfare established a commission aimed at preventing violence in the schools.

Orphans were housed in various residential placements including extended family care, foster care, and community-based homes. However, because domestic adoptions and foster family programs did not keep pace with the rate of abandonment, authorities sometimes housed infants and children in group homes with few caregivers. Children with disabilities were often hidden away without proper care, particularly in rural areas. On March 5, the Education Ministry began a three-month campaign to increase public awareness of school-aged children with disabilities and determine ways to improve their living conditions.

During the year, the Ministry of Labor and Social Welfare operated 32 social welfare centers that assisted 1,486 orphans and 1,585 delinquent children. The ministry also managed foster homes and coordinated with NGOs to place children in temporary shelters. According to the ministry, during the year, a total of 79 children were living in foster homes and the government-funded community homes under 24-hour care. Seven other children lived in the Pristina Clinical and University Hospital.

There were 19 abandoned children with disabilities, ranging in age from three to 18 years, living in two government-funded community homes under 24-hour care.

There was anecdotal evidence of child marriage, particularly in the Roma, Ashkali, Egyptian, and Kosovo Albanian communities. The government and NGOs did not compile statistics, so the extent of the problem was unclear.

#### *Trafficking in Persons*

The constitution and law prohibit all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, through, and within the country. Trafficking of women and children remained a serious problem, although a lack of statistics made it difficult to estimate the magnitude of trafficking in children.

The country was a source, transit, and destination point for trafficked persons, and internal trafficking was a growing problem. Victims were women and children trafficked internally or from Eastern Europe and other Balkan countries into Kosovo, primarily for commercial sexual exploitation but also for domestic servitude or forced labor in bars and restaurants. Victims were also trafficked through the country to Albania, Macedonia, Montenegro, and countries in Western Europe.

According to the KPS and the IOM, trafficking in persons was an increasing problem. Although IOM and KPS numbers differed slightly, both organizations' statistics indicated that roughly 60 percent of trafficking victims were internally trafficked, with the remaining victims originating in Moldova (approximately 20 percent), Albania (10 percent), and Bulgaria and Serbia (5 percent each). Estimates of the total number of trafficking cases during the year ranged from 20 to 27.

Since 1999, of the foreign victims IOM assisted, over 50 percent were from Moldova, 19 percent were from Romania, 13 percent were from Ukraine, and the rest from Bulgaria, Albania, Russia, Serbia, Montenegro, Slovakia, and Nigeria. The majority of these victims were women between the ages of 18 and 25. IOM figures indicated that over 82 percent of Kosovo victims were internally trafficked, while 7 percent were trafficked to Macedonia, 3 percent each to Albania and Italy, and less than 1 percent to the United Kingdom, Switzerland, Germany, Belgium, and Montenegro.

The overall number of trafficking cases involving minors decreased from 2007. During the year, the IOM assisted one foreign minor victim, and five internally trafficked minor victims. The KPS reported four trafficking victims were minors, all from Kosovo. Children and young girls from backgrounds with a high level of poverty, unemployment, family abuse, and illiteracy were particularly at risk of being trafficked. The IOM reported that 11 percent of local victims were not enrolled in school; 34 percent had only finished primary school (fifth grade); 44 percent had finished elementary school (ninth grade); 11 percent had completed secondary education (high school); and fewer than 1 percent had attended university.



The KPS reported great difficulty in identifying trafficking victims due to their reluctance to come forward and report the crimes to the police. Cultural taboos and the threat of social discrimination caused most internally trafficked victims to remain silent about their experiences. Another continuing difficulty was the inability of the KPS to recruit Kosovo Serb officers for the antitrafficking unit, which prevented undercover operations from taking place in northern Kosovo and in Kosovo Serb enclaves.

Trafficking victims were exploited primarily in the sex industry, mostly in brothels and nightclubs but increasingly in private residences and through call girl services. None reported that they were aware they would be working in the sex industry when they left their homes. Trafficking victims reported that they were regularly subjected to beatings and rape, denied access to health care, and had their travel and identity documents confiscated. Victims were often found in poor physical and psychological condition.

