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Assessment of the Situation of Ethnic Minorities in Kosovo (period covering June through September 2000)

Executive summary

In this sixth joint report we aim to give an overview of the current situation faced by minority communities in Kosovo; describing the security issues affecting minorities; and illustrating the cumulative effect of the continued lack of security for the well being of these communities.¹ Recalling the contents of previous reports, we have attempted to focus on policy issues. The challenges grow more complex, but it remains the responsibility of the international community, in particular UNMIK and KFOR, but, also, and most importantly, of all Kosovars to address them. We describe where improvements have taken place and outline those steps that are still needed to ensure the full protection of minority populations, permitting them to play a full and active role in the development of the future of Kosovo. Only once this is achieved will it be possible for existing minority communities to remain, confident of a viable future, and for the tens of thousands of refugees and displaced to return in safety and in dignity.

The Ad Hoc Task Force on Minorities, jointly chaired by UNHCR and OSCE, has continued to be a forum for discussing and assessing a broad range of issues of concern to minorities. During recent months, the Task Force has undertaken a systematic review of a number of major problems. This work has contributed to the preparation of this report. The main input however, continues to be, constant feedback from the field presence of both organisations. It is this field presence which allows us to have a broad overview of how minorities are faring.

Adequate **security** remains the key issue for minorities. What has emerged, and is described in this report, is an increasing diversification in the experience of minority communities. For some, such as the Roma in the west of Kosovo, there have been significantly fewer serious incidents during the period covered by this report. However, the situation for most minority groups remains, at best, precarious. The incidents described show that we should not be complacent about security. Long periods of relative calm can be brutally interrupted by incidents of violence. Persistent low-level harassment of minorities can also have a debilitating and demoralising impact. Lack of security continues to restrict **freedom of movement**. The effects on communities and individuals, some of whom have now spent over a year without effective freedom of movement, are devastating. The fact that this issue remains current from one assessment to the next is a stark reminder of the continued amount of work required of the international community.

¹ As in previous reports, we define ethnic minority as groups that are numerically in a minority in a given part of Kosovo as compared to their immediate neighbours. On this basis we have not covered Kosovo Serbs in those northern municipalities where they form a numerical majority but we have included reference to Kosovo Albanians in those same and other specific locations where they find themselves in a minority and find themselves facing problems akin to those faced by most minorities in Kosovo.

The **response of the international community** is critical to determining how sustainable a future minority communities can expect. The approach of the international community varies. Many agencies still need to do a lot more to equitably attend to minority needs alongside those of the majority community. The assessment shows that responses are diversifying, from community to community and area to area. In areas such as west Kosovo, and more recently in the south-east, creative responses by the authorities, including special security measures and increased patrolling, appear to have helped ease the situation. The number of UNMIK Police officers continues to increase. Good relations between the minorities and the security authorities are vital, not least to reassure the minorities that their protection is being taken seriously. The assessment shows that there has been an improvement in this relationship but there is still much work to be done and new challenges emerge as increased responsibility is handed over to local structures.

An **effective and fair judicial system** is a necessary component of a democratic society. Only with a fully functional and impartial justice system can rule of law be established and impunity countered. This is particularly important in Kosovo where minority communities perceive themselves to be the scapegoats of an unfair judiciary. Unfortunately, in some cases this perception appears to be borne out. The role of international judges and prosecutors within the local judicial system needs to be further developed to ensure that their potential is being maximised to the full. Their support should not be limited only to direct participation in cases involving minorities. Rather they should be seen as a valuable resource, contributing to an ongoing assessment on the development of the judiciary and providing support and advice accordingly.

Beyond attending to immediate security concerns, there is a need for a comprehensive approach that will foster reconciliation between the minority groups and the Kosovo Albanian majority. Only with improvements in this area can long-term guarantees of security be attained. Whilst some welcome steps have been taken at central involving all groups, and at local level between Albanians and their Roma and Muslim Slav neighbours, few significant developments have been possible at local level between Albanians and Serbs. The report describes some **key initiatives** taken with regard to addressing the needs of minorities, including a Memorandum of Understanding between the SRSG and the SNC, the Platform for Joint Action for Roma, Ashkaelia and Egyptian communities, the Airlie House conference which aimed to foster dialogue between Kosovo Serbs and Kosovo Albanians and a strong statement from the NGO community condemning violence. These can all be described as "good starts". What remains to be seen is how these initiatives are developed into practical and sustainable steps.

The report returns to key issues that have been addressed in previous assessments and explores which of these have been resolved and where more efforts need to be focused. In almost all areas, the response of the relevant authorities can be described as mixed. There have been notably good initiatives in some areas, but an overall policy towards protecting the key rights of minorities remains lacking on many important issues.

Access to essential services remains critical. We look again at access to **education, health, public utilities and social welfare**, and assess how minority needs are met. We undertake this assessment against a rapidly changing backdrop. Humanitarian assistance is being reduced and the focus is shifting towards longer-term structures to meet social needs. It is important to analyse at this stage how well these systems are adapted to minority needs. This report shows that the access of many minorities to essential services remains restricted by security concerns and their lack of freedom of movement, but also by direct discrimination and by policies having indirect discriminatory effect. Non-discrimination is one of the most basic human rights principles. Discrimination needs to be countered by firm action on the part of the international community in order to lay a solid foundation upon which local systems can continue to be built.

Access to the media, on a fair and equitable basis is crucial for giving minorities a sense of belonging to Kosovo and in promoting reconciliation. Steps were taken to tackle **hate speech** in the media, which fuels ethnic intolerance. **Employment** is a key issue in ensuring minority communities have a sustainable future. A clear anti-discrimination law that is strictly enforced is needed. Also special steps should be taken by the public authorities to promote and maintain the employment of minorities.

With municipal elections drawing near the question of **access to political structures** is crucial. For most of this period, the minorities, including the Kosovo Serbs have participated in the governmental structures under the JIAS. However the Kosovo Serbs and Turks did not, on the whole, participate in the registration process, and therefore will not take part in the elections due on 28 October. Executive bodies formed after the elections, which will assume responsibility for the running of municipalities, may not, therefore, be fully representative of the populations they serve. This will require close monitoring by the international community to ensure that the rights and needs of minority communities are not overlooked as a result.

A key issue for many Kosovars, but particularly affecting minorities, is that of **property**. The lack of effective access to mechanisms, both to protect property rights, and to allow the reconstruction of homes, is one factor preventing minorities from returning. The limited progress of the Housing and Property Directorate and Claims Commission is of particular concern. This issue will be of increasing importance during the coming year.

An indication of how the minorities themselves see their future can be gauged by the trends in population movements. The picture of departures, returns and further internal displacement, is mixed. Some minority communities, particularly Kosovo Serbs in urban areas, continue to leave, due to continued security problems. On other hand the period has also seen small-scale, but widespread, spontaneous returns amongst all minority communities, as well as some positive steps towards the possibility of organised returns. The establishment of fora such as the Joint Committee for the Return of Serbs has provided a working mechanism for all concerned actors to discuss issues of common concern and co-ordinate responses accordingly. A co-ordinated and comprehensive approach from the international community on all the issues affecting minorities, in particular, security, property, employment, and access to services, will be necessary if return is to prove safe and sustainable.

Over one year on from the publication of the First Assessment of the Situation of Minorities, undoubted progress has been achieved in a number of areas. However, the reality is that current provision for the majority and minority communities runs mainly on parallel tracks and still in many cases remains inadequate. Successful examples of sharing facilities do exist, and while this may not be possible for every locality or in every case, the overall aim of creating systems equally accessible and fair to all must not be forgotten.

Kosovo is now at a critical juncture. The municipal elections on 28 October and their implementation will represent the first significant withdrawal of the international community from the direct government of the province. It is of immense importance that the newly elected municipal authorities in Kosovo not only respect the rights of minorities but also take positive steps to improve their position and to facilitate their return. The coming months will test the resolve of the international community to ensure that the diversifying trends that are appearing in the experiences of distinct minority groups do not lead to any group being left behind. The overriding goal for all must remain that of a Kosovo premised on respect for the human rights and dignity of all its residents, regardless of ethnic distinctions.

Security

1. Security continues to be an issue of overriding concern for minority communities. In many respects it is **the issue** and is more frequently raised in discussions about minority protection than any other. The degree of security or, as is more often the case, insecurity, experienced by minority groups is the basic yardstick against which the sustainability of their communities is measured. This report reviews security incidents and places these in context by highlighting their impact on the quality of life of Kosovo's ethnic minorities. Unless security can be improved, many minority communities will be neither socially nor economically viable, dependant on humanitarian assistance for survival and faced with little option but to leave. Murder, arson and lesser forms of intimidation are still a daily reality for many minority communities whose members figure disproportionately among the victims of crime. As significant as the individual incidents of violence is their cumulative effect and the **continued perception among minorities that they are not secure**. The lack of security continues to restrict freedom of movement, which, for many minority communities, remains possible only through the provision of special bus lines and escorts. As a result, minorities continue to face difficulties of access to essential services, such as secondary healthcare and education, and face a very poor quality of life.
2. **Levels of security have fluctuated in light of local circumstances.** The picture from municipality to municipality, and community to community, is diverse. Some communities have seen an easing in the level of violence while others continue to be subjected to unrelenting violent attacks. It is still not possible to say that any one ethnic group has experienced a lasting improvement in overall security; even after months of calm, violence can re-ignite and minority communities are all too conscious of the fact that the threat of violence is ever present. Indeed a recurrence of violence after periods of calm can send a community into panic, having deep and long-lasting consequences, to the detriment of any progress achieved.

Below follows a non-exhaustive overview of security related incidents involving minorities. Some attempt has been made to categorise the type of crime involved but it should be noted that overlaps occur: an incident such as a grenade attack may be variously classified as an attempted murder or an attack on property depending on the circumstances of the case.

Serious crimes (murder, attempted murder)

3. The trend during the past four months has been for such crimes to be sporadic, but persistent with Kosovo Serbs, Roma and Ashkaelia being more frequently targeted than other minority groups.
4. A number of violent attacks during this period were concentrated in the Kosovo Serb communities of the Pristina/Prishtine² and Gnjilane/Gjilan regions. A first round of attacks came at the start of June with a series of killings over the three-day period from 31 May to 2 June. Two Kosovo Serbs were killed in drive-by shootings: one in Klokot/Klokott (Vitina/Viti municipality), the other in Babin Most/Babi Most (Obilic/Obiliq). Two Kosovo Serbs died near Pristina/Prishtine, killed by a landmine placed on a road newly opened by KFOR to connect Kosovo Polje/Fushe Kosove with Gracanica/Ulpiana. A second landmine in Lipjan/Lipjan municipality killed another two Serbs on 15 June. This sudden upsurge in killings of Serbs created both fear and anger in the communities, with large

² For the sake of continuity and for ease of reference the style of place names used in this report continues to follow the Serbian/Albanian format used in previous UNHCR and OSCE reports. It should be noted however, that Regulation 2000/43 of 27 July 2000 contains an official list of names both for municipalities and cadastral zones forming each municipality, in an Albanian/Serbian format and stipulates that official communications shall not contain any name not included in Schedule A of the said regulation, with the exception of municipalities where ethnic or linguistic communities other than Serbian or Albanian form a substantial part of the population and in which case the names of the municipalities should also be given in the languages of those communities. This is a welcome move towards clarifying language policy in so far as place names goes. Throughout the reporting period the local media continued to use new and often previously unheard of names for towns and villages throughout Kosovo.

numbers of Serbs demonstrating in response to each incident. This angry reaction was particularly noticeable in the wake of a grenade attack in Gracanica/Ulpiana on 6 June 2000. There were no deaths but a large crowd of Serbs vented their anger at KFOR. This wave of violence prompted the SNC (Gracanica) to temporarily suspend its participation in the JIAS structures in protest at the failure of the international community to provide sufficient security to the Kosovo Serb community. They returned to the JIAS only after the signing of a joint understanding between UNMIK and the SNC on 29 June, which focuses on the security needs of the Serb community (amongst other issues). The high level of tension amongst all Serb communities was again evident later in the month, when, a Serb farmer was abducted and murdered in Strpce/Shterpce on 23 June 2000.³ The abduction led to a large demonstration of Kosovo Serbs in Strpce/Shterpce town and the destruction of UNMIK property. Kosovo Serbs were not the only victims; a young Bosniak was shot dead in Djakovica/Gjakova on 27 June and a grenade attack on a Roma IDP settlement in Mitrovica/Mitrovice left four residents injured, including a young child.

5. **July** commenced with the murder of an elderly Serb farmer in Gnjilane/Gjilan municipality. Another serious incident occurred on 13 July, when three Serbian priests were shot at, an incident which may have been linked to comments made in a newspaper article on 4 July (see Media, below). Numerous arson and grenade attacks were perpetrated against occupied minority homes across the province, most notably a series of grenade attacks against Roma homes in Stimlje which continued throughout the month.
6. **August** saw no respite. Three Ashkaelia were killed by a booby trap in Mali Alas/Hallac I Vogel, Lipjan/Lipjan on 2 August 2000. A Roma man was found dead near Landovica/Landovice village in Prizren on 25 August, and two more Roma bodies were found near Radoste/Maleis I Vogel, Orahovac/Rahovec on 30 August. Roma families in Stimlje/Shtime continued to be subjected to grenade attacks throughout the month. KFOR discovered the body of a Kosovo Serb man near Lipjan/Lipjan on 6 August, who had been shot. On 27 August, the body of a Kosovo Serb was discovered near Crkvena Vodica/Palaj. This discovery sparked angry protests from the local Kosovo Serb community, coming as it did, shortly after a very serious incident in the village on 18 August, which targeted Kosovo Serb children playing basketball when a grenade was thrown at them. Ten children were injured in this attack. Kosovo Serb children were again the victims when an August 27 hit and run incident in Skulanovo, near Lipjan/Lipjan, left one child dead and another three injured. The Kosovo Albanian driver was subsequently detained under suspicion of having deliberately driven at the group.
7. In **September** the death toll was lower but serious incidents continued unabated. On 7 September in Lipjan/Lipjan, a Roma man narrowly escaped death when he discovered a booby-trapped hand-grenade attached to a gate normally used only by himself and an elderly Kosovo Serb woman. A Kosovo Serb woman was shot dead in Kamenica on 13 September. An elderly Serb man was killed near Crkolez/Cerkolez village in Istok/Istog. Another booby trap in Lipjan/Lipjan badly injured a Roma man. Again it had been rigged to a gatepost and detonated when the man opened the gate. A Kosovo Serb man in Gnjilane/Gjilan died on 18 September when a hand grenade was thrown at him while he work on his car in the yard of his home. On the same date a shooting incident in Strpce/Shterpce left one Roma dead and three injured. In addition there were a number of arson and grenade incidents against minority owned and occupied properties that should be considered as attempted murders.

Property related crime – arsons/property destruction/forced evictions

8. Crime related to property particularly affects minorities. Arson, and the destruction of property, often appears to be directed at ensuring that members of minorities leave, or do not return to, the province. Arsons have taken place across the province, with a series of attacks in Orahovac/Rahovec at the start of June. Repeated incidents, including grenade attacks and shootings at Kosovo Serb-owned property took place in Kosovo Polje/Fushe Kosove, a Kosovo Serb community often described as "under siege" by its residents and

³ The body was found four days later, on 27 June 2000

international actors. Other significant events include destruction of churches, which took place in Vitina/Viti on 30 June, and Kosovo Polje/Fushe Kosove on 16 July 2000.