UNMIK reported that traffickers often worked with Kosovo Serb and Kosovo Albanian organized crime elements, and some women were trafficked from or through Serbia into the country. The KPS reported that most women were trafficked into the country through the Pristina airport. Bar and brothel owners purchased victims from organized crime rings.

Methods of trafficking continued to increase in sophistication. In reaction to an aggressive eradication campaign by local and international authorities, traffickers shifted the commercial sex trade out of public bars and clubs and into private homes, where operations were more difficult to detect. Traffickers increasingly used financial incentives to encourage victims to refuse assistance.

The IOM reported that, of the 589 mainly international victims it assisted since 1999, close to 75 percent fell prey to traffickers after accepting a bogus job offer abroad, 3.7 percent claimed to have been kidnapped, and 3.9 percent were promised marriage. In 83.5 percent of cases, recruiting was through personal contacts; the recruiter was an acquaintance of the victim in 28.8 percent of the cases and a friend or family friend in approximately 18 percent. The KPS reported that recruiters were equally likely to be men or women. The IOM and the KPS reported that trafficked persons often had work contracts that enabled them to enter the country legally and obtain residence permits. This made it difficult to detect and prove trafficking.

Under the criminal law trafficking is punishable by a maximum of 20 years' imprisonment. Engaging in trafficking is punishable by two to 12 years' imprisonment, or up to 18 years if the victim is a minor; organizing a group to engage in trafficking is punishable by seven to 20 years' imprisonment and a fine up to 500,000 euros (\$650,000); facilitating trafficking through negligence is punishable by six months to five years imprisonment. A person convicted of engaging in sex with a person known to be a trafficking victim may be imprisoned from three months to five years, while sex with a minor known to be a trafficking victim carries a penalty of two to 10 years' imprisonment. Facilitating prostitution is punishable by a fine or imprisonment up to three years, and up to five years if it occurs within a 350-meter radius of a school or other location used by children. When the offense of prostitution involves victims who are minors, the term of imprisonment can be up to 12 years. Prostitution is punished as a minor offense; prostitutes can be punished, but not clients, unless the police can prove that a client knowingly used the services of a trafficking victim. Prostitution constitutes grounds for deportation unless the "prostitute" is a victim of trafficking.

During the year the KPS maintained primary responsibility for combating human trafficking and conducted 82 surveillance operations. The KPS also closed one business establishment used for trafficking. KPS arrested 48 men and 19 women for trafficking, ten persons for pimping, 13 for prostitution, and eight on trafficking-related charges such as illegal weapons possession and counterfeiting. It also identified 27 trafficking victims, 22 of whom received needed assistance, including safe accommodation, counseling, and professional training for return and social reintegration. The remaining five declined treatment, stating they were not trafficked. At least one shelter provided medical care pursuant to its agreements with health care providers. During the year, the

prosecutor's office filed 27 criminal trafficking charges; 50 additional cases from previous years remained open. Fourteen of the cases were completed, resulting in 13 convictions. In one case, the defendant was acquitted.

Factors that contributed to a low number of prosecutions included the increasing sophistication of organized crime to avoid direct links between the victims and senior crime figures, the lack of a witness protection program (although means were employed to provide anonymity during trial testimony), reluctance of victims to cooperate with authorities, inadequate training for judicial personnel, and failure of police to adapt to new techniques employed by traffickers.

UNMIK regulations provide a defense for trafficking victims against criminal charges of prostitution, illegal entry, presence, or work in the country.

The KPS shared responsibility for combating trafficking with UNMIK, border police, the OSCE, the Ministry of Internal Affairs, prosecutors, judges, and the ministries of Health, Education, Public Services, and Labor and Social Welfare. NGOs and international organizations, particularly the IOM, handled protection and prevention-related antitrafficking activities.

There was anecdotal evidence during the year that a complex set of financial relationships and kinship ties existed between political leaders and organized crime networks that had financial interests in trafficking.

There were a number of arrests and police actions against traffickers during the year. For example, on January 31, the KPS, acting in cooperation with the special prosecutor's office, conducted early morning searches on six locations in Gjakove/Djakovica, detaining 15 persons. Police arrested five persons and sent four women to shelters. At the initial court hearing the judge ordered two local traffickers and one Moldovan woman, who appeared to be involved with the management of the other women, to be held on 30 days detention. A trial date has not yet been set. At year's end the two men remained in jail while the woman was released after six months in prison.

On April 14 in Ferizaj/Urosevac, police arrested a Kosovo Ashkali man for trafficking a 14-year-old girl and pimping her. The victim was taken to a shelter and then returned home. Police detained the trafficker until Jul 14, and then released him under house arrest. Police arrested a second man in conjunction with the case on May 7; a trial date was pending at year's end.

On May 27, the Peje/Pec District Court convicted Aleksander Pitaqi, Pal Pitaqi, Veronica Dragan, and Elena Pislaru, all members of the Pitaqi crime ring, on charges of human trafficking, money laundering, and facilitating prostitution. The court found that the traffickers, composed of both men and women, led an organized criminal group that recruited and held women from Moldova for sexual exploitation. The traffickers received fines of up to 85,874 euros (\$118,713) and five- to six-year prison sentences.

There was no additional information available in the January 2007 arrest of two Kosovo Albanian men who ran the Suka and Suka 1 cafes in Prizren.

During the year police arrested the sixth and final man wanted in connection with a trafficking ring operating out of a private residence in Gjilan/Gnjilane. The KPS arrested five other suspects in the March 2007

International and local NGOs funded by foreign donors were the main source of assistance to trafficking victims. Local NGOs, such as the Center for Protection of Victims and Prevention of Trafficking in Humans and the Center for Protection of Women and Children, operated shelters that provided medical care and psychological counseling services to trafficking victims in cooperation with UNMIK, the OSCE, and the IOM. The NGO Hope and Homes for Children operated a shelter for child victims of trafficking, and the Ministry of Labor and Social Welfare, in cooperation with UNMIK and the OSCE, ran a

semi-independent group housing unit for minors who were victims of trafficking and domestic violence. Some domestic violence shelters, such as Liria in Gjilan/Gnjilane, offered short-term shelter and referral services to low security risk victims. A Ministry of Justice interim facility also provided temporary shelter to victims while they considered whether to be repatriated or to testify against traffickers. Police often referred suspected trafficking victims to the IOM through OSCE regional officers.

See also the State Department's [2008 Trafficking in Persons Report](#).

#### *Persons with Disabilities*

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, the situation of persons with disabilities remained difficult. There was considerable discrimination in practice, and ensuring the rights of persons with disabilities was not a government priority.

Although the law mandates access to official buildings, it was not enforced and such access was rarely available in practice.

According to local disability rights NGO HandiKos, existing laws relating to persons with disabilities were not adequately implemented. As a result, children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient health and social services.

According to the Education Ministry, there were 14-15,000 children with disabilities nationwide. There were six special residential schools for children with disabilities and 70 special needs classrooms attached to regular schools. The ministry reported that 877 pupils were receiving special education.

There were no special legal protections for children with disabilities. In May the Assembly passed a "Law on Material Support for Families of Children with Permanent Disability," which entered into force in June. The law provides a definition of children with disabilities and permits the legal guardians of such children to apply to the Ministry of Labor and Social Welfare for material support. However, the law had not been implemented by year's end.

According to the NGO Mental Disability Rights International (MDRI), patients with mental disabilities continued to be detained in isolated conditions with no legal basis, since there was no law to regulate the process of committing persons to psychiatric or social care facilities or to protect their rights within institutions. On occasion individuals in need of mental health treatment were convicted of fabricated or petty crimes and sent to prisons that lacked resources for adequate treatment. According to the World Health Organization (WHO), there were an estimated 14,000 persons with mental disabilities; MDRI reported an estimated 50,000 persons with mental disabilities living outside institutions. According to MDRI, such persons lived isolated and stigmatized lives.