9. Other pressures on minorities to sell (or simply abandon) their homes and leave has also continued. Particularly notable was the pattern in Kosovo Polje/Fushe Kosove, where persistent low-level intimidation, in the form of repeated visits to minority-owned homes, had a serious impact on the Kosovo Serb community. During one week in August, five out of eight remaining Kosovo Serb homes in one street in the town were sold. This type of activity was also evident in Obilic/Obiliq and in Lipjan/Lipjan – all in the Pristina/Prishtine region. The previous pattern in Vitina/Viti of empty Kosovo Serb houses, either sold to Kosovo Albanians or for sale, being destroyed by explosives also continued, though at a lower level.
10. The effects of continued low level harassment should not be underestimated. Verbal harassment of members of minorities, although overshadowed by the more violent incidents taking place, continues to take its toll on the morale of minorities, adding to pressures placed on them to leave. Of particular note is the involvement of children in incidents of harassment. In Lipjan/Lipjan, reports of verbal intimidation and insulting of Serbs by Kosovo Albanian children began again in July, after several months in which such behaviour appeared to have ended.⁴

Interaction between the international community and local communities

11. In the fifteen months since the international community entered Kosovo, it has had the chance to develop and improve appropriate responses to the continuing security problems. As has been highlighted in previous Minority Assessments, there are a number of issues that recur and still require further attention, including: the deployment of police and other security forces; specific security measures taken by the law enforcement authorities in response to particular incidents; investigation of crimes against minorities; other related measures, if any, that have been taken to improve security.
12. Without doubt the security forces are faced with huge challenges in the field in trying to extend adequate protection to minority communities. The existing climate of intolerance and impunity makes their task all the more difficult. The single greatest contribution to improved security would be an improvement in the relationship between the minorities and the majority community. At local level several steps have been taken in this regard. For example OSCE has pursued and supported reconciliation efforts in recent months in Gorazdevac/Gorazhdec (Kosovo Serbs/Kosovo Albanians); in Crkolez/Cerkolez (Kosovo Serbs/Kosovo Albanians); and in Zallq (Egyptians/Kosovo Albanians). Results have been mixed and, in all cases, unfortunately, limited thus far.
13. The work of KFOR and the police service is not always assisted by the communities themselves. The reasons for this are numerous but essentially relate to a lack of trust. In past Assessments, cases of KFOR or UNMIK Police using interpreters of a different ethnicity from the population in minority areas have been reported, a practice that led to complaints from minorities and contributed to misconceptions by both the authorities and minorities of a lack of co-operation. In this reporting period there have been instances in which the construction of roadblocks, or gathering of large crowds, have impeded investigations of serious incidents: in Strpce/Shterpce, for instance, on 23 June – a demonstration that required both a KFOR and a police presence. In other cases, UNMIK Police have been physically attacked during such demonstrations. One example of this occurred in Obilic/Obiliq municipality in August 2000. The protest of the Kosovo Serb community, whilst understandably and justifiably upset by the August 18 and 27, incidents which had affected their communities and in which children were attacked was inappropriate in the form it took. The response of assaulting UNMIK Police only contributes to a further escalation of violence and prevents the police from doing their job.

⁴ It was in Lipjan/Lipjan in 1999 that juveniles were allegedly involved in a major series of grenade attacks against minorities. See 'As seen, as told Part 2'.

14. Complaints from the authorities of a lack of co-operation, and from minorities of a lack of protection, may sometimes be justified, in either case. However, providing protection in an atmosphere of minimal or no co-operation simply makes policing more difficult. For their side, both KFOR and UNMIK Police can usefully learn and build upon the examples of good practice, outlined below, to improve their relations with the communities; this is particularly important because frequent redeployments and rotations make building good relations with the communities difficult, but not, however, impossible. Use of interpreters of the same ethnicity as victims or informants, developing local knowledge of the community, going at least some way to explain the security measures in place and to discuss as far as possible proposed changes in those measures, will assist in developing a better working relationship between KFOR, the police services, and minority communities.

Below we describe and analyse the type, variety and impact of a number of security related response mechanisms.

Deployment of police and KFOR

15. The visible presence of UNMIK Police and of KFOR remains the single clearest indication to the minority communities that the international community intends to protect them. The number of UNMIK Police, present in Kosovo stood at 4,155, as of 2 October 2000. This represents the highest level achieved in the mission thus far but still falls short of the 4,700 initially pledged. Some 3,209 of these international officers are deployed, whilst 820 are assigned to special units and 26 are in training pending full deployment.
16. The increased deployment is to be welcomed, and can have notable effects both in reducing the number of incidents and improving minorities' perception of their security. For example, in Stimlje/Shtime, an increase in the deployment of UNMIK Police and KFOR at the end of July contributed to a reduction in the number of attacks on minority homes (Serb, Ashkali and Roma). Unfortunately, even with increased deployment, it was not possible to stem these attacks completely and long term security in Stimlje/Shtime remains a problem. The area is still severely under-policed with a substation of only 3 UNMIK Police officers (and 25 KPS Cadets) for a population of 18,000. The lack of sufficient security personnel continues to affect many minority communities around Kosovo, with the police and KFOR simply unable to respond to the demands placed on them by the communities.
17. The total strength of the local Kosovo Police Service (including those in the Police School and in Field Training) currently stands at 2284. UNMIK Police consider 238 of these as being fully deployed. Of the 1,985 persons to have graduated from the Police School to date, 131 (7% are Serbs); and 116 (6%) come from other minorities, including 51 Turks; 9 Roma (including Ashkalia and Egyptians) and 56 Muslim Slavs (including Gorani and Bosniaks). From its inception, the KPS School has taken active steps to recruit minority candidates, including the use of special Community Liaison Officers, who have visited minority communities to explain the workings of the KPS and invite minority applications. Other special measures, such as arranging for minorities to sit entrance exams in secure locations and providing regular secure transport, set a good example that other agencies could follow, of how a consistent approach to minority recruitment can have positive effects.
18. Plans have recently been announced for KPS officers to assume sole responsibility for certain geographical areas – such plans are underway in Pristina/Prishtine rural south, and in Gracanica/Ulpiana, for example. While such measures free up scarce international policing resources to attend to other areas, careful monitoring of this transition will be required and it may be necessary to reassign international officers. Some minority communities are wary of the newly developing KPS, and only over time and with effort and commitment on all sides will a relationship of trust develop.

Security measures

19. The key to the minority communities' security remains twofold: improved security itself, and improved perception of that security. Both are complex, both are important. Members of many minority communities believe that a static and visible international presence improves their security and they frequently demand the installation of checkpoints. KFOR, however, does not always assess such checkpoints to be the best way of securing an area and may resist requests to put checkpoints in place to the dismay of the local community. Real improvements in security conditions may also lead KFOR and/or UNMIK Police, to remove measures already in place. One example of this was the removal of the highly visible Special Policing Units from Obilić/Obiliq without prior notice to the community, a move which caused alarm among minorities. Minority communities can misinterpret such actions, feeling that the international community is not responding to their concerns, and the communities' perception of security may suffer as a result.
20. **Static and mobile guard patrols** including; permanent guard posts at important religious sites and in the immediate vicinity of minority enclaves; road checkpoints; foot and vehicle patrols; and security escorts afforded to facilitate the movement of minority populations, continue to be a key aspect of a broader **security response**. In the initial days and weeks of deployment, faced with wide-scale attacks against minority communities, KFOR was obliged to dedicate considerable personnel to physically safeguard the well being of these communities. With the passing of time the use of static guards has been modified in accordance with changes in the local situation. The mandate for security assigned to KFOR under Security Council Resolution 1244 is wide and their activities are not limited to minority protection. It remains a reality, however, that a high number of soldiers continue to be assigned to guarding functions that are primarily directed at the protection of minority communities. KFOR soldiers stand guard at Orthodox churches rather than mosques; guard posts are strategically placed at access routes to minority enclaves/neighbourhoods rather than elsewhere. The continued high levels of deployment of military personnel and the degree to which their efforts are geared towards minority protection, is indicative of the fact that minority communities still face considerable security threats.
21. The **effectiveness** of such measures as a **deterrent to ethnically motivated violence** is difficult to assess. During the reporting period a number of serious incidents occurred in close proximity to guard posts; on 6 June 2000 a hand grenade was thrown from a passing vehicle into the market in Gracanica/Ulpiana injuring three Serbs; on the same date three mortar rounds impacted in the Serb enclave of Gorazdevac/Gorazhdec, an occurrence repeated on several occasions since; on 21 June the Orthodox monastery in Decani/Decan was the target of 6 to 7 mortar rounds. While these incidents led to protests by the minority communities at the failure of the international community to protect them, it would be overly simplistic to question the effectiveness of static guards by citing specific examples where their presence failed to prevent attacks. An obvious counter-argument to such complaints would be that many more incidents would have occurred without the presence of the guards.
22. The **psychological importance** of such guards should not be underestimated. The visible presence of KFOR personnel is perceived by some communities to be an essential pre-requisite for their security. This in turn can lead to a situation of dependency whereby the withdrawal of security personnel induces a sense of fear and panic, regardless of whether there is real risk or not. This experience is not uniform for all ethnic groups in all locations. In fact in some places, highly visible security has been scaled back or modified in accordance with improvements in the local security situation. In other examples some minority communities (including Ashkali neighbourhoods) have shied away from highly visible security, worried about how this would be perceived by their majority neighbours. The question arises as to whether some minority communities are shouldering unacceptable levels of intimidation and harassment, fearful to report this and hoping that

if they weather the storm without calling the attention of the international community, their longer term security will be better served.

23. The fact that numerous security incidents continue to occur is sufficient reason to warrant **the continued use of guarding mechanisms**. However these are ultimately **unsustainable** and **detrimental** to the general well being of minority communities, as they tend to prolong segregation and reinforce a siege mentality. KFOR needs to maintain an open mind regarding security measures and continue in their efforts to involve other actors, most importantly the local people themselves, in a constructive debate about an overall security strategy that safeguards the interests of all Kosovo's residents in a fair and equitable manner.
24. A good example of this flexible and open approach has been evident since the arrival of a new KFOR shift to the Gnjilane/Gjilan municipality in May. Here, the *modus operandi* of KFOR seems to be more oriented towards the protection of minorities, and is seen to be so. Thus the battalion operating in Gnjilane/Gjilan town established good working relations with the minority leaders and new checkpoints were established in the most vulnerable spots; a telephone line, staffed by a Kosovo Serb interpreter, has been established to the local police station,⁵ and a KFOR Civil Affairs contact office is operational during the day time in the Serb-populated quarter. UNMIK Police also increased its presence in the town, and independent KPS patrols started to operate. One immediate effect was that traffic control around minority areas improved considerably. However, further and more constructive measures are still required for the small Roma population in Gnjilane/Gjilan town. After a recent arson attempt against the local school the community requested KFOR support but were told that due to insufficient personnel they would have to arrange security on their own initiative.⁶ This population has been subject to persistent harassment. It lives in a clearly-defined area, primarily on one narrow street, and has consistently called for improved security measures. In February this year, a static checkpoint was placed at one end of the Roma street, although it is not always manned. Through further discussions with KFOR and UNMIK Police mechanisms have now been agreed on to improve security for the school and for the community in general.
25. UNMIK Police and KFOR have also taken other specific steps in some parts of Kosovo to address issues of security. The Special Local Security Measures (SLSMs), which were proposed earlier in the year, are now to be put in place in Vitina/Viti municipality. These SLSMs are one outcome of the "Special Security Task Force" promised in the Memorandum of Understanding agreed between the SRSG and Bishop Artemije on 29 June 2000. That Memorandum set out the critical concerns of the majority of the Kosovo Serb community, chief among which was security. Some concerns remain about these measures, which appear to be limited to Kosovo Serb areas to the exclusion of other minority areas or areas with special security needs, but generally the measures show a more responsive approach to improving security in what has long been one of the most violent areas of the province. As ever, such measures require not only commitment but also resources – human and financial – to be effective.
26. One proposal for the SLSM is the use of mobile and part-time police stations, to provide a temporary visible presence, particularly in isolated areas. While such units may not increase security from attack *per se* (the villages remain vulnerable when the mobile unit is not present) they can contribute to creating stronger and more regular communication between the communities and UNMIK Police or KPS. The flexibility of such mobile units would also allow them to be used semi-permanently if security in a particular location

⁵ The use of minority interpreters remains essential when dealing with minorities. This move in Gnjilane/Gjilan is particularly welcome; minorities in the town and surrounding enclaves have persistently reported problems with Kosovo Albanian interpreters.

⁶ This 'community watch' approach is largely discredited. A similar response from KFOR to the Kosovo Serb community of Cernica/Cernice, over protection for the Church, ultimately resulted in failure. The Kosovo Serbs in the village, which has long been one of the most problematic in the south-east sector, were afraid to guard the church at night. On 30 June, the church, unprotected, was destroyed in a major explosion.

deteriorates, thus providing a visible presence at times of most need. The introduction of such stations should be pursued without further delay.

27. Prompt and practical responses by security forces have also yielded success at local level. For example KFOR's installation of speed bumps in Vitina/Viti in July following a series of drive-by shootings targeting Kosovo Serbs, was welcomed by the community. Extra night patrols by KFOR in Klina/Kline and Djakovica/Gjakove in June led to a noticeable decrease in the number of incidents against the Roma and Egyptians. The construction of alternative routes to diffuse tension in mixed areas is another measure that can lead to an increase in security. Examples include a road constructed by KFOR to allow Kosovo Albanians to bypass the Decani/Decan monastery, which greatly reduced tension there, and a road constructed to the east of Pristina/Prishtine which allows Albanians driving to Pristina/Prishtine to avoid Gracanica/Ulpiana.
28. The impact of the Confidence Area in Mitrovica/Mitrovice - one of the most widely known local security responses in the province - remains unclear. It does appear that serious crime in the city has fallen, both in and north of the Confidence Area. However, the Confidence Area has not been increased to the extent initially envisaged and the "bridgewatchers" are still apparently limiting freedom of movement on the (Kosovo Serb) north side of the main bridge. For the isolated Kosovo Albanian minority in the north of the north of Mitrovica/Mitrovice, the situation remains tense. Forced evictions have continued sporadically over the summer. UNMIK Police and KFOR took steps to curb this trend by installing a quick response mechanism, whereby a KFOR officer was posted at the Northern police station ready to quickly mobilise soldiers to assist families at risk. However, there has been little success in catching the culprits and the continued threat of sporadic violence leading to forced evictions persists. UNHCR provided metal bars and locks to reinforce security of the doors of apartments at risk.
29. Overall, the response both to real security problems and to perceptions of security has been more imaginative, and has called on a greater range of policing and security techniques than formerly. It is hoped that this increased willingness to adopt creative measures, to keep communities informed, and to respond to long-standing problems, will continue.

Freedom of movement

30. Freedom of movement is not simply a question of mobility. The fact that security concerns prevent minority communities from exercising the basic right of freedom movement has been well-documented in previous UNHCR/OSCE assessments. Regrettably it is repeated in this report. It is important to continue to illustrate the **effects of restricted freedom of movement** in order to fully appreciate the damaging and far reaching consequences that this has for minority communities. Restricted freedom of movement is a problem common to all minorities in Kosovo, but it is not one that is uniform for all groups in all locations. Kosovo Serbs are more commonly and more severely affected, with other ethnic groups facing varying degrees of the same problem. Limitations on freedom of movement inhibit people's ability to fully exercise their basic rights. In a practical sense this means being unable to move freely to visit friends and family; unable to easily access health and education services; unable to hold down a job or seek employment; unable to work their land; unable to send their children to the school of their choice. All of these issues are multi-faceted and underscore not only the importance of unhindered mobility but also the fact that this can only take place in a climate of tolerance and overall security.
31. UNHCR continues to operate buslines around the province. These are designed to facilitate freedom of movement for minority communities who would otherwise have no reliable means of travelling beyond the confines of their enclaves. The main beneficiaries of this service are Kosovo Serbs. Following the fatal grenade attack on a UNHCR bus in Mitrovica in February 2000, all services were temporarily suspended pending a full review of security arrangements. By late April the bus project was fully functional again. Passenger numbers over the summer months showed a marked increase, reaching an

average of 30,000 per month. That UNHCR buses have to operate under security escort is a chilling reminder of the dangers faced by minorities who wish to exercise their right of freedom of movement.

32. **UNHCR services are not the exclusive means of travel** and therefore the frequency and location of routes is monitored on an ongoing basis and the limited resources are re-deployed on the basis of need. This has been the case in the Mitrovica area where the improved rail service has lessened the demand for the buses. In Orahovac the demand has steadily increased and in a positive development, more passengers are availing of the return journey. This indicates that the bus service is making a genuine contribution to the freedom of movement of the Kosovo Serb community as opposed to simply serving as a one way trip out of Kosovo. UNHCR continues to stress that their bus services alone are neither sufficient nor appropriate to meet the needs of all minority communities. Discussions are underway to devise a strategy for local transport services, under the auspices of UNMIK, which would **gradually assume the responsibility for providing appropriate services to minority communities.**
33. **Additional transport services for minorities** include the train link between Kosovo Polje/Fushe Kosove and Zvecane/Zvecan which is a vital service for Kosovo Serbs living in central parts of the province. Train services have been intermittently suspended due to technical problems. The train has also been affected by security incidents; on August 8 a Kosovo Serb passenger was slightly injured when stones were thrown at the passing train close to Vucitrn/Vushtri. Despite these difficulties passenger numbers have seen an upturn and the train is obviously a much appreciated and necessary service. There are also a number of **commercial bus services** with cross boundary routes, including the Nis Express route to Gracanica/Ulpiana and a regular shuttle to Gorazdevac/Gorazhdec. These services benefit from KFOR escort, but regrettably there are still regular reports of the buses being stoned en route. KFOR additionally provides security escorts to private vehicles on the basis of need.
34. In late June, KFOR, reacting to an outbreak of violence within the Kosovo Serb community of Strpce/Shterpce⁷, temporarily **suspended the security escort afforded to the Strpce/Shterpce bus service.** A convoy that proceeded unaccompanied was stoned, resulting in minor injuries to a number of Kosovo Serb passengers. KFOR's withdrawal of the escort was intended to illustrate to the local community, their responsibility to co-operate with the international community, if they wish to benefit from continued humanitarian support. Freedom of movement for many minorities under current conditions is reliant on the provision of security escorts. The availability of this basic right should not be further curtailed by the international community as a means of obliging the local population to live up to expectations. Security escorts should only be declined when there are reasons to believe that a real and imminent threat makes travel, even under escort, inadvisable. The notion that a whole community can be punished for the misdeeds of some of its members is unacceptable and not one that should be perpetuated by the international community. The escort was subsequently re-instated.