The National Council on Disabled People existed as an advisory organization to government authorities and the Assembly. Although the council's chief stated priority was the drafting of a national platform on persons with disabilities, it had not done so by year's end.

In 2006, MDRI reported that the government-operated Shtime/Stimlje Institute, which MDRI had previously reported for patient abuse and mistreatment, had been separated into a facility for the developmentally disabled with 74 residents and a psychiatric facility with 68 residents. The majority of residents at Shtime/Stimlje were Kosovo Serbs and members of other minorities. The total number of residents in these facilities decreased, addressing MDRI's concerns about overcrowding. Both continued to admit new patients during the year. MDRI urged the government to improve community support and increase public awareness of the rights of people with mental disabilities.

During the year the Ministry of Health operated eight integration and community homes throughout the country, each hosting 10 mentally ill patients. The ministry also ran an integration center with 60 patients in Shtimje/Stimje. Nevertheless, MDRI reported that, while these homes were intended to be transitional, most residents spent years there with little prospect of returning to the community. According to a 2006 WHO report, there were not enough facilities to provide care for persons with mental disabilities and employment opportunities for persons with mental disabilities were limited.

#### *National/Racial/Ethnic Minorities*

Official and societal discrimination persisted against Kosovo Serb, Roma, Ashkali, and Egyptian communities in employment, social services, language use, freedom of movement, the right to return, and other basic rights. Members of the Kosovo Bosniak and Gorani communities also complained of discrimination. During the year violence and other crimes directed at minorities and their property increased from 2007. Minority employment in public institutions continued to be low and was generally confined to lower levels of the government; members of minorities occupied 10.4 percent of government jobs despite a government target of more than 16 percent.

In July 2007 the human rights ombudsman issued a report that concluded ethnic discrimination was a prevalent and constant problem, particularly in the areas of health care and employment. The report also noted that minority groups continued to face regular threats.

Between January 1 and August 31, UNMIK police reported 798 cases of interethnic crime; 617 involved Serbs as victims or suspects. According to UNMIK, underreporting of interethnic incidents persisted as a consequence of the KPS policy of assigning low priority to them and persistent mistrust between minorities with the Kosovo Albanian majority.

There were multiple reports of violence against Kosovo Serbs during the year which were usually investigated by UNMIK police. For example, on April 23, in Gjilan/Gnjilane, a Kosovo Albanian man assaulted a Kosovo Serb man, who sustained slight bodily injuries.

On June 2, OSCE reported that a Kosovo Serb man attempted to visit his property in Decan/Decani with members of a UNDP team planning to help reconstruct his home. However, when the man arrived at his property, a Kosovo Albanian neighbor, who was unlawfully using the property in the owner's absence, prevented the group from entering. Although the local mayor attempted to mediate the dispute, the parties reached no resolution by year's end.

On July 1, in Gjilan/Gnjilane, three unidentified Kosovo Albanian women physically assaulted and injured a Kosovo Serb woman. Police made no arrests, and an investigation continued at year's end.

On July 17 in Istog/Istok, an unidentified Kosovo Albanian man punched and kicked Zarko Orovic, a prospective Kosovo Serb returnee visiting from Montenegro, and robbed him of 350 euros (\$450). Orovic was hospitalized and released; a police investigation continued at year's end.

On December 30, two Kosovo Albanian youths from southern Mitrovice/Mitrovica stabbed a 16-year-old Kosovo Serb in northern Mitrovice/Mitrovica during a confrontation with Serbian youths. The two Kosovo Albanians fled to the southern part of the city where they were arrested by police. In the hours after this incident, interethnic violence erupted in three multiethnic communities in northern Mitrovica. This violence included automatic weapons fire, physical attacks, vandalism of cars, and arson. During the violence, a Kosovo Albanian man was shot. In response to the situation, KFOR, EULEX police, and KPS sealed the bridge over the Ibar River that separates the northern and southern parts of the divided city. After approximately two hours, conditions returned to normal. Police and prosecutors were investigating the incidents at year's end.

There was no further information available during the year on investigations into the February 2007 stabbing of a Kosovo Serb woman behind a cafe in Mitrovice/Mitrovica or the June 2007 indictment of Sabri Haziri, who was accused of assisting in planting a bomb on a railway bridge in April 2003 near the village of Llozishte/Loziste in Zvecan.

There was no new information available in the following 2006 cases: the March stabbing of a Kosovo Serb youth by two Kosovo Albanian youths near the main bridge in northern Mitrovice/Mitrovica; and the December explosion on a railway line frequently used by members of the Serb minority in Vushtrri/Vucitrn municipality.

During the year KPS reported that it had arrested and imprisoned the persons who had fired gunshots at the homes of Kosovo Serb returnees in Llug/Lug village in Istog/Istok in 2006. The defendants received two to three month prison sentences.

During the year there were regular reports of Kosovo Albanians destroying private property belonging to Kosovo Serbs; some violence against Kosovo Serbs may have been attempts to force them to sell their property. An UNMIK regulation prevents the wholesale buy-out of many Kosovo Serb communities in an effort to prevent the intimidation of minority property owners in certain areas; however, it was rarely enforced. There were numerous reports that Kosovo Serbs had difficulty accessing their property, which was sometimes occupied or used by Kosovo Albanians. For example, on June 16 in Vushtrri/Vucitrn, a Kosovo Serb reported to the KPS that a Kosovo Albanian man had been illegally occupying his farmland for the previous eight years and that he could not access it. Police brought the suspect to the station and subsequently released him after an interview.

On April 2 in Kline/Klina, a Kosovo Serb reported that his property had been taken over by a Kosovo Albanian man. No further information on this case was available.

In some cases Kosovo Serb property was reportedly sold by persons falsely claiming to be their attorneys and presenting forged documents in court; in situations where the rightful owners did not live in Kosovo, such fraud went undiscovered for months.

In 2006 the Kosovo Serb-majority municipalities of Zvecan, Mitrovice/Mitrovica, Zubin Potok, and Leposaviq/Leposavic suspended their relations with the government. Following local elections on May 11, the Kosovo Serb parallel authorities continued this policy, and had no interaction with the government during the year.

There were a number of clashes between groups of Kosovo Albanians and Kosovo Serbs during the year. For example, on June 26, Kosovo Serbs held a protest in the ethnically mixed village of Berivojce over the building of a mosque. KPS reported that, during the protest, groups of Kosovo Albanians and Serbs began to fight with one another. Police and KFOR intervened when participants began throwing rocks, and two officers received minor head injuries. Some protesters were also injured.

On July 4, Kosovo Serbs and Kosovo Albanians clashed in the Mitrovice/Mitrovica Three Towers and Suhodoll/Suvi Dol neighborhoods following Kosovo Serb protests against the installation of water pipes in a Kosovo Albanian area of Suhodoll/Suvi Dol. Several participants and a Kosovo Serb police officer were injured. Four Kosovo Albanian men were arrested in connection with the incident.

On July 7 in the Three Towers neighborhood, a group of roughly 20 Kosovo Albanians and Kosovo Serbs began throwing stones at each other. One Kosovo Serb was seriously injured. Later in the day, about 15 Kosovo Serbs gathered and blocked the road between Mitrovice/Mitrovica and Suhodoll/Suvi Dol. Police intervened and dispersed the group.

During the year the OSCE reported that the criminal justice system still faced difficulties in handling cases from March 2004 riots. The report noted continued difficulties in securing witness statements, widespread failure to sentence alleged perpetrators to appropriate criminal punishments, and long delays in proceedings. In many cases the

courts did not properly account for ethnic motives as an aggravating factor. The report concluded that there had been no significant progress in handling these cases since the OSCE's previous report on the subject in December 2005.