Justice System⁸

35. Facilitating the development of an **independent and impartial justice system** is an essential component of establishing the rule of law and tackling impunity. This affects not just minorities but society as a whole. It is incumbent on any functional justice system to ensure that effective investigations take place, including, where the evidence allows, the prosecution of perpetrators and the punishment of those found guilty. In the case of Kosovo, the need to guarantee a justice system that **fairly serves** and is **seen to serve** the needs of **all sectors of society** is of particular importance. For Kosovo Albanians it is needed to help heal the wounds of the past. It is important to them to see real progress

⁷ Already referred to above at para. 13.

⁸ Information presented here is essentially limited to the functioning of the criminal courts. Efforts to re-establish a functional judiciary have inevitably concentrated in the first instance on the criminal courts with developments vis a vis the civil courts lagging somewhat behind.

being made with the prosecution of those guilty of past crimes. For minority communities it is important to counter the perception that they are being made the scapegoats for these past crimes. It is equally important to counter the perception that crimes against them are treated with impunity. It is essential to maintain the commitment and morale of the law enforcement agencies by assuring them that the dangers they face in investigating crimes and apprehending perpetrators will be accorded due respect and followed up on by the justice system. According to the criminal law applicable in Kosovo the investigating judge plays a major role in criminal investigations under trial. It is important therefore that any measures to improve the criminal justice system have at their centre the judiciary and the prosecution. For the international community as a whole it is important to clearly establish that the justice system reflects the basis of non-discrimination upon which the UN mission in Kosovo is based.

36. OSCE has monitored the legal system closely with a view to detecting bias and reporting on the fairness of the system. Particular attention has been paid to cases in which minorities are involved either as defendants or victims. In the past six months (from February to July inclusive) seventy-seven of the one hundred and sixteen District Court trials completed have been monitored (66% of trials completed between these dates). One hundred and forty defendants were convicted and twenty-nine were acquitted (83% conviction rate). Of the defendants in these trials, nine were minorities: four Kosovo Serbs, two Kosovo Roma, two Kosovo Turks, and one Muslim Slav (the majority of the victims in question were Kosovo Albanian). During the same period trials relating to nine minority victims were conducted: three Kosovo Serbs, four Kosovo Roma and two Kosovo Turks (the majority of defendants in these instances were Kosovo Albanians).
37. Although only a few trials of minority defendants were brought to completion in the past six months, those involving ethnically-motivated crime have given rise to serious concerns of actual bias by the court against Kosovo Serbs. The results of monitoring activities also suggest an unwillingness on behalf of public officials to pursue criminal acts committed by Kosovo Albanians against Kosovo Serbs. Moreover, the courts in some cases have pursued indictments against Kosovo Serbs that are apparently without foundation.
38. The role and function of international judges and prosecutors needs to be further developed. These were drafted in to support the local system following the serious outbreak of violence in Mitrovica in February 2000. The initial idea was that the presence of international staff within the judiciary would act as a positive counterbalance to the perception of bias and discrimination on the part of the local judiciary. As trials are conducted before a panel of judges, there is no question of the international judge having the last say. The role of the international personnel is more that of teaching by example, from within the justice system itself. In order to expand further on the potential of this role the international personnel should be more involved in the development of the legal system as a whole (courts, applicable law, etc.). Only in this way can well guided actions be pursued in order to guarantee that the system being managed under the auspices of the international community, is indeed benefiting from the experiences of those it has tasked to assist the local judiciary. Active steps should be taken to consult the national personnel and to ensure that those working within the justice system fully understand the role of their international counterparts and are indeed learning from their observations and experiences.

A number of issues of concern are set out below by way of example of the kind of problems revealed by OSCE trial monitoring. While some of these are structural and can be remedied with a sufficient injection of cash, others go to the substance of the law or the way it is applied by the judiciary and will need a more considered response in order to find appropriate and durable remedies that ensure a justice system that serves all Kosovars on an equal basis.

39. **Impartiality:** evidence of bias in proceedings against minority defendants is of particular concern. Two standard tests of impartiality – subjective and objective (or actual and perceived) – are monitored by OSCE. It is a requirement of impartiality that decisions

must be made solely on the basis of the evidence, and that the applicable law must be applied. It also a requirement that the judge comes to the case with an open mind – without pre-conceived ideas of the case or the defendant. Cases monitored raise concern that certain courts or judges fail to satisfy one or both of these tests. In cases where the evidence presented does not support the eventual decision, questions of possible bias arise. In part, this can be attributed to the routine admission of hearsay evidence, which many legal systems exclude entirely, but which is allowed under Kosovo's applicable law. Prejudiced statements before or during a trial by judges (and in some cases even by defence counsel) about the outcome of the trial or the guilt or innocence of the defendant raise serious questions about impartiality. In some of the cases monitored, including cases with minority defendants, judges have made statements that indicate an absence of impartiality.

40. **Security for minority witnesses:** Special measures are clearly required in order for minority witnesses to appear in Court. Sufficient notice must be issued to them of the trial dates and locations to allow for security measures to be arranged. Such measures include not only the need for escorts to and from the courthouse in order to give their testimony but also follow up measures after trials are concluded to preclude the possibility of reprisals as a result of having offered testimony.
41. **Detention:** the Kosovo legal system lacks a habeas corpus remedy by which the lawfulness of a detention can be properly tested. For any person facing a deprivation of liberty, there is a need for a fair procedure upon which the basis of that detention can be reviewed. This is particularly important in the case of a detainee who questions the validity of arrest and detention and who can adduce evidence that would lead to a conclusion that there is no reasonable basis upon which to proceed to trial. Such a procedure would be of great benefit to minority detainees who allege that they are being made scapegoats. Some minority detainees have been held in custody for long periods of time without access to such a procedure. Conversely there are indications that the courts are not ordering detention, or are not extending detention, in cases where the victim is from a minority and the defendant is Kosovo Albanian. In the case of the Kosovo Serb Priests shot in Klokot/Kllokot, for example, the Kosovo Albanian suspect arrested by UNMIK Police was quickly released by the investigating judge. An international Prosecutor has asked that this suspect be re-arrested, but the court has yet to rule on this request.
42. **Access to counsel:** While there is no inherent reason why a person of one ethnicity should not be able to provide a competent and professional defence to someone of another ethnicity, many minority defendants prefer to employ lawyers of their own ethnic background. As minority lawyers are scarce, it can be difficult to respect the right of defendants to employ counsel of their own choosing. For example, there are very few Kosovo Serb lawyers outside the northern municipalities and no Roma lawyers have been identified anywhere in Kosovo, though there is one Roma judge in Pec/Peje and another in Dragas/Dragash.⁹ The quality of defence counsel remains poor in many cases and training and other remedial measures are urgently required. Access to clients is also an issue: the District Court in Kosovska Mitrovica/Mitrovice has issued 'permission slips' for minority defendants' counsel, setting out the precise day, time and length of visit allowed. Permission slips are apparently not required for majority defendants' counsel. Confidentiality of lawyer-client meetings is also a matter of concern. In Kosovska Mitrovica/Mitrovice, there have been instances of court officials sitting in on such meetings.
43. **Language:** The overall lack of a language policy brings particular problems in the court system. All defendants have the right that proceedings be conducted in a language that they understand. Practices such as issuing court summonses only in Albanian, or failing to provide full translation of all proceedings, violate this right. The delivery of translation equipment to the Courts has assisted greatly in improving the conduct of criminal

⁹ The Roma judge in Dragas/Dragash has consistently complained that while he was appointed to work in Dragas/Dragash, he lives in Prizren, and finds travel difficult. The judge has requested that he be appointed instead to a court in Prizren.

proceedings and while there remain some instances where full translation was not provided, the situation overall is much improved. The problem of court documents being issued only in Albanian has also eased, following an instruction from the SRSG to court officials that documents must be issued in all official languages. Isolated instances of Albanian-only court documents being issued have continued to be noted, particularly in the Dragas/Drage area.

44. **Minority judges and prosecutors:** While efforts have been made to ensure that all communities are fairly represented, the judiciary is still effectively mono-ethnic and among other results, this impacts on the perceived impartiality of the system.¹⁰ As of 22 September, four Turkish judges were appointed; eleven Bosniaks; two Roma; and four Kosovo Serbs. Increasing the number of minority judges in the system, though difficult not least for security reasons, is only part of the required remedy. Judges sit in panels and it would be neither effective nor appropriate to create a parallel system where minorities were tried only by judges of the same ethnicity. Minority judges and prosecutors must be fully incorporated into the existing system in such a way that permits them to play a full and active role in the delivery of justice in a fair and impartial manner.
45. Overall, the justice system needs a number of urgent changes. The establishment of a system that is fair and seen to be fair requires a range of measures including: continued training for judges, improved training for defence counsel, ongoing legislative review, repeal of discriminatory laws, and an effective disciplinary system to hear and make determinations on claims of bias. Such measures must be part of a clear and consistent long-term strategy. New Regulations (including a Regulation creating a habeas corpus remedy); more training; greater efforts to assist minority defendants to employ the lawyer of their choosing; further efforts to create a multi-ethnic system; and continued close monitoring of the system as a whole, are all essential elements of such a strategy. Concerns about the legal system are not confined to the treatment of minorities, though they are of particular relevance to them – many of the current recommendations would help to improve the system for defendants, witnesses and victims of all ethnic groups.

Access to political structures

46. An important indicator of the ability of minorities to protect their rights is their ability, and willingness, to access political structures, both at a municipal and Kosovo-wide level. There have been significant changes in this regard in recent months and further changes are yet to come pending the outcome of the municipal elections on 28 October.

Joint Interim Administrative Structures (JIAS)

47. A key indicator of minority participation in political structures thus far has been their participation in the JIAS. The period covered by this assessment began with, on June 4, the withdrawal of the Serb National Council from its position as an observer in the Interim Administrative Council (IAC), the central body of the JIAS. This withdrawal was a mark of protest against the perceived inability of the international community to protect the Kosovo Serb community, following a particularly intense spate of attacks against them in preceding weeks. After extensive negotiations, the SNC resumed its participation but made this conditional on the signing of a Memorandum of Understanding between Bishop

¹⁰ The Advisory Judicial Commission advertised for judicial positions all over Kosovo. Starting in November 1999, the AJC received more than 700 applications and conducted close to 560 individual interviews. Notwithstanding the concerted efforts of UNMIK to find and recruit minorities into the legal system, very few applied, citing two reasons: first, security could not be guaranteed and second, pressure on them from the authorities in Belgrade not to participate. During its sessions on 11 and 12 December 1999, the AJC selected over 300 professional judges, public prosecutors and lay judges. The recommendations were conveyed to the SRSG on 13 December 1999. The initial swearing-in ceremonies were held in January 2000, but only a few of the appointed minority judges attended the ceremony. Only 245 judges and 42 public prosecutors were actually sworn in. Of the professional judges who took the oath, only eight were minorities, including two Kosovo Serbs. Amongst the lay judges only 13 were minorities, none were Kosovo Serbs. Of the public prosecutors, only two belonged to a minority Kosovo community. Thirteen judges resigned and four never began to work. One public prosecutor also resigned. As of 31 July 2000, there were 230 judges, 235 lay judges and 41 public prosecutors.

Artemije of the SNC (Gracanica) and Dr. Kouchner, the SRSG. This MoU, signed on 29 June 2000, committed UNMIK to further action in the areas of security; the judiciary; returns; missing persons; the deployment of Local Community Officers; and the protection of Serbian religious and cultural heritage in Kosovo.

48. Minority participation in the JIAS includes: for Kosovo Serbs, SNC presence as an observer in the IAC, along with four representatives on the Kosovo Transitional Council (KTC). Other minority groups are not represented in the IAC but do participate in the KTC including: two Muslim Slavs (Bosniaks); two Turks; and one Roma. One seat remains open for the Ashkaelia and Egyptians but they have yet to agree on a common representative, arguing that they are two distinct communities and should not be obliged to share a seat. Minorities have also filled positions as co-heads of JIAS Administrative Departments. The co-head of the Department for Transport and Infrastructure is Turkish, of the Department of Environmental Protection, Bosniac, and of Agriculture, Forestry and Rural Development, and Labour and Employment, Kosovo Serbs. There are no Roma, Ashkaelia or Egyptian department co-heads.
49. At a municipal level there are a variety of structures, including municipal councils and administrative boards, in each of the municipalities who are tasked with the day to day running of municipal affairs. These will assume greater powers once they are transformed into elected bodies after the elections on 28 October. Minority participation varies from one location to another. In the case of the Kosovo Serbs, this is often due to a boycott. However in some municipalities, for example Novo Brdo/Novo Berde, the Kosovo Serbs have participated, largely without incident. The Roma, Ashkaelia and Egyptians are represented on both the councils and boards of many municipalities, as are other ethnic groups depending on their numeric strength in any given area. This situation will of course be subject to change following the municipal elections.
50. In areas with significant minority populations, UNMIK Local Community Officers have been appointed, with the principal aim of assisting minorities in obtaining access to services. There are now Local Community Officers in 23 of the 30 Municipalities, and more may be employed in the future to extend existing coverage. Their role will become part of the municipal structure under Regulation 2000/45 on Self Government of Municipalities in Kosovo (see below under New Municipal Structures).
51. The key political issue over the past months was registration, (both for the electoral roll and for civil registration). The first phase of this concluded on 19 July 2000. The response from minority communities was very varied. Despite intensive efforts very few Serbs registered (figures on registration by ethnicity were not kept so it is impossible to know the exact figures). One reason appeared to be intimidation both from within their own community and from outside. Towards the end of the registration period a leader of the SNC in Leposavic/Leposaviq announced that he supported registration but very few Serbs followed his call to register. A registration centre in the area, which was kept open beyond the planned conclusion of the first phase in anticipation of a possible upturn in the number of Kosovo Serbs interested in registering, required increased security due to threats of violence from some sectors of the Kosovo Serb community. No parties representing Kosovo Serbs have registered to contest the elections. The Turks also largely boycotted the election process due to complaints about failure to recognise Turkish as an official language. However, two Turkish parties, the TDB and KTHP, as well as a Turkish Citizens' Alliance in Mitrovica/Mitrovice have registered to contest the elections. Registration of Muslim Slavs was variable but three Bosniac parties, (SDA; BSDAK and DRSM) and a Gora citizens' initiative, have registered to contest the elections. The Roma, Ashkaelia and Egyptians did register in many areas. Registration appears to have been higher amongst Ashkaelia and Egyptians than the Roma. One Ashkaelia party has registered to contest the elections and there are independent Egyptian candidates in Djakovica/Gjakove.
52. Municipal Elections Commissions (MECs) were established to oversee activities related to the elections. Members of the different minorities are represented on these with the exception of Kosovo Serbs who are absent by choice.

New municipal structures

53. Following the municipal elections the current make up of municipal councils is expected to be radically altered. Given the limited extent of registration for some minority groups (and therefore their limited participation in the elections) it is unlikely that many of the newly elected members of the Municipal Assemblies will be members of minorities. Even for those minorities who registered and intend to participate, their numerical weakness in comparison to the majority population, coupled with the limited number of minority candidates standing for election, may result in failure to achieve the election members of their own community to represent them. Given the powers that will pass to the elected bodies, on issues such as housing and social services, the monitoring role retained by UNMIK will be crucial to ensure that minority interests are fairly attended to. The SRSG has powers under Regulation 2000/45 to co-opt additional members to the Municipal Assembly if he considers it necessary to do so in order to ensure representation of all communities pursuant to United Nations Security Council resolution 1244. An essential component of any such appointment system should be that of ensuring the fair representation of minorities in areas where they form a significant part of the population.
54. Of equally crucial importance in the new municipal structures will be the systems set up to protect minorities. Regulation 2000/45 requires the establishment of a Communities Committee and a Mediation Committee in every municipality tasked with ensuring that the rights of minorities are protected and that persons undertaking public duties or holding office do not act in a discriminatory way. In addition for those municipalities where "a community that is not in the majority forms a substantial part of the population" a Community Office has to be established. Such offices are to be temporary, existing only for so long as the Central Authority considers them to be necessary. The role of the Community office is that of enhancing the protection of community rights and ensuring equal access to public services at municipal level. It remains to be seen how effective these institutions will be, and what powers will be available to them. However, it is to be hoped that they can and will play a positive role in defending minority rights.