There were developments in the cases of several persons involved in the 2004 riots. In January, the Pristina District Court convicted Skender Islami, Mustafa Islami, Ramadan Islami, Omer Sylejmani, and Gazmend Morina of setting fire to a hospital, school, and a number of Kosovo Serb homes and vehicles. The court sentenced the defendants to between two and seven years in prison and ordered them to pay a total of 73,000 euros (\$95,000) in damages.

The trial of Zlyhaje Avdullahu, charged with participating in a Kosovo Albanian mob that looted and burned Kosovo Serb homes and attacked Kosovo Serbs during the 2004 riots, remained pending at year's end.

Unlike in previous years, there were no reports of ethnically motivated violence against members of non-Kosovo Serb minority communities during the year.

There were no developments in the January 2007 Peje/Pec incident, in which two Kosovo Albanian men assaulted and seriously injured a Kosovo Egyptian man, or the May 2007 assault by a Kosovo Albanian on a Kosovo Bosniak. In the second case, the victim was hospitalized with serious injuries, and police apprehended a suspect.

There were no developments in the 2006 cases involving the assault of Kosovo Montenegrin IDP Vuko Danilovic by a group of Kosovo Albanians and the bomb attack against the home of a Gorani representative of Belgrade's Coordination Center for Kosovo and Metohija.

Roma were subject to pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for survival. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in the homes they occupied prior to the 1999 conflict in Vushtrri/Vucitrn, security concerns remained.

On June 12, the OSCE reported that three Romani returnee families would not be charged for water and water services supplied to their homes in Kosovo while the families were displaced in Macedonia from 1999 to 2007. Following their return in 2007 the Gjilan/Gnjilane public utility company demanded payment for services delivered to the families' properties, which were occupied during their displacement. The UNHCR intervened and assisted the families in providing the necessary documents proving their displacement. As a result, the utility company eventually agreed to drop its claims against the returning families.

Kosovo Bosniak leaders complained that thousands of their community members had left the country as a result of discrimination and lack of economic opportunities.

#### *Other Societal Abuses and Discrimination*

The constitution and law prohibit discrimination based on sexual orientation; however, there were reports of violence and discrimination directed against gays and lesbians.

Traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many reporting threats to their personal safety. There were fewer threats reported than in previous years; however, this may have been due to greater caution taken by gays and lesbians in their activities. The print media at times reinforced negative attitudes by publishing articles about homosexuality that characterized gays and lesbians as mentally ill. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.

There were no developments in the May 2007 case in which four males, three wearing dresses, were harassed by KPS officers. The Center for Social Emancipation, a local NGO promoting lesbian, gay, bisexual, and transgender rights, stated that there were a number of other cases of discrimination against homosexuals during the year but that victims refused to allow it to present their cases publicly out of fear of discrimination.

There were no developments in the 2006 assault case involving unknown persons who severely beat two men they observed engaging in homosexual acts.

There were anecdotal reports of discrimination against persons with HIV/AIDS during the year.

## **6. Worker Rights**

### **a. Right of Association**

UNMIK regulations allow workers to form and join independent unions of their choice without previous authorization or excessive requirements, but this right was sometimes impeded by companies that threatened their employees when they joined or established unions. UNMIK regulations do not recognize the right to strike; however, strikes were generally permitted in practice, and few strikes occurred during the year. The government did not pass labor laws by year's end, so UNMIK regulations remained in force.

The only significant unions were the Association of Independent Trade Unions of Kosovo (BSPK), and the Confederation of Free Unions (CFU).

### **b. The Right to Organize and Bargain Collectively**

The law and UNMIK regulations also provide for the right to organize and bargain collectively without interference, and the government did not restrict this right in practice; however, no collective bargaining took place during the year. The law and UNMIK regulations allow unions to conduct their activities without interference, and the government and UNMIK protected this right in practice.