NGOs

55. While it is not necessarily correct to consider participation in NGOs as a political activity, the fact that minorities have been active in establishing NGOs is an important indicator of their overall participation in civil society. The emergence of minority-run NGOs is an act of empowerment for minority communities. It provides them with appropriate mechanisms through which to advocate for the rights of their communities and to develop projects and activities that respond to their needs. NGOs play an important role in holding political structures accountable to the populace they serve. In addition, the interaction between international and local NGOs allows for capacity building and contributes to a learning process based on shared experiences and actions. This allows minority communities through their NGOs to act as positive catalysts for change. The OSCE has facilitated the setting up of several minority NGOs, in particular among Roma communities in Kosovo. Such NGOs currently exist, or are in the process of registration, in Prizren, Gnjilane/Gjilan (the community has already established one NGO and requested additional support to help establish a second that will focus on the needs of Roma women), Kosovska Kamenica/Kamenice, Orahovac/Rahovec (a women's NGO), Gracanica, Strpce/Shterpce, and Mitrovica/Mitrovice. These NGOs need continued support in terms of funding and capacity building if they are to realise their full potential to serve the needs of their communities. Forging links between international NGOs and newly emerging local NGOs particularly, minority NGOs will be an important factor in focusing available resources towards minority community needs.

Initiatives towards tolerance

56. During the course of the reporting period there were important developments with respect to a number of initiatives geared towards fostering increased inter-ethnic tolerance and understanding. These included the Platform for Joint Action under the auspices of UNHCR, the Kosovo Pact and various minority-driven initiatives being pursued by UNMIK, and the Arlie House Conference held in the USA with the support of the United States Institute for Peace. All of these initiatives represent concerted efforts to ensure that the needs of minority communities and their relationship with the Kosovo Albanian majority underpin the development of a just and democratic society. While they may not offer the perfect solution for all of Kosovo's ills, each in its own way represents a step in the right direction. The first of many steps to be taken on a long journey towards reconciliation and peaceful co-existence.
57. **The Platform for Joint Action** (regarding Kosovar Roma, Ashkaelia and Egyptian Communities) is a framework document resulting from a series of round table meetings hosted by UNHCR during the first quarter of the year. Three meetings in all were held; Roma, Ashkaelia and Egyptian community leaders participated in the first two and were joined in the third by Kosovo Albanian leaders. Following the third meeting on 12 April, a declaration was adopted which condemned all acts of violence and harassment that only further divide communities in Kosovo and delay the real beginning of the healing process. This declaration paved the way for a more detailed document setting out the main areas of concern as identified by the round table participants, including, steps towards better understanding between the communities, the return of refugees and IDPs, the influence of the media and access to public services. The resulting document in the form of the Platform for Joint Action was agreed upon by all participants and subsequently endorsed at a special joint session of the Kosovo Transition Council (KTC) and the Interim Administrative Council (IAC) on 28 April during the visit of representatives of the Security Council to Kosovo. The Platform therefore set objectives to be met in co-operation between Kosovar leaders from all communities in full co-operation with the international community.
58. By way of follow up to their commitments under the Platform the Kosovo Albanian members of the IAC undertook a **series of visits to Roma, Ashkaelia and Egyptian communities; visiting Prizren and Urosevac/Ferizai on 7 June and Pec/Peje on 4 September**. These high profile visits provided an opportunity for the Kosovo Albanian leaders to gain first hand knowledge of the type of problems being faced by the minority communities. In addition, they provided a much needed public opportunity for all participants to renew their condemnation of violence and reiterate the fact that minority communities must play an active and positive role in the future development of Kosovo society, working alongside other actors to ensure that this is achieved on the basis of inclusion and non-discrimination. Such statements play an important role in countering a climate of violence and impunity.
59. Additional follow up to the Platform included a day long **technical consultation meeting supported by UNMIK** on 25 September. This provided an opportunity for direct discussions between the Roma, Ashkaelia and Egyptian representatives and Department officials of the Joint Interim Administrative Structure (JIAS). In this way the issues raised under the Platform could be fleshed out in detail, allowing the community representatives and UNMIK officials to pinpoint specific problems and start to discuss possible solutions. This meeting was welcomed by both sides as a practical means of moving forward and it is anticipated that there will be a further series of follow up meetings to ensure that real progress is being achieved.
60. UNMIK intends to pursue a similar approach with other minority communities. A meeting involving Bosniak and Gorani representatives took place on 16 October and a further meeting with representatives of the Turkish community will take place in the near future. Meetings of this type form part of broader efforts on the part of UNMIK to promote the

Kosovo Pact and specific initiatives for minorities. The goal of the **Kosovo Pact** is to involve all Kosovars in an open and transparent debate on their role in creating a society free of violence and underpinned by respect for human rights. The SRSG, Dr. Kouchner has embarked on an outreach programme attending town hall meetings around the province to promote this debate, and bring it down to community level, stressing to Kosovars of all ethnicities, that policies and programmes designed for their mutual benefit can only be truly implemented with their full participation and support. Within this context **the Initiative for non-Serb minorities** is designed to ensure that the particular needs of each ethnic group are not overlooked. There had been criticism from minority members of the KTC that much of the debate to date around minority needs has focused heavily on the needs of the Kosovo Serb community to the exclusion of smaller minority groups. As a result UNMIK decided to respond with a package of initiatives specifically targeting groups other than the Kosovo Serbs. This is not to say that Kosovo Serbs are left out. The Kosovo Pact is addressed to all Kosovars. However, in recognition of the fact that each minority group has specific needs, and that those of the smaller minority groups have not been as well addressed thus far, as those of the Kosovo Serb community, UNMIK is pursuing a variety of responses, some of which are minority specific and others which address the entire population. As yet the details of the Initiative for non-Serb minorities have to be worked out. The current stage of the process concentrates on facilitating inter-active communication between the representatives of each community and UNMIK officials in order to identify priorities. This objective setting exercise will provide the necessary input for UNMIK to subsequently come up with responses tailored to the needs of each community. Core issues such as security cut across the board whereas other problems may demand a differing response for each community.

61. The **Airlie House Conference** took place in the USA from 21 to 23 July 2000. It was attended by delegations representing the Kosovo Serb and the Kosovo Albanian communities and provided a forum within which they could exchange views in a frank and honest manner and jointly start to explore avenues to improve inter-ethnic relations. The aim of the conference was to encourage both sides to recognise their common goals and the mutual benefits to be gained from fostering a tolerant and violence free Kosovo. The conference recognised that this implies a long journey on which both communities must embark on together in a spirit of searching together for positive steps which can be taken towards building a peaceful accommodation, despite the great pains and sorrows suffered in past conflicts. For Serbs this involves recognising that they should work with Albanians and others to build democratic institutions and society in Kosovo. For Albanians, this means recognising that Serbs and others must have equal rights and protection. The most important practical outcome of the conference was the adoption of a declaration committing both communities to these objectives. On returning to Kosovo, conference delegates were encouraged and supported by the US office and others to demonstrate their commitments by tangible actions. As a result September 9 was set as the Day Against Violence, an occasion to be marked by public demonstrations against intolerance and discrimination across Kosovo. Unfortunately it was not possible for both delegations to participate in one inclusive event due to heightened tensions resulting from a spate of violent attacks against the Serb community. Nevertheless the day was marked by each community in a series of events. At a public rally in Pristina/Prishtine, the SRSG invited all residents of Kosovo to reject violence and rather direct their energies to the myriad of tasks ahead to ensure a stable and peaceful future for all communities. The fact that Dr Kouchner had to shout above the crowd to utter a few words in Serbian is indicative of the fact that resentment still runs high and there is much ground to be covered. This, however, should not be used as a pretext for inaction or indifference.
62. Coinciding with the Day Against Violence, the **NGO community issued a joint statement**, subscribed to by 78 international NGOs. The statement highlighted the fact that the combined efforts of the NGOs will have little humanitarian impact as long as the fundamental human rights of people are being denied. This unified condemnation of violence on the part of the NGOs is a welcome and timely statement. NGOs, international and local, are to the forefront of meeting the humanitarian needs of Kosovo's residents and their determination to do so in a fair and equitable manner, unswayed by ethnic considerations is an important factor in fostering a more tolerant society. Numerous

NGOs in the field are involved in localised initiatives which prove that inter-ethnic co-operation is possible. The foundations that they are laying now through concrete projects implemented in the field will serve as examples of what can be achieved in terms of inter-ethnic tolerance countering the perception that communities are irretrievably pitted against each other along ethnic lines.

Language

63. The fifth OSCE/UNHCR assessment highlighted problems caused by the lack of **uniformity in UNMIK policy on the use of languages**. Despite some limited progress in developing and issuing clearer instructions on language use for specific purposes, the lack of a comprehensive policy applied province-wide continues to be detrimental to the needs of non Albanian speaking minorities.
64. The predominant use of Albanian to the exclusion of other languages, often in contravention of UNMIK instructions that certain public documents must be issued in all three official languages (English, Albanian and Serbian), continues to send a loaded message to minority communities that they had better adapt to the system rather than expect it to be adaptable to their needs. As a result speakers of the lesser-used languages have either opted to keep quiet (quite literally) or alternatively to lobby strenuously for public recognition of their language. This latter approach was clearly evidenced when the majority of the Turkish community refused to participate in the registration, arguing that the applicable law, which they stated requires the use of Turkish on an equal footing with Serbian and Albanian in certain areas populated by Turks, was not being applied. After lengthy negotiation a compromise position was worked out between the Turkish representatives and UNMIK, including for those municipalities where the Turkish community lives, the right to use their own language in relations with municipal authorities, issuing of official documents (birth, death and marriage certificates, etc) in the Turkish language and alphabet, official signs in the Turkish language and alphabet. This compromise is considered by the Turkish political parties as an acceptable interim framework pending a more definitive agreement. In the meantime, comparable progress on the protection of other minority languages has been made by the inclusion in **Regulation 2000/45** on Self-Government of Municipalities in Kosovo, of a similar model, granting these rights in areas where an identifiable minority forms a "substantial part of the population".
65. In a welcome, but limited development, the SRSG sent a memorandum on 26 July 2000 to the Co-Heads of the JIAS Departments of Public Utilities, Health and Social Welfare and Justice, stating that official documents (including bills) issued to the public at large must be printed in English, Albanian and Serbian, with all three "official" languages appearing together on the document. It is clear that the problem of the language used in official documents is not as widespread as previously. However, some problems remain, particularly in Dragas/Gora, with documents being issued only in Albanian or in English and Albanian. The issuing of the 26 July instruction to other JIAS Departments, a reiteration of this policy for UNMIK, and dissemination of the precise requirements of Regulation 2000/45, would be useful to further clarify UNMIK's position on language policy.
66. Clear policy on other issues with language implications is also needed. For example, for authorities whose function is to serve the entire community, such as the local police service, current deployment focuses on having police of the same ethnicity as those in the communities they serve – Kosovo Albanians in Kosovo Albanian areas, and so on. In the longer term, if the Kosovo Police Service is to truly to work for the benefit of the whole community, the issue of language proficiency for Police Officers must be looked at. A Kosovo Serb officer working in a predominantly Kosovo Albanian area, for example, may not be able to speak the language of a victim or witness to crime. Including language training to recruits, and continuing that training through the field training period and beyond, would give all ethnicities a working knowledge of both Serb and Albanian (and perhaps for those in areas with a significant Turkish minority, also Turkish) that would enable them to function more effectively. When language policy for Kosovo is finally

settled, the creation of a bi-lingual Kosovo Police Service – and language training for public officials - should be prioritised.

Education

67. After continual disruptions throughout the winter months, due to erratic electricity supplies, education services finally established a routine in the early spring. The first cycle came to a close in the summer with the vast majority of Kosovo's children back at school. Minority children, however, are disproportionately represented amongst those children not attending school. Having risen to the momentous challenge of simply getting children back to school, and bridging the gaps that were caused by the interruption of studies for many pupils for the duration of the bombing campaign, UNMIK is now faced with more long-term challenges. The determination of such issues as **languages of instruction, textbooks and curriculum content** will characterise the quality of education offered to Kosovo's children and youth. This, in turn, will have far reaching consequences for the formation of society in the future.
68. Currently children of different ethnic groups are using text **books** that are different not only in language but also in content. An initial review of up to 300 available text books from Kosovo, Serbia, Bosnia and elsewhere had to be undertaken very quickly due to the urgent need to supply schools with books. Tolerance and respect for other cultures was borne in mind during this exercise but inevitably subjects such as history vary in content and tone depending on the origin of the books. There have also been complaints for instance that some textbooks are derogatory to Turkish culture. The long-term objective to introduce standard textbooks acceptable to all sectors of the population, is a huge challenge and will take time. It is important to ensure that this important and highly sensitive task is undertaken with the full involvement of suitable representatives of all ethnic groups working in co-operation with international experts.
69. **Curriculum development** is an equally important challenge and one which must be undertaken in a sensitive manner. The determination of **languages of instruction** must take into account the fact that decisions have already been taken on the official languages of Kosovo. The education system should foster and promote the concept of a multi-lingual society. Once languages of instruction are determined, sufficient space must be safeguarded within the curriculum to ensure that lesser used languages are also given adequate attention. Some progress has been made with respect to the incorporation of a **human rights based subject into the curriculum**. This is being piloted in a small number of schools and aims to focus not only on human rights subject matter directed at the pupils but also on methods of instruction to be applied by the teachers.
70. On a practical level the issue of use of **school facilities** remains unresolved in many locations. There is still a lot of work to be done in developing working solutions which will ensure **equitable usage of available facilities**. The concept of Kosovo Albanian versus Kosovo Serb schools is a divisive one and should be avoided whenever possible. Such a classification tends to leave other minority groups on the sidelines, left to determine which option best suits the needs of their children. Inevitably some schools will be predominantly or exclusively attended by Kosovo Albanian pupils and others by Kosovo Serb pupils due to the simple fact of population distribution and division. This should not however be accepted as the norm everywhere. There are many locations where the population continues to be mixed or at least living in close proximity. Every effort should be made to ensure that facilities are shared, albeit in a shift system to accommodate different language streams. Budgetary constraints within the Department of Education mean that teacher to student ratios will have to be adjusted in some locations and school premises consolidated accordingly. As these decisions will be taken at municipal level it will be important to ensure that schools servicing minority communities are not disproportionately affected.
71. The main focus of debate on education has tended to focus on primary level to the exclusion of secondary and **higher level education**. The longer-term sustainability of

minority communities within Kosovo will certainly be affected by their ability to access higher level education.

72. The impact of security concerns should not be overlooked. It is an unfortunate fact that **some parents continue to keep their children home for security reasons**. This is particularly a problem for Roma, Ashkaelia and Egyptian children who live in mixed neighbourhoods. While in theory they have access to local schools their parents remain concerned about the potential for intimidation and harassment from Kosovo Albanian students. By way of example the OSCE in Pec/Peje region has attempted to address this by involving all relevant parties, including teachers, parents, educational authorities and the security forces in the search for an appropriate solution. The temporary solution has often had to be that of providing the children with a security escort to attend school. This is a high price for children to pay in order to get an education and such unfortunate necessities can only serve to reinforce existing divisions.
73. An example of an attempt to assess the educational needs of a minority community and the challenges revealed as a consequence, is that carried out by the OSCE in the Roma and Ashkaelia communities in Urosevac/Ferizaj. The OSCE, with the support of other actors, carried out a survey on the educational needs of both communities, focusing particularly on what was preventing the children attending school. There was a very limited response from the Roma community. The Ashkaelia, however, did respond, and the information collected by OSCE with respect to the educational needs of the children of primary school age revealed the following: of 398 children interviewed, 237 (60%) were not attending school; 133 (56%) of those who were illiterate or excluded from education were females and 142 (60%) of this category were aged 7 to 9 and potential candidates for enrolment in the current educational cycle 2000-2001. The results of this survey serve to underline the kind of intensive efforts that need to be made to address the educational needs of minority communities. As follow up OSCE has engaged the community representatives and the educational authorities in order to promote school attendance, particularly for the 7 to 9 year olds. On 23 September the Council of the Mahalla of the Roma/Ashkaelia stated that 324 Ashkaelia children attend primary schools (first to eighth year) in Urosevac/Ferizaj municipality. Only 8 Roma children attend primary school. However, 56 out of 139 illiterate children (40%) have successfully enrolled in the school year 2000-2001. This still left approximately 35% of Ashkaelia children who were not enrolled.