UNMIK regulations prohibit antiunion discrimination; however, some union officials reported discrimination in practice. The BSPK reported that only a small number of companies respected regulations preventing antiunion discrimination and claimed that worker rights were abused in every sector, including international organizations, where staff did not have security insurance or pensions.

There are no export processing zones.

### **c. Prohibition of Forced or Compulsory Labor**

The law and UNMIK regulations prohibit forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation, domestic servitude, and forced labor in bars and restaurants.

### **d. Prohibition of Child Labor and Minimum Age for Employment**

The law and UNMIK regulations prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor; however, with the exception of trafficking, the government and UNMIK rarely challenged these practices. Trafficking of children, primarily for commercial sexual exploitation, was a serious problem, though a lack of statistical data made it difficult to estimate its magnitude.

UNMIK regulations set the age of 16 as the minimum for employment and the age of 18

as the minimum for any work likely to jeopardize the health, safety, or morals of a young person but permit children to work at age 15, provided it is not harmful or prejudicial to school attendance. The law requires children between ages six and 15 to attend school.

Child labor remained a serious problem. According to UNICEF, in recent years the number of children working on the streets of towns and cities was rising, although the overall number of working children remained unknown. Poverty was the most common reason children entered the workforce. While most children were not their families' main income earners, child labor served as a major contributor to many families. Problems with the education system, including low quality and inaccessibility of schools, contributed to the problem of child labor.

In rural areas young children typically assisted their families in agricultural labor. Urban children often worked in a variety of unofficial retail jobs, such as selling newspapers, cigarettes, and phone cards on the street. The numbers of such children grew relative to 2007, although no statistics were available. According to the Ministry of Labor and Social Welfare, the government has not acted to address this common form of informal child labor. Some children were also engaged in physical labor, such as transporting goods. International NGOs active in the country continued to report serious labor violations during the year, including child labor. The Ministry for Labor and Social Welfare coordinated child protection policies, and the ministry's department of social welfare had responsibility for ensuring the protection of children. The ministry did not conduct any inspections during the year.

#### **e. Acceptable Work Conditions**

There is no law establishing a minimum wage, and the Assembly did not adopt any labor laws during the year. The average monthly salary in Kosovo was 220 euros (\$310) in the public sector and 275 euros (\$388) in the private sector. The unofficial minimum wage was 80 euros (\$112). The law and UNMIK regulations provide for a standard 40-hour workweek; require rest periods; limit the number of regular hours worked to 12 hours per day; limit overtime to 20 hours per week and 40 hours per month; require payment of a premium for overtime work; and prohibit excessive compulsory overtime. Employers often failed to abide by these regulations due to a lack of government enforcement.

The BSPK reported serious labor violations during the year, including lack of a standard work week and compulsory and unpaid overtime; employees did not report such violations due to fear of reprisals. According to BSPK, many individuals worked long hours in the private sector as at-will employees without employment contracts, regular pay, or pension contributions paid on their behalf. Employees reported being fired without cause and in violation of existing laws and being denied holidays. Women's rights organizations indicated that sexual abuse occurred on the job but went unreported due to fear of expulsion or physical retaliation. According to union officials, workers in the public sector commonly faced similar mistreatment, including sexual abuse and the loss of employment due to political party affiliation.

A labor inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing labor standards. However, the inspectorate primarily advised employers and, although the inspectorate issued over a thousand citations during the year for various labor standard violations, fines remained unpaid pending litigation. The inspectorate is responsible for enforcing health and safety standards but lacked trained staff and did not do so effectively. The law does not permit employees to remove themselves from dangerous workplaces without jeopardizing their continued employment.

Although there is a law to protect employees' health and working conditions, many private and public institutions continued to violate it. Labor inspectorate officials reported difficulties in obtaining accurate information since workers rarely disclosed the problems themselves, in spite of legal protections.