Health services

74. In the fifth UNCHR/OSCE report on the Situation of Ethnic Minorities in Kosovo, covering the period February through May, 2000, it was stated that **"Access to adequate health services has remained a major preoccupation for minority populations"**. In the intervening months, regrettably little has changed. This problem most acutely affects Kosovo Serbs and, to a lesser degree, Roma in some locations.
75. Primary health care services are essentially covered through the broad network of ambulantas (clinics) at local level. In some locations these are shared between members of different ethnic groups without serious difficulties. In others, varying degrees of access have been noted ranging from obstacles encountered due to language barriers, to the need to open and maintain separate ambulantas within enclaves to service minority communities. Kosovo Serbs are the main beneficiaries of the latter. This is a costly response and one which prolongs divisions but under current conditions it is the most practical response to ensure access to necessary health care. Several NGOs provide health services to minority populations through the use of mobile clinics. These are essential services which need to be maintained in the medium term until more durable solutions can be worked into the general framework of healthcare as provided by the Department of Health and Social Welfare.
76. More serious difficulties arise in relation to access to secondary and tertiary services. Security concerns severely restrict minority access to hospitals. This is a problem faced by minority communities in most locations and also by Kosovo Albanians

with respect to access to the general hospital in Mitrovica. It is a problem that goes beyond the scope of the Department of Health and Social Welfare to resolve. Incidents related to access to health services have thankfully not reached the depths of last summer when minority patients simply disappeared from Pristina hospital. Security concerns linger nonetheless and in some cases minority patients are still reluctant to even attempt to access general hospitals. These fears manifest themselves in a number of ways; in Gnjilane/Gjilan for example Kosovo Serb patients attend the hospital on a regular basis to receive dialysis treatment albeit with security escorts. However they are fearful of being admitted to hospital for acute surgical interventions, preferring to rely on medical services in Serbia proper. This in turn requires the organisation of a security escort to the boundary line in order to be able to depart Kosovo in safety. In Prizren concerted efforts have been made to maintain regular meetings between the UNMIK Regional Health Officer, KFOR, UNMIK Police and the staff of ambulancias which attend Kosovo Serb patients. In this way it has been possible to ensure access to the general hospital for minority patients in need of operations and other hospital treatment. Such efforts are commendable but it is still a fact that some patients in Prizren and elsewhere continue to rely on KFOR hospital services and NGO support to be able to travel to medical facilities.

77. The costs and policy ramifications of establishing separate services at secondary and tertiary level are daunting but, as with ambulancia services, there is a clear need to provide appropriate services within Kosovo that meet the needs of the population. The medical facility in Gračanica/Ulpiana is currently equipped to attend to maternity and some surgical needs. The development of such services reveals an additional complicating factor which hampers the prospects for comprehensive health care in Kosovo, capable of responding to the needs of the entire population; Kosovo Serb health workers are not fully integrated into the UNMIK system. While receiving medical supplies and support services through UNMIK they continue to receive their wages from central authorities in Belgrade. This presents obvious difficulties in terms of overall management of the health system.

Humanitarian Assistance/Social Assistance

78. Previously, large-scale humanitarian needs were met through massive distribution of humanitarian assistance (food, blankets, mattresses, firewood, emergency shelter, etc.) under the auspices of Pillar I, the Humanitarian Affairs component of the UNMIK structure. With the phasing down of these activities over the passing of time and the elimination of Pillar I as of 1 July 2000, there has been an increasing shift towards meeting humanitarian needs through the establishment of longer term social assistance mechanisms. The transition from large-scale humanitarian assistance to more targeted social assistance is a process that is ongoing. It is important to monitor the progress to ensure that the particular needs of minority communities are being given due consideration.
79. The social assistance scheme operated under the auspices of the Department of Health and Social Welfare (DHSW) and implemented at a municipal level by the Centres for Social Work (CSW) is the successor of the Emergency Financial Assistance Scheme. This operated from November 1999 through April 2000. The basic objective of the new social assistance scheme is to provide financial and food support to the most vulnerable members of society. Beneficiaries are grouped according to vulnerability - Category I; those considered unable to work such as the elderly and the disabled; and Category II; those who are able to work but currently without employment. Category I beneficiaries receive a combination of cash payments and food aid while Category II will receive only cash payments. Eligibility is determined on the basis of an assessment of all family members residing in the same household.
80. Payments to Category I beneficiaries commenced in August 2000 and these currently number some 37,000 households. For reasons of security and data protection DHSW decided not to register minority beneficiaries separately so it is not possible to say how

many of these households are from within the various minority communities. However, concerted efforts were made during the application process to ensure that minority communities had access to information about the scheme and were able to overcome the difficulties of limited freedom of movement in order to be able to apply. There is still an ongoing review process to verify all beneficiaries and to exclude any fraudulent or unfounded claims. Verification of the validity of claims from minority beneficiaries is complicated by the fact that CSW staff is primarily Kosovo Albanian and unable and/or unwilling for security reasons to access all minority locations.

81. Due to a shortage of resources within the CSW there was a heavy reliance on NGO outreach **services** to ensure that potential minority beneficiaries were able to receive application forms, complete them and return them to the CSW for assessment. However some minority communities excluded themselves from the scheme as a result of an all-or-nothing approach by community leaders. These rejected the notion of means testing and opted to boycott the scheme unless all members of their community were automatically included. CSW, with the active support of NGOs, have tried to overcome this problem by reaching out to vulnerable applicants who would otherwise have been prevented from applying due to pressures from within their own communities. This has been a delicate exercise so as not to jeopardise the security of individuals. DHSW has expressed satisfaction that the application process has been as fair as possible under the circumstances and report that the number of minority villages, primarily Kosovo Serbs, **boycotting the scheme** are very few.
82. **Practical difficulties still face minority beneficiaries under Category I;** cash payments are made through the Banking and Payments Authority (BPK) and while this is present in almost every municipality, it is not easily accessible to Kosovo Serbs and Roma who can not travel easily. As an alternative minority beneficiaries can also receive payments through the offices of the municipal administration and in some cases, for isolated minority beneficiaries, payments have to be made to the door by UNMIK staff.
83. Eligibility criteria for **Category II beneficiaries** have only recently been finalised and it is anticipated that the application process will not commence until November. Category II is of great importance to minority communities, hard hit by the high unemployment rates facing all Kosovars. The fine points of what constitutes being **available for work** have a direct bearing on minorities. Some minorities, most notably Kosovo Serbs and Roma, face the obstacle of being willing to work but unable to find it because severe restrictions on their freedom of movement limit their mobility to confined geographical areas where they are unlikely to find much work on offer. Minority groups also face obstacles in terms of language barriers and general discrimination that prevents them competing equitably on the job market. It is a requirement of the eligibility procedure that those capable of work, must register and obtain a certificate from the Office of Employment certifying he/she is available and seeking work (a declaration stamped by UNMIK is an acceptable alternative). As yet Employment Offices have not been established in all municipalities and even where they have, their accessibility to minorities with limited freedom of movement remains questionable. There is an onus on these offices to ensure outreach services to housebound minorities. Exclusion criteria such as the ownership of more than a half hectare of land have now been worked out to the benefit of minorities in rural areas since this exclusion is overridden if the land is inaccessible due to land mines (a problem still facing the whole population in certain areas) or due to other security concerns (a problem more particularly affecting minorities who have come under attack while trying to work their land or whose land has been usurped by others). In both instances however adequate documentation must be presented by the person alleging lack of access to their land. It remains unclear how a minority member is expected to establish their fear and the risk upon which this is based. An additional exclusion criteria stating that the applicant family must not own a motorised vehicle could be to the detriment of a minority applicant who may own a car or tractor but be unable to use it for security reasons.
84. Concern has also arisen about delays in the implementation of the Category II phase of the social assistance scheme. Benefits are limited to cash payments and as these are not

likely to be received until late Autumn or more probably early winter, minority beneficiaries may not be able to access markets in time in order to purchase sufficient supplies to tide them through the winter months. This concern is closely linked to the broader question of **food assistance** targeting minorities, unrelated to the social assistance scheme. Bulk food aid under the auspices of the World Food Programme (WFP) has been progressively reduced in keeping with an overall shift away from emergency aid. There was a 35% reduction of beneficiaries in each municipality in July 2000, as crop yields were expected to sufficiently cover needs. In the case of minorities, due to the particular problems already outlined, a joint WFP/FAO/UNHCR assessment mission was undertaken in September 2000 in order to provide a realistic basis for setting priorities with regard to bulk food aid for minorities. It is clear that food aid must be increasingly targeted strictly according to need and that there is no basis for providing blanket deliveries to all minority communities. The challenge remains however, to ensure that the particular needs of minority communities are duly taken into account in all policy decisions. UNHCR continues to fund a fresh food programme and a complementary food programme that targets minority beneficiaries in urban areas. These face acute problems accessing markets and do not enjoy the benefits of their rural counterparts who have at least been able to harvest some fresh vegetables from garden plots, even where they do not have fuller access to their fields.

85. An overarching concern has arisen over **budgetary constraints** faced by the social assistance scheme. Payments have been pegged at very modest rates both because of budget limitations and in order to maintain coherency with the wage levels within UNMIK. Planning for the scheme was undertaken on the basis of population estimates that have now been augmented to by the arrival of large numbers of returnees. These were not necessarily taken into account in the planning phase. Current payments to 37,000 households contrast with initial planning figures of approximately 20,000. With a **maximum budgetary capacity to respond to the needs of between 50 and 60,000 households in total**, the unexpectedly high levels of Category I beneficiaries may have serious implications for potential Category II beneficiaries; the category which many minorities could find themselves in. As Category I beneficiaries will always take precedent over Category II, UNMIK has indicated that they may have to be more restrictive with the eligibility criteria for Category II beneficiaries in order to balance the budget, bearing in mind the high number of Category I beneficiaries. This could leave minority populations in difficult circumstances without adequate support, putting further pressures on them to leave the province. The implications of this for the continued sustainability of minority communities have to be fully appreciated and taken on board by UNMIK, the donor states and the international community at large. The further destabilisation of minority communities and the worst case scenario of further departures because of inadequate access to basic assistance is a prospect with serious humanitarian and protection implications. There is an onus on the international community to act to avert this eventuality.
86. Beyond the social assistance provided by UNMIK and ongoing humanitarian assistance provided by UNHCR, **additional humanitarian assistance is provided by NGOs**. Here we refer to small scale localised initiatives to distribute resources made available through private donations. Examples of such initiatives include periodic donations of clothes, shoes, children's toys, etc. In addition some international organisations and NGOs have received funding in order to support local level projects that aim to help stabilise minority populations (examples include BPRM funds channelled through UNICEF and NGOs and Kosovo Women's Initiative funds channelled through UNHCR and allocated to majority and minority populations alike). Such steps are needed in order to avert the risk of reducing minority populations to passive recipients of aid, which in the long run only serves to maintain an unhealthy status quo and reinforce their exclusion from the mainstream of society. In the medium to longer term there is a need to gradually shift away from reliance on humanitarian assistance altogether and move towards sustainable development initiatives.

Public utilities

87. In previous reports concerns were raised about the possibility that **minority populations were shouldering a disproportionate burden in terms of water shortages, electricity blackouts and telephone disconnection**. Complaints to this effect were frequently received from the field but it was often difficult to establish the root cause of the problem. While many minority communities believed that they were being deliberately targeted, they were often just facing the hardships of erratic supplies that affect the entire population. However in some cases this was compounded by deliberate acts of sabotage resulting in temporary disconnection of services. Over the course of the summer the provision of basic services has greatly improved and the focus of debate has now shifted to the core question of payment for services received.
88. A special project for **temporary exemption from water and electricity fees** was introduced by Pillar IV (EU/Economic Reconstruction and Development) in response to concerns that majority and minority customers alike would be unable to pay their bills. The exemption scheme covered the period October 1999 through March 2000, with a cut-off point for applications set as June 1. Application forms were issued in both Albanian and Serbian. The CSW were involved in supporting this scheme as application forms were available through the centres and were to be returned to them for final processing and determination by the Public Utilities Department (PUD). There was heavy reliance on NGO support to reach minority applicants, especially Kosovo Serbs and Roma affected by freedom of movement problems and unable to easily access the CSW. By late June, the PUD, reported that some 50,000 applications had been returned for processing. As with applications for social assistance, minority applications were not highlighted as such. However feedback from the field indicates that minority communities did have access to the scheme (although not as extensively as Kosovo Albanians) and some minorities certainly did apply. At the time of writing it is not known exactly how many applications were positively determined and minority applicants (as well as Kosovo Albanian applicants) are still waiting to receive formal notification of whether they have been granted any relief on their outstanding bills. What is clear, however, is that the PUD will not repeat the scheme and bills accrued from April 2000 onwards will have to be paid in full. As we enter another harsh winter, inability to pay bills will be a recurring problem for many Kosovars. This will be a particular problem for minority populations due to restrictions on their freedom of movement, which inhibit their ability to find jobs or, in the event of having disposable income, to be able to safely access payment offices to settle their bills. While it is clear that economic realities and budgetary constraints prevent the PUD from maintaining open ended subsidies it is equally clear that they bear a responsibility to ensure that minority customers are fairly treated. There is still a lot of work to be done to ensure that bills are calculated with reference to actual consumption and are issued in a language understandable to the customer¹¹ and that flexible payment systems are devised to allow minority customers to pay their bills. These mechanisms should be put in place before proceeding to disconnect services.
89. Reliable access to **telephone services** has a particular bearing on the security and well-being of minority populations, especially those living in isolated areas and/or enclave situations. Again budgetary constraints augur against the notion of blanket free access to phone services. However, faced with the prospects of disconnection due to inability to pay, the alternative of providing community payphones merits serious and prompt consideration. Particularly vulnerable communities do need to have a means of communicating with security and emergency services. Such a system would also allow people living in enclaves a means of communicating with family members further afield. It is important that people are able to maintain contacts of this nature if their sense of isolation and abandonment is not to become acute.

¹¹ Despite considerable resistance on the part of KEK (the electricity supplier) tri-lingual bills were finally introduced as of September. It remains to be seen how effectively these bills are actually distributed in the field and many minority communities continue to complain that they do not receive any bills at all or alternatively receive bills for amounts that they do not believe they could have reasonably consumed.

Employment

90. One of the crucial issues to ensure the long-term sustainability of the minority communities in Kosovo is **access to employment**. Massive unemployment remains a key problem for all communities across Kosovo, but particularly affects minorities, with, for example unemployment amongst Serbs in Vitina/Viti being estimated at 99%. Minority communities are often unable to access their former employment due to **security concerns**, particularly when they have very limited freedom of movement, but added to this is the difficulty many have in accessing any employment due to **discrimination**, including discrimination by public authorities. For the Roma, Ashkali and Egyptian communities, **lack of education** is often another key problem minimising their chances of finding employment. Therefore, the creation of a Kosovo-wide **policy on employment** by UNMIK is essential. As part of this policy UNMIK should ensure that the existing employment laws are implemented, and that a comprehensive employment code is passed. It is particularly important to ensure that all authorities set a clear example by ensuring fair access to employment in public bodies.
91. There are examples from the field where **security concerns have been addressed by KFOR**, allowing minorities secure employment. In Gnjilane/Gjilan, for example, Kosovo Serbs have been re-employed in the Morava and Paralovo quarries as a result of a consistent policy both to recruit minorities and to provide security for them. The last figures obtained by OSCE indicate that over 60 Kosovo Serbs were working in these quarries, and that they were escorted to and from work by KFOR.
92. Several examples illustrating the need for a clear employment **policy** to ensure access to public employment were noted in Prizren. During 1999, many Turks, Muslim Slavs and Roma were illegally dismissed from their jobs. At the same time, many Kosovo Albanians were employed in an irregular fashion by self-styled mayors and administrators. Since that time, very few of the cases of illegal dismissal have been remedied, although they have been brought to the attention of UNMIK and the courts. The judges claim they are uncertain how to deal with the cases. This lack of a remedy has further demoralised the minority communities, putting further pressures on them to leave and acting as a **brake on returns**. IDPs are aware that it would be very difficult for them to regain their former jobs. Indeed, it is clear that rather than receiving support to reintegrate, the few returning IDPs have been discriminated against for having left. For example a Muslim Slav who fled from Prizren to Montenegro in June 1999 after being threatened and beaten by KLA members while working in the hospital has not been able to resume his position despite never having been officially dismissed. Problems of this type have been attended to on a case by case basis by services such as the UNHCR funded Civil Rights Project, implemented by the Norwegian Refugee Council. There has been some success in resolving individual cases but the problem can only be truly tackled on the basis of clear and non-discriminatory employment policies.
93. **Illegal dismissals by public agencies** have continued, albeit in lesser numbers than in 1999, with these dismissals disproportionately affecting members of the minorities. For example, on 31 May 2000, 12 employees of the SDK/SHKSH, of which 4 were Turks and one was a Kosovo Serb, were informed that they would not be able to work for BPK, the agency that replaced SDK/SHKSH. The Prizren Director of BPK stated to UNMIK that BPK was not a successor to SDK/SHKSH and therefore has no obligation towards its employees.
94. Many members of minority communities (as well as Kosovo Albanians) have complained that lack of respect for legally established procedures is not only manifested in illegal dismissals but also in **irregular hiring practices**, promotions and assignments **within public institutions**. For example, when a public competition was held for 12 positions in the Prizren Regional Institute for Employment, four long-term employees, of which two were Turks, applied, but were not called for interviews. The four former employees have launched a case in the Municipal Court against the Department of Labour and Employment. Minority members continued to complain that when public agencies such as the Postal Service were being gradually reactivated, they were not being called to

resume their former positions. This and other similar experiences demonstrate that public competitions for employment are important for guaranteeing non-discrimination only where they are organised in a transparent manner and where sufficient weight is given to seniority and education. Transparency is not only crucial to guaranteeing the fairness of any selection process, it is also required to guarantee the **perception of fairness**. At present, minorities have reason to believe they are not competing on a level playing field.

95. There is a powerful argument for **temporary special measures** to foster access to training and employment opportunities for minorities, especially the Roma community, the most disadvantaged in these areas. Such measures should include reserving quotas for minority applicants and ensuring flexible working and security arrangements that encourage minorities to accept, and continue in, employment in public bodies. There are examples from the field where such measures have been implemented, albeit in an ad hoc fashion. In Gnjilane/Gjilan, for example, the Municipal Administration has reserved a quota of 20% of positions for Kosovo Serbs in the municipal administration. However, the Municipal Administrator has stated that it has been difficult to find sufficient Kosovo Serb applicants for the jobs, as many qualified individuals have left the province. The same problem has been identified in the other municipalities. The Kosovo Protection Corps has similarly reserved a 10% quota for minority members (some 500 places with the KPC of which only 106 have as yet been filled). There is an urgent need for a Kosovo-wide policy on this issue. If some of the barriers preventing minorities from access employment could be removed by the implementation of special measures, the prospects for identifying and retaining minority staff would improve.

Media

96. The portrayal of minorities in the media (particularly the press), as well as the use of derogatory language, and the availability of and access to media for minorities, are critical issues impacting on the development of a climate of tolerance. In the fourth UNHCR/OSCE assessment of the situation of minorities, we stated that an "essential indicator in civil society for gauging the capacity of minority communities to engage in public life is the media". Negative portrayal of the minorities in the media and the limited extent to which they can access the media and have a voice through positive use of the media are still outstanding issues of concern.

Hate Speech

97. Incidents of inflammatory articles in the media (particularly the press) against minorities persisted but did appear to decrease throughout the period under review. In the aftermath of the killing on 15 May of a Kosovo Serb UNMIK employee, who had been accused in print of being a war criminal (article appearing in the local Albanian language daily *Dita* on 28 April), the authorities began to take formal step to tackle hate speech. In June Regulations 2000/36 and 2000/37 gave the Temporary Media Commissioner (TMC) powers to punish those responsible, in both the print and broadcast media, for violations of the respective codes of conduct. Another serious incident of potential incitement to violence took place occurred on 4 July 2000. Again it was an article in *Dita*, which named 12 Kosovo Serbs in the Gnjilane/Gjilan region as alleged war criminals, and also, for the first time, openly attacked Orthodox priests. On 12 July 2000 three priests in the region, who had previously felt safe from attack were the victims of a shooting incident.¹² A series of measures by the TMC were taken against *Dita* as a result but a final determination in the case is still pending.¹³ The TMC has also taken action against the paper *Rilindija* and the magazine *Kosovarja*; both were warned for articles in which Serbs were named as

¹² The Priests had not specifically been named in the article. Following publication of the article, they were approached by KFOR and UNMIK Police and asked if they wanted protection. The Priests refused on the grounds that they had always previously travelled in safety.

¹³ The TMC initially used his power to impose a fine on *Dita* for this article, and, when the paper refused to pay, ordered the suspension of its operations on 26 July 2000. However, *Dita* resumed publication using another newspaper's press, and in the first decision of the Media Appeals Board, the decision of the TMC was overturned on 16 September 2000. The Board accepted that the *Dita* article created a serious risk to life, safety and security, but stated that the TMC's actions had breached procedural fairness. The issue was sent back to the TMC.

potential war criminals, and the Roma minority as a whole was attacked. Both journals stated that they accepted their warning and would refrain from similar articles in the future

Access to Media

98. The clearest sign of access to media is how easily the minorities can access information through broadcast and print media in their own language. The current picture in Kosovo is varied, with, unsurprisingly, the group with least access being Romani speaking Roma.
99. RTK TV broadcasts five to eight minutes of Serb language programming daily, of a total broadcast time of three hours per day; it does not broadcast in Turkish but reports that if funding were available, it would be willing to do so. It does broadcast ten minutes a day of Bosnian language news, produced by UNMIK TV.
100. Radio remains the main source of information for the Kosovo Serb community. On the one hand, there are a number of small radio stations that broadcast music and entertainment. Exceptions are *Radio Mir* and *Radio Contact Plus* (In Mirovica/Mitrovice) that also provide news programmes. *Radio Kosovo's* second frequency broadcasts in Serbian for two hours per day, and both *BBC* and *Deutschewelle* also broadcast in Serb and Albanian. Therefore, foreign broadcasters and stations in Serbia proper are important providers of news information. Other stations transmitting at least some Serbian programmes include *Radio Contact* in Pristina/Prishtine; *Radio Blue Sky* (UNMIK's radio channel, to be merged with *Radio Kosovo's* second channel); *Radio Prizren* and *Radio Galaxy*. A number of small local stations also broadcast in Serb. For Turks, two hours a day are broadcast on *Radio Kosovo*, and *Radio Blue Sky*, *Radio Prizren*, *Radio Sharri* in Dragas/Dragash and *Radio Contact* in Pristina/Prishtine also broadcast some programmes in Turkish. Roma are poorly served. *Radio Gracanica* runs 20-minute broadcasts in the Roma language weekly, while *Radio Contact* broadcasts Roma programming once a fortnight. *Radio Ferizaj* has committed to give access to the Roma party on an equal basis with all other parties, a measure required by the special Media Access Code during the pre-election period. *Radio Prizren* has expressed willingness to add Roma language broadcasts to their schedule.
101. Minority communities also fare differently with access to printed media. Again, Kosovo Serbs are relatively well served, the one Serbian language newspaper published in Kosovo (*Novo Jedinstvo*) being supplemented by papers brought in from Serbia proper. *Politika* and *Expres* are distributed for free seven days a week, brought in from Belgrade. OSCE continues its free distribution of *Blic* and *Danas*. KFOR provides support for the weekly, *Telegraph*. For the Turkish community, there is only one Turkish paper, *Yeni Donem*, a weekly published in Prizren. For the Bosniak community, the weekly *Kosovski Avaz*, also printed in Prizren, is distributed there and in Pec/Peje and Pristina/Prishtine. No Roma language publications have been identified.

Property

102. Whilst the denial of property rights affects all communities in Kosovo, and has a **significant impact** on current issues such as returns, and future issues such as privatisation, certain aspects of property rights impact particularly harshly on minorities.
103. The main issues of concern adversely affecting minority interests fall into three broad, and interconnected, categories. First, **unlawful occupation**; this includes the issue of forced eviction from habitable homes, still in some cases accompanied by violence, and the destruction of minority properties followed rapidly by illegal reconstruction on land where minority homes once stood. Second, the need for potential claimants in minority communities to be aware of **claims for rightful ownership** of property from which they were forcibly evicted. Third, **reconstruction assistance**, access to which has been problematic and uneven as far as minority beneficiaries are concerned. Critical to resolving all of these issues is the need for access to effective mechanisms, to ensure the ability of members of minority communities to assert their property rights or make claims on a basis of equality with the majority population. Coupled with such access is

the need for clear and non-discriminatory policy for the regions and municipalities, to ensure a consistent approach to property issues across Kosovo.

104. In certain areas, particularly mixed areas, there is still **clear evidence of minorities being forced out of their homes**, or forced to sell for less than the market price. Kosovo Polje/Fushe Kosove is an example of this pattern; low level harassment of minorities, who may receive visits of up to five times a day pressuring them to sell, has been noticeable in the town all year. The pressure is not lessening, may be increasing, and is certainly effective. A similar pattern of harassment is evident in Lipjan/Lipjan, where threatening phone calls to minorities, pressuring them to sell, are common. In Obilic/Obiliq, there is a similar pattern; however, here it appears that the former practice of offering minorities much less than the market price for their property is no longer as big an issue and sales during August and into September have generally been closer to market prices. Elsewhere forced evictions continue to be accompanied by more violent activity. In Vitina/Viti, the activity of planting explosives in properties owned by Kosovo Serbs and offered for sale or sold to Kosovo Albanians continues. In Gnjilane/Gjilan, after a break of 9 weeks, it was reported on 20 September that grenades had been thrown at 5 Kosovo Serb properties in the period from 15 to 20 September; one of the attacks killed the Kosovo Serb owner. While it is not always possible to judge the motive for such attacks, the result is that many react by leaving their homes and those that remain leave themselves open to considerable risk.
105. In Kosovska Mitrovica/Mitrovice, forced evictions of the Kosovo Albanian minority in the north of the town also continued. In the week from 15-22 September, three Kosovo Albanian families were forced out of their homes in the north. Security in the 'Three Towers' area, which saw mass forced eviction during February 2000, continues to be volatile although some Kosovo Albanians and others were able to return to their homes. A number of attacks, including the use of RPG reoccurred during March and May and most recently in September.
106. **The Housing and Property Directorate (HPD) and its Housing and Property Claims Commission** is tasked to attend to claims of ownership of residential property. The HPD was established by Regulation 1999/23 dating from 15 November 1999 but has thus far only managed to establish permanent offices in Pristina. Clear procedures for the resolution of claims by the Commission have yet to be promulgated and disseminated despite months of discussion on this issue. As a result progress on receipt and processing of claims has been very slow and as yet has had no perceivable impact for claimants.
107. Given the limitations of working from a central location, the HPD has incorporated a **mobile out reach service** into its operation. This move is very welcome but remains of limited impact since there is still no possibility of concluding cases. In July, HPD sent out mobile teams to key minority communities in Pristina/Prishtine region to distribute claim forms and provide assistance to those wishing to submit a claim.¹⁴ The team went first to Gračanica/Ulpiana, then to Kosovo Polje/Fushe Kosove, and has plans to visit Obilic/Obiliq. Such access is critical for IDPs both within and outside Kosovo, who claim ownership of property in Kosovo, particularly because a claim may be issued against that property without the knowledge of the minority owner or occupant. In some cases, a property originally lived in by a minority may have been occupied by two or more individuals or families since. There is a danger, therefore, that the original minority claimant will not be aware that subsequent occupiers are disputing a claim over the property.
108. **The HPD mobile team is booked through to the end of December.** Therefore, resources to set up more mobile teams are urgently required to ensure that minorities in all areas of Kosovo can access the claims mechanism. Also essential is the provision of a facility for IDPs in Serbia proper and Montenegro and for refugees in FYROM and elsewhere. The former might be best served from a static site in the northern

¹⁴ HPCC cannot yet determine claims; it awaits signature of the draft Regulation that sets out its rules of evidence and procedure. Signature is expected soon.

municipalities where they could submit claims directly. The later might be serviced by postal claims or periodic visits of a mobile unit. Such initiatives to take the mechanism to the potential claimants, provides a good example of how access to critical services can be provided to minority communities. Recent donations to facilitate the work of the HPD may help in this regard, though further resources are still required and such steps to increase the number of claims presented are meaningless in the absence of procedural mechanisms to start resolving claims.

109. The Allocation Branch of the HDP has initiated **training sessions with municipal authorities to assess humanitarian claims for housing**. Humanitarian claims refer to the process of temporarily allocating vacant properties to persons in urgent need of accommodation. The two-day training programme takes place in Pristina, and its purpose is to instruct Municipal Housing Officers on how to receive and register applications for temporary accommodation, and how to verify and assess the individual applicants in compliance with instructions and systems developed by the HPD. The training also involves the methods to be applied in order to create an inventory of housing stock. Such measures are welcome as a means of stemming ad hoc responses in the field that ran the risk of augmenting and essentially rubber stamping illegal occupations.
110. Ensuring **clear central policy on critical issues** would allow the Municipalities to adopt a consistent approach to residential and other property issues. Ensuring access for minorities to the mechanisms for deciding claims ensures that those mechanisms are equally accessible to all. The combination of clear central policy and effective and accessible mechanisms, with the necessary special measures in place to ensure the latter, should bring major improvements to the property situation. The priority now must be to ensure compliance at local level, and to expand the special measures alongside the general expansion of the HPD into each region of Kosovo
111. The **official UNMIK programme for the reconstruction of homes**, as facilitated through Pillar IV (EU) had begun the reconstruction or rehabilitation of up to 8,000 houses across Kosovo by September 2000. However, the Department of Reconstruction acknowledge that little of this assistance had gone to minority-owned homes. This is partly explained by the fact of minority homes having been destroyed in fewer numbers in comparison to Kosovo Albanian-owned houses and also because the minority owners of many of the most badly damaged properties remain outside Kosovo, unable to return for security reasons. However another reason is the fact that such reconstruction projects may be blocked by the municipal housing committees and minority applicants in many locations have simply be overlooked in favour of Kosovo Albanians. The Department of Reconstruction has been repeatedly alerted to the fact that the implementation of the current system fails to adequately meet the needs of minority communities. As time is now running out for this year's building season it is unlikely that changes, even if they were to be implemented immediately, would have any significant impact. The Department has, however, committed itself to fully evaluating ways to make reconstruction assistance more practically available to minorities in 2001, including a more flexible response to the needs of returnees. With reference to minority returnees it has to be stressed that much of their housing has been illegally occupied or destroyed since their departure and if the international community is truly committed to facilitating their return, sufficient funds will have to be provided to cover their needs for reconstruction assistance.
112. **Illegal construction** is one critical area that has recently come to the fore. This affects both majority and minority communities, but has a particularly harsh impact on minorities. Where they have had to abandon their homes these have often been quickly been looted and demolished and the land appropriated for new construction. Until recently, the Municipalities were adopting a wide range of different measures to address this issue. However, following the killing on 11 September of the Kosovo Albanian co-Director of Department for Planning and Development for Pristina/Prishtine, action was quickly taken to ensure a more consistent approach. The killing was generally believed to have been linked to a decision to demolish an illegal construction in the Germja area

of the city. The victim was associated with that decision, though he did not sign the demolition order itself. Following his murder, a Regulation on Construction (the 'Luci' Regulation, in honour of the murdered man) was signed by the SRSG. The purpose of the regulation is to ensure uniform action at municipal level to tackle this problem in accordance with guidance issued at central level.

Population figures/ displacement /return.

113. As with previous reports we have attempted to monitor population movements and **provide reliable estimates for minority populations**, whenever possible. Ongoing security concerns mean that some minority communities are wary to publicly declare themselves as such. For this reason we do not highlight communities (particularly the Ashkaelia and the Egyptians) in certain locations who enjoy a high degree of integration/assimilation with their Kosovo Albanian neighbours. Drawing attention to them is unnecessary and could be detrimental to their security. More than a year of intensive work and interaction with minority communities has allowed UNHCR and OSCE to become familiar with many minority communities and thus to be able to provide general population estimates for many areas. However, neither organisation, is equipped to maintain census-like statistics. There has been no province-wide census in Kosovo since the ill-fated 1991 exercise which was extensively boycotted by Kosovo Albanians and also by many Ashkaelia and Egyptians. The first stage of the civil registration conducted under the auspices of UNMIK concluded in July 2000. This exercise should not be equated with a census and it does not permit clear figures to be extrapolated on the basis of ethnicity, since ethnic origin was not one of the fields captured during registration. Additionally large numbers of minority populations, notably Kosovo Serbs and Turks boycotted the first phase of the registration.
114. Kosovo continues to bear the scars of conflict, ethnic hatred and **displacement**. Across the province there are examples of all ethnic groups still unable to return to their places of origin. For Kosovo Albanians this is particularly the case for those originating from northern Mitrovica and other locations dominated by Kosovo Serbs. Relatively large numbers of Kosovo Serbs and Roma also remain in situations of displacement awaiting the possibility to return to their places of origin. Kosovo Serbs displaced from Prizren and Urosevac/Ferizai for example have concentrated in Strpce/Shterpce. Roma and Ashkaelia from various locations around the province continue to live in semi-permanent collective accommodation in Plemetina/Plementine IDP camp and in three locations north of Mitrovica/Mitrovice. The number of displaced absorbed into host family arrangements is difficult to assess but this is certainly a continuing reality. Meanwhile the numbers of persons still displaced beyond the boundaries of Kosovo remains high. Kosovo Albanians remain as refugees, asylum seekers or under various temporary protection regimes in a large number of European countries. The vast majority of those who departed FYROM under the Humanitarian Evacuation programme at the height of last year's emergency have now returned to Kosovo. Roma, Serbs and other ethnic groups, albeit in smaller numbers than Kosovo Albanians also figure in the refugee caseload of many countries. Meanwhile an IDP exercise conducted in Serbia and Montenegro with UNHCR support identified a total of 180,000 and 30,000 persons displaced from Kosovo to the respective locations. The overwhelming majority of these IDPs are members of minority groups who fled Kosovo after the establishment of UNMIK. These figures represent the total number of IDPs who voluntarily presented themselves for registration.
115. For Kosovo Albanians **large-scale repatriation** is ongoing with just over 41,500 persons returning during the period June to September inclusive. Forced return has become a major feature, with just over 7,600 persons deported during the same period. By and large Kosovo Albanians do not face major protection concerns that would preclude their return. However many do face difficult social and humanitarian concerns, in particular access to employment, education, housing, social services and other essential needs. Additionally, there are some Kosovo Albanians who continue to need international protection and are still unable to return to Kosovo at this time for fear of facing persecution and violations of their human rights. For all these reasons the SRSG

has repeatedly requested asylum countries to favour a phased return process so as not to risk the stability of incipient progress with the re-establishment of law and order and basic social services or put individuals lives at risk. This request was most recently articulated in an UNMIK Policy Paper on the Repatriation of Kosovo Albanians, issued in early October. **The repatriation of Kosovo Albanians is not unrelated to the question of minority stability and protection.** Concerns persist that ongoing large scale return will inevitably place further pressures on minority communities as different sectors of the population compete for scarce housing, employment and services. In all likelihood it would be minority communities that would fare worst as a result of such competition.

116. Members of minority communities, like all other persons in Kosovo, have the right to return to their homes. Such return should take place as soon as possible in conditions of safety and dignity. This can only occur when conditions on the ground are conducive. The question of whether return for minority populations should be actively encouraged by the international community remains complex and the response varies from area to area. What needs to be actively pursued at this stage is the promotion of conditions that would be conducive to return. If security conditions can be stabilised and minority communities offered realistic possibilities of a future in Kosovo, returns would follow naturally since it is the desire of most refugees and IDPs to come back when the conditions are right. Whether return in particular locations is currently sustainable depends on a number of inter-relating factors, including ethnicity, place of origin, previous relationships with neighbouring populations, freedom of movement, access to homes and, most importantly, the security situation.
117. UNHCR and OSCE stress that, whilst return projects in specific and limited areas may be feasible and deserve full support, and that additionally all spontaneous returnees should be provided with the support they need to reintegrate, the time is not yet right for the promotion of organised large-scale returns. Security conditions are not yet conducive for this. The international community should be careful not to promote returns that are neither safe nor sustainable. The issues highlighted by this report are illustrative of the continuing problems faced by minority communities and provide the basis upon which such caution about return is based. Asylum states have thus far recognised the fact that large-scale return of minorities is not an option at this point. There have, however, been some isolated cases of deportation of minorities that have put people at risk. The international community should concentrate its energies and resources on creating the conditions that will in turn lead to return. An improvement in the general conditions of minority communities which remain in Kosovo will be the strongest message to those that have left that there is hope for return. Return of refugees and IDPs should not be equated with the simple act of moving people from one location to another; it should, rather, be recognised as a complex and time consuming process. A process that must retain a humanitarian character at all times, focusing on the needs and interests of the IDPs themselves and not on the political interests of any of the actors involved.
118. The period covered by this report has been marked by a number of **positive developments** which have paved the way for further discussions on how the international community could **facilitate and support minority return to specific locations where conditions so permit.** Spontaneous return has been noted in a number of locations around Kosovo. While it is still too early to quantify actual return in terms of a positive indicator it is clear that both facilitated and spontaneous return movements are an emerging trend and this may augur well as a firm foundation for future progress. However, discussion about return must remain grounded in current realities, not overlooking the fact that **ongoing displacement of minority communities has not ceased.** Kosovo Serbs and Roma continue to leave the province for security related reasons. The current pattern of departure is more in the nature of a slow trickle rather than the massive outflow seen last summer. For other ethnic groups including Gorani, Muslim Slavs, Turks and Croats individual departures have also been noted. Some departures have been sparked by an isolated incident against members of a

given group whereas others would appear to be more related to a perception that there is limited space for minorities in a Kosovo Albanian dominated society.

119. For Kosovo Serbs the establishment of the **Joint Committee on Returns (JCR)** in May 2000 has provided a working forum within which to discuss the practical realities of Serb return. This body is jointly chaired by the SRSG and the heads of UNHCR, OSCE, Pillar II of UNMIK, KFOR and the SNC. The Steering Committee of the JCR, which meets weekly, is chaired by UNCHR. Activities undertaken by the JCR have focused on undertaking assessments of villages as potential sites for return and on facilitating lines of communication between Kosovo Serbs displaced to Serbia and their places of origin. In addition the JCR has served to exchange information on spontaneous return and ensure co-ordinated support those returnees. The main achievement of the JCR has been the co-ordination of the work of all parties. Information sharing and direct communication through the JCR has permitted a co-ordinated and realistic approach to return. Particular emphasis has been placed on the importance of including IDPs themselves in discussions about whether it is feasible for them to return at this time. Go and see visits are the most visible results of these efforts. Despite this progress the Serb community continues to complain that progress on Serb return is too slow. The onus is on all actors involved in this process to continue to work together in close co-operation to find practical ways to move forward and build on, thus far, limited successes.
120. As mentioned above, spontaneous returns of Serbs have taken place to a number of locations across the province. These have mainly been small scale. Ongoing movements to and from Serbia make it difficult to quantify spontaneous return as many Kosovo Serbs have availed of opportunities during the summer to **visit but without the intention of returning permanently**. Many remain unconvinced that the overall situation is conducive for their definitive return at this time. A particular concern leading Serbs not to stay on in Kosovo after the summer has been access to education. Spontaneous returnees have also faced additional problems, particularly relating to property concerns and limited access to reconstruction assistance and essential services. It is notable that small-scale spontaneous returns have occurred in a number of areas, primarily to rural locations. In general the Kosovo Serb urban communities continue to be in decline. Many of those staying or returning temporarily are simply biding their time until they manage to sell their properties and depart permanently. A **push-pull factor is at work** - while living conditions of IDPs in Serbia proper continue to be very difficult, returns appear to occur when the security situation in a particular area in Kosovo is seen as having stabilised. A deterioration of security as a result of an incident will generally put a temporary halt on any return. What return has taken place must be seen in context. The **security of recent returnees** (to locations other than Serb dominated areas in northern Kosovo) is generally **reliant on high levels of military presence**. Equally go and see activities, for Kosovo Serbs have been characterised by high levels of security. Such commitment on the part of the security forces, whilst welcome and necessary, is only sustainable for a limited period of time and in a limited number of places.
121. For **Roma, Ashkaelia and Egyptians**, the adoption of the Platform for Joint Action has proved an important factor in paving the way for constructive discussion about return. A number of go and see visits have been facilitated by UNHCR allowing refugees in FYROM and IDPs in Montenegro to re-establish links with their communities of origin. UNHCR and OSCE have also facilitated small-scale returns of IDPs within Kosovo to their places of origin. As many Ashkaelia and Egyptians consider themselves to be more closely akin to Kosovo Albanians than to Roma, spontaneous visits and even return to certain locations has tentatively begun, without any formal involvement on the part of the international community. However the returnees are often in need of considerable humanitarian assistance on arrival. Such spontaneous return movements, no matter how small scale are an encouraging development. Not all attempts at return however have been so successful; an Ashkaelia family who spontaneously returned from FYROM to Stimlje/Shtime in May 2000, were soon afterwards targeted by unknown assailants and after weathering a number of grenade attacks they were displaced to the home of relatives within Kosovo before finally fleeing again to FYROM in search of security. The

prospective return of a small number of Egyptian families from Montenegro to Pec/Peje municipality during September, was abandoned due to security concerns after an IDP who had previously returned on her own initiative alleged that she was beaten by a group of Kosovo Albanian men. In addition, a number of minority homes in and around the potential destination of return were burnt during September. A continuing cycle of displacement continues to affect many Roma, Ashkaelia and Egyptians communities. Ashkaelia and Egyptian communities, in particular, lament the fact that having previously experienced displacement alongside Kosovo Albanians, members of their communities are still unable to return to their homes in safety and those that remain continue to come under pressure to leave their homes. On the other hand it is precisely the strength of former links with Kosovo Albanians that is slowly but surely paving the way for return in some locations.

122. Ongoing security concerns limit the prospects for any major return of minority populations in the short term. This should not, however, mean that efforts to support return should also be limited. Only by focusing on the creation of conditions conducive to return can there be reason for optimism that such return can and will take place over the medium to long term. Even in locations where security concerns have diminished, **practical obstacles to return have come to the fore**. Limited and unequal access to reconstruction assistance is a particular concern for minority communities, especially the Roma who do not necessarily enjoy the same possibilities as Kosovo Albanians to supplement international assistance with family support from abroad. The slow progress of the Housing and Property Directorate and Claims Commission is an additional obstacle for those minorities whose homes are found in areas of relative security but are currently occupied by others. Equal and non-discriminatory access to jobs and services is a concern cited by many who might otherwise consider the option of return. Access to education is another factor persuading minorities not to return or to leave at the start of the school year in September. Such obstacles need to be addressed as part of an overall strategy for minorities. Only by ensuring successful protection of all minority rights will substantial progress be made towards pursuing safe and sustainable return, building on the positive but limited achievement thus far.

Kosovo Serbs

123. In **Pristina/Prishtine** city, the current estimate is that 600 Kosovo Serbs remain. Most of these are concentrated in specific areas, with only a few families remaining dispersed in other locations around the city centre. Overall, there is a trend for the Kosovo Serbs to live in close proximity to each other as this increases their confidence and perceived security. Freedom of movement is practically non-existent with many families remaining housebound. KFOR foot patrols continue to visit door to door. Emergency telephone lines have been installed in some households and priority is given to ensuring that normal telephone lines are maintained. There have been few known returns to urban Pristina/Prishtinë during this period, and in fact, the trend has continued of approximately one or two Kosovo Serb families leaving Pristina/Prishtinë each week. In the past month as many as 15 Serb families are believed to have left the Sunny Hill area of the city. Many Kosovo Serbs state that they intend to leave as soon as they manage to sell their apartments. The majority of the departures to date have been to Serbia proper, but a few have left for rural areas within Kosovo, such as Gračanica/Ulpiana or the Kosovo Serb villages in Pristina/Prishtinë rural north. Departures are due to the continued appalling quality of life with no freedom of movement, lack of access to medical care, difficult access to education and the general perception that, although there is KFOR protection, the security situation shows little sign of improvement.
124. It is **unlikely that Kosovo Serbs would be willing to return to urban Pristina/Prishtinë**, without clear indications of an improvement in conditions. A notable attempt to focus resources toward improving the quality of life for the small community that remains centres on the YU community project. The aims of this project include the setting up of, a medical/dental clinic, shops, a children's play area, a community centre for meetings/social activities and a proposed UNMIK community liaison office. In addition

OSCE are facilitating the creation of a residents' committee to represent the Kosovo Serbs living in the YU building.

125. In the wider **Pristina/Prishtine** municipality population movement has been quite dynamic. Previous estimates of 12 to 15,000 Kosovo Serbs, municipality wide were calculated on the basis of population figures provided by community leaders. Monitoring over recent months has fixed the estimates more accurately at the lower end of this scale; with departures and returns an ongoing phenomenon, it is impossible to be any more specific than this. Many Kosovo Serb communities in the central area of Kosovo encompassing **Pristina/Prishtine**, **Obilic/Obiliq**, **Lipljan/Lipjan** and other areas, have benefited from activities carried out by KFOR and others within the framework of **Operation Trojan**. This is a multi-faceted programme primarily targeted at Kosovo Serb communities and designed to improve their overall quality of life, but also having benefits in some instances for their Kosovo Albanian neighbours. Activities carried out to date have been closely co-ordinated between KFOR and other actors and have included; escorting arrangements to facilitate school attendance; the construction of access roads to improve freedom of movement in conditions of security; enhanced security measures during harvest time; and the promotion of income generating activities geared towards improving the self sufficiency of communities in meeting certain aspects of their daily needs e.g. flour milling and bread production. Operation Trojan has proved a successful model for effective civilian/military co-operation, incorporating as it does a strong element of close inter-action with local communities in the development and implementation of all activities.
126. There are approximately 1,350 Kosovo Serbs in the group of villages known as **Pristina/Prishtine rural north**. Approximately 20 Kosovo Serb males from these villages left for Serbia at the end of May 2000 following rumours of the existence of a list naming Kosovo Serb males from the area as potential "targets". Following investigations by UNMIK Police, OSCE, and KFOR, the community was reassured that there was no increased threat and the men subsequently returned home. Unrelated to this incident two other families returned in August 2000, citing that they would rather be back in Kosovo in their own homes than face bleak economic prospects in Serbia. A Kosovo Serb representative has claimed that up to 20 additional families were poised to return but had been deterred by the kidnapping of a Kosovo Serb at the end of June 2000. The Serbs in the area continue to face limited freedom of movement and consequently lack access to basic services. At the start of the school year in September 2000, access of Serb children to education remained problematic, with the bus used to take them to school in the south of **Pristina/Prishtine** municipality non-operational, and no replacement available.
127. In the **south of Pristina/Prishtine municipality**, up to 10,000 Kosovo Serbs are estimated to remain. This includes over 4,000 concentrated in the large enclave of **Gracanica/Ulpiana**. Security conditions deteriorated with a wave of attacks on Kosovo Serbs in June 2000. There was a grenade explosion in **Gracanica** itself on June 6. Elsewhere in the region two separate landmine explosions during June targetted a newly opened road linking **Gracanica/Ulpiana** with **Kosovo Polje/Fushe Kosove** and killed four Serbs. Despite these serious incidents, the general security situation appeared to ease somewhat and a number of Kosovo Serbs returned from Serbia proper over the summer months. The numbers are difficult to estimate given the fact that many locals travel to and from Serbia proper for periodic visits availing of the **Nis Express** bus. However, for those intending to return permanently, the lack of available housing, especially for those returning to a situation of displacement, has been a barrier to their reintegration. Many houses in **Graçanica/Graçanicë** area have been rented to internationals during the previous three months and rents have become too high for most Kosovo Serbs. In rural locations around the rest of the region, approximately 50 Kosovo Serbs have returned from Serbia proper to their villages of origin. This return followed a joint effort, involving KFOR, UNHCR, UNMIK, OSCE, UNICEF and international NGOs, to support the express wish of the returnees to stay permanently in Kosovo. To sustain this small scale return has demanded immense resources, including the provision of 24-hour security by

KFOR and intensive follow up by an array of international organisations to ensure delivery of humanitarian assistance and the rebuilding of houses and a school.

128. In **Podujevo/Podujeve** two elderly Kosovo Serb women remain in their own homes in the city. Their security is reliant on 24-hour KFOR guard. Elsewhere in the municipality a handful of elderly Kosovo Serbs remain in their own, undamaged homes in **Sekiraca/Sekirace** (also known as **Medrejovac**). The current population has reduced further still from the 50 persons estimated to remain at the beginning of the year. Further departures have been provoked by insecurity, isolation and lack of pensions. During the summer months the population did temporarily increase as a result of relatives visiting from Serbia. The community relies on a permanent KFOR presence to ensure their security. There is little positive interaction with Kosovo Albanian neighbours and incidents of illegal woodcutting and cattle theft continue to expose the vulnerability of the remaining Serbs and have heightened tensions, discouraging any moves to foster good relations.
129. In **Lipljan/Lipjan municipality**, there are an estimated 9,500 Kosovo Serbs, living between the town itself (approx. 3,000 or more) and scattered around a number of villages in rural locations. Population figures have fluctuated and there have been some instances of spontaneous return but overall the total number has remained stable. The landmine incidents referred to above, affected the overall security of this area, since Kosovo Serbs depended on the access road that was targeted. The death of a Serb child and the injuring of three others in an apparently deliberate hit and run incident in **Skulanovo/Skulaneve** on 27 August, marked a further deterioration in security conditions. Low level harassment of Serbs, particularly by Kosovo Albanian children, also appears to have increased in the municipality in August. The sale of property, often under duress, has continued and was of such concern that the Municipal Administrator took action in September requiring all sales of property by Kosovo Serbs to be reviewed by him in an effort to determine fairness of the procedures.
130. The remaining Kosovo Serb community in the municipality of **Stimlje/Shtime** consists of only 30 persons, living in **Stimlje/Shtime** town. Further reductions are likely with two Kosovo Serbs intending to leave in the near future due to the lack of access to education. A series of attacks on Serb homes in July was stemmed by a temporary increase in the deployment of KFOR and UNMIK Police, but could not be stopped completely. The absence of a full police station in the municipality is a matter of concern. Four Kosovo Serb families had expressed a desire to visit their former homes but they did not appear for a visit that had been arranged by OSCE and UNHCR in August.
131. In **Obilic/Obiliq**, Kosovo Serbs remain in the town and in villages around the municipality. There are estimated to be about 800 remaining in the town but there have been departures and the urban population has decreased steadily since February. The main reason the Kosovo Serbs give for leaving is the poor security situation. Most of the Kosovo Serbs living in houses surrounded by Kosovo have expressed a wish to leave for Serbia proper while that part of the population concentrated in mono-ethnic pockets appear more inclined to stay despite the difficult conditions they face. In several of the rural locations there have also been population decreases; there are only some 45 Kosovo Serbs left in the village of **Miloševo/Milloshëvë**, down from 65 in February 2000; between 300 and 400 in **Crkvena Vodica/Cërkvena Vodic**; and; between 800 and 900 in **Babin Most/Babi Most**. The steady departure of Kosovo Serbs is mainly attributed to their view that the international community is unconcerned about their security. A grenade attack in **Crkvena Vodica/Cërkvena Vodic**, on 18 August, which injured Kosovo Serb children who were out playing basketball; the 27 August discovery of the body of a murdered Kosovo Serb near the same village; and the angry protests that followed both these incidents, did little to counter community perception that this is the case. Other security incidents included a drive-by shooting that killed a Kosovo Serb man near **Babin Most/Babi Most** on 31 May. **Plemetina/Plemetine** is the largest Kosovo Serb enclave in **Obilic/Obiliq** municipality, with an estimated population ranging from 1,000 up to as many as 2,000 persons. Previous estimates of 1,000 were based on

figures provided by community leaders. These same leaders now claim the population is nearer the higher end of the scale. As Plemetina village has a complex mix of Kosovo Serb (including IDPs and refugees from Croatia), Roma and Kosovo Albanian population it is possible that figures offered by the community leaders simply duplicate sections of the population and intend to refer to the entire minority presence as opposed to just Kosovo Serbs. There have been no indications of large scale return, so if the estimates are now accepted at the upper-end of the scale the only plausible explanation is that of under-estimation for previous reports.

132. In **Kosovo Polje/Fushe Kosove** municipality there are now estimated to be around 5,000 Kosovo Serbs, including some 2,000 in Kosovo Polje/Fushe Kosove town. Numbers in the town continue to decrease gradually with as many as 200 people having left during the course of the year to date. The number of Kosovo Serb homes for sale in the town has been estimated as being as high as 80%. The community continues to warn that more will depart due continued harassment and an overwhelming sense of isolation and abandonment. Arsons and grenade attacks against Kosovo Serb homes have been unrelenting. In one arson attempt on 25 July, a Kosovo Serb health worker returned from a multi-ethnic training course to find her house ablaze. Kosovo Albanian fire fighters attended the scene but were prevented from extinguishing the fire by the distraught owner who feared that they would only cause further damage. Tragically the house burnt to the ground. This incident serves to highlight the high tensions and suspicions between the different communities. However, it is important to note that figures for Kosovo Serbs in the municipality as a whole have increased from previous estimates. This is attributed both to spontaneous returns to the rural locations and also adjustments to previous estimates which may have been too conservative.
133. There are a total of 13,000 Kosovo Serbs estimated to remain in numerous locations spread around **Gnjilane/Gjilan municipality**. This figure incorporates as many as 1,000 Kosovo Serb IDPs who have fled their homes but managed to remain in the area and are hosted by other families. The population can be roughly divided into four categories: urban based; large Serb-only enclaves; small Serb only rural villages; and mixed villages. In **urban Gnjilane/Gjilan**, there is a very small and rapidly decreasing number of Serbs, currently estimated at just over 400. Most of these are housebound by fear and totally dependent on assistance by humanitarian agencies. UNHCR bus services have gone some way to easing freedom of movement problems and facilitating contact between the rural and urban locations. The security escort provided to the bus service has also facilitated a small ad-hoc market set up at the boarding point in urban Gnjilane/Gjilan, providing a brief respite for the otherwise confined urban population. **Outside urban Gnjilane/Gjilan**, the majority of Serbs live in the second category – in large exclusively Serb enclaves, including Pasjane/Pasjan, Partes/Partesh, Donja Budriga, Silovo/Shillove, Gornje Kusce/Kusice e Eperme, Straza/Stazhe, Stanisor/Stanihor and Koretiste/Koretishte. Smaller concentrations can be found in Paralovo/Parlove, Gornje Makres/Makresh and Draganac/Draganace and others still in the mixed and usually tense villages of Cernica/Cernice, Pones/Ponesh, Kmetovce/Kmetofc and Gornji Livoc/Livoc i Eperme. Security in Gnjilane/Gjilan municipality remains precarious. A Kosovo Serb farmer was killed near Cernica/Cernice on 1 July 2000. Cernica/Cernice has previously been the focus of other violent incidents, including the drive by shooting of three Serbs on 28 May 2000, in which one Serb child was killed. Five Kosovo Serb men were injured in a grenade and shooting incident in Pasjane/Pasjan, on 2 October. Despite the difficulties, ongoing small scale and spontaneous return has been noted in a number of rural locations.
134. **Kosovska Kamenica/Kamenice** municipality has around 10,500 Kosovo Serb residents including some 100 IDPs. The population is spread out in numerous locations. The security situation had remained relatively calm for a long time but a series of incidents took place over a month from the end of July to the end of August that shook the confidence of the minority community. Two Kosovo Serbs disappeared from the mixed village of Domorovce on 12 August, amid rumours that they had been kidnapped by Kosovo Albanian insurgents, and taken to nearby southern Serbia. The case remains unresolved to date despite the arrest (and subsequent release) of some Kosovo

Albanian suspects. According to the priest in Kosovska Kamenica/Kamenice, some Serb families who left last year are still optimistic about the prospects for return, even with the deteriorating security conditions. A major obstacle to return and sustainable reintegration is the illegal occupation of Kosovo Serb homes. In the urban area it has been reported by community leaders that of 116 apartments identified as Kosovo Serb owned, only 25 remain in the possession of their original owners. During the summer months an estimated 100 Serbs returned to visit Kamenica/Kamenice town. They have indicated a desire to remain permanently but it is anticipated that those families with school going children are likely to go to Serbia during the school months. The pattern of ongoing departures and some very small-scale return was noted around the municipality.

135. In **Vitina/Viti municipality**, there are about 3,700 Kosovo Serbs including some 100 IDPs. The population is dispersed around 6 different locations within the municipality, including three mixed areas and three that are purely Kosovo Serb. The summer months has seen a trend of IDPs visiting from Serbia and overall population figures have edged up, as some of the visitors opt to stay. The returnees have expressed concern about the volatile security conditions but state nonetheless that they would prefer to be back in their homes than remain as IDPs in difficult conditions in Serbia. About 80 returnees have been identified around the municipality and there are indications that more people may return. The exception to this is in **Vitina/Viti town** where there were more departures than returns. Departing Kosovo Serbs have often been obliged to sell their properties far below the market price or simply abandon them. There have been incidents of Kosovo Albanians being targeted apparently to discourage them from engaging in property deals with Kosovo Serbs. Most recently on 1 October two houses were damaged and one totally destroyed by explosions just north of Vitina/Viti. It was reported that all three homes belonged to Kosovo Serbs and one was in the process of being sold to a Kosovo Albanian. The tense security situation was underscored by the 12 July attack on Orthodox clergy (referred to in the media section above).
136. In **Novo Brdo/Novo Berde municipality** the population has remained stable at around 1,600 Kosovo Serbs. In addition, there are a small number of IDPs. The security situation in this municipality has been relatively quiet but on 19 July a Kosovo Serb man was shot and injured while out tending his fields. Attacks of this type limit the ability of the community to sustain themselves, as they are frightened to access their fields and work the land.
137. The municipality of **Strpce/Shterpce** is the largest Kosovo Serb enclave in the greater Gnjilane/Gjilan region. The current population is estimated to be as high as 11,000 as a result of the arrival of IDPs from Serbia over the summer months. Many of these people have returned to a situation of displacement within an enclave and the prospects for them to return to their places of origin in Kosovo remain limited. The overall situation remains tense with many Kosovo Albanians displaced from their homes during the conflict still unable to return to this Serb dominated area. Some progress has been made, however and it is currently estimated that upwards of 4,000 Kosovo Albanians are back in their places of origin and starting to rebuild their homes. The disappearance of a Kosovo Serb on 24 June and the discovery of his body several days later, sparked angry protests from the community who accused the international community of failing to protect them. A riot ensued in which UNMIK property was destroyed. As a result KFOR temporarily suspended their escort of a busline used exclusively by Kosovo Serbs. Calm was restored but the security situation is still considered volatile.
138. In **Urosevac/Ferizaj municipality**, the Kosovo Serb population consists of only a few elderly persons who are housebound by fear and have very limited access to services and no freedom of movement. Using the convoy from Serbia to Strpce/Shterpce and the regular by-weekly transportation between Strpce/Shterpce and Urosevac/Ferizaj provided by KFOR, occasional visits by Serb IDPs to the town do take place. These visits provide an opportunity for the Serbs to assess the situation. However, they find their houses either destroyed or occupied by Kosovo Albanians, which undermines any prospect for returns. The local KFOR Commander has stated that under current

conditions the time is not yet right for Serb return to Urosevac/Ferizaj, although the possibility has not been excluded. In one case, KFOR agreed, following the intervention of OSCE and UNHCR, to provide protection to a spontaneous returnee who had stated he only intended to stay to arrange the sale of his house.

139. In **Pec/Peje municipality**, the mixed Serb and Roma population of the isolated village of Gorazdevac/Gorazhdec has increased to just over 1,200, an increase of some 400 from the estimate of February 2000. The vast majority of this population are Kosovo Serbs with only a handful of Roma, and some individual Kosovo Albanian families whose houses are located close to the boundary lines of the enclave but who are not considered part of it. A regular busline from Serbia runs to and from the enclave and this has facilitated spontaneous returns. Some IDPs have come back only to remain in a situation of displacement, anticipating that they will be able to return in the short term to their own villages elsewhere in the municipality. This has not occurred and is unlikely to do so in the near future due to the absence of adequate security conditions. Gorazdevac/Gorazhdec itself continues to experience fluctuating security conditions despite the highly visible presence of KFOR in large numbers. Mortar attacks targeted the village on 6 June, 3 July and again on 20 July. Fortunately no casualties have occurred but this has been a matter of luck. OSCE have pursued a reconciliation initiative between Gorazdevac/Gorazhdec and the surrounding Albanian villages but with very limited success so far. UNICEF will shortly fund a project geared towards the needs of children. As this will take place in Gorazdevac/Gorazhdec and surrounding villages it has potential to contribute to improved relations by facilitating contacts between the different communities on issues of common concern. Elsewhere in the municipality a small number of Kosovo Serbs remain in the Patriarchy, a sacred site for the Serbian Orthodox Church. Efforts to include a Kosovo Serb representative in the municipal administration have had limited success with the priest in question requiring a heavy escort and facing angry crowds on attempting to participate in meetings.
140. In **Istok/Istog**, the total Kosovo Serb population of the village of Crkolez/Cerkolez currently stands at 79 and was on the increase due to the spontaneous return of 15 IDPs in September. The murder of an elderly villager on 14 September reverberated around the community and provoked further departures. This is likely to put a brake on any further returns in the near future. Several go and see visits for IDP in Serbia were facilitated to other villages in the municipality. One village in particular had been suggested as the potential site for a pilot return project. The go and see visits allowed IDPs a first opportunity to see their former homes and to assess conditions for themselves. The visits took place with the support of intense security presence. This fact does not augur well for a return in the short term but efforts are underway to continue to support such go and see activities and further explore with all actors realistic prospects for the return of those IDPs who have expressed a wish to come home. Between **Djkovica/Gjakova** and **Decani/Decan municipalities**, the combined number of remaining Serbs is barely more than 50 persons, most of them monks and nuns, living in religious sites and dependent on a 24 hour KFOR presence to assure their security and that of the buildings themselves.
141. The Kosovo Serb presence in **Prizren town** stands at only about 120. There have been individual departures and some of the remaining families have indicated their desire to leave, unable to bear the harsh conditions imposed by having no freedom of movement. There is still a very small number of minorities living in the Orthodox seminary who have been confined there due to security concerns for over a year now. While their basic humanitarian needs are met the quality of life for these people, especially for those with young children, is dire. In the **Zupa/Zhupa valley area of Prizren municipality**, the Kosovo Serb population has also remained steady with approximately 130 persons living in rural locations. A small number of elderly Kosovo Serbs recently returned to Mushnikovo/Mushnikove village, shortly after participating in a go and see visit. KFOR has also accommodated three requests to transport large groups of Serbs to Mushnikovo/Mushnikove and Sredska/Steckë to celebrate Orthodox religious festivals. The security conditions remain less than satisfactory, and these large visits may be considered a provocation by Kosovo Albanians. Kosovo Serbs in

Mushnikovo/Mushnikove were intimidated by armed men on the night of 23 August and an explosion on 1 September targeted the cemetery and damaged the adjoining Orthodox chapel. These incidents serve to underline the need to proceed very cautiously with all activities related to return.

142. In **Orahovac/Rahovec**, the number of Kosovo Serbs in both Orahovac/Rahovec town and Velika Hoca/Hoce e Madhe has fluctuated since the resumption of the weekly UNHCR bus-line in late April. The current population is estimated to stand at around 1,100 Kosovo Serbs between both locations combined. This is a considerable decrease on the estimates of 2,000-2,200 in February of this year. Both Serbs and Roma have availed themselves of the bus service to travel to the north of the province and from there many have opted to travel onwards to Serbia. The number of returning passengers was usually less than the number of departing. This trend has recently reversed indicating that the bus service is coming to be seen as a useful and much needed contribution to freedom of movement rather than a one way journey out of Kosovo. Security incidents continue to occur on a regular basis and further departures cannot be ruled out. In early July there were a series of mortar attacks launched against Velika Hoca/Hoce e Madhe. Arson attacks against Serb and Roma homes in Orahovac/Rahovec are still a frequent occurrence, the most recent occurring on 27 September.
143. In **Mitrovica/Mitrovice** Kosovo Serbs remain a minority in the south of the city and areas in the south of the municipality. The small population of Kosovo Serbs living around the Orthodox Church in the south of the town, has dwindled to 16 in the past months. There is 24-hour KFOR protection but the community lives under difficult conditions, facing constant threats and moving only with an escort. A few elderly Kosovo Serbs continue to live in their own homes in the south. Attempts by UNMIK to facilitate the return of Kosovo Serbs to two apartment blocks on the south side of the river have so far failed. In the two Kosovo Serb enclaves in the south of **Mitrovica/Mitrovice municipality**, the Serb population of Gorni Suvi Do/Suhidol I Eperm remains unchanged at 150 and in Svinjare/Frashe I Madh, the current population of Kosovo Serbs is estimated at around 600 persons. This latter village was previously reported to have only 300 residents. The increase is attributed to the re-established train service, which has made daily travel to north Mitrovica/Mitrovice possible. A number of families are reported to have returned to visit their homes, some staying over the weekends. Tension between Kosovo Serbs and Albanians flared in the mixed village of Suvi Do in early August over the opening of a new bridge. The presence of uniformed Kosovo Protection Corps members during the opening ceremony was considered provocative by the Kosovo Serbs and they stoned Kosovo Albanians being assisted by KFOR and UNMIK Police to return to their homes.
144. **Srbica/Skenderaj municipality**, around 200 Kosovo Serbs remain in the mixed village of Banja/Baje. After recent self organised go and see visits, four families have returned. Encouraged by this the local community estimates that an additional 10-13 families are expected to return from Serbia. The returnees reported, to other villagers, that improved security in the village and the lack of resources in Serbia proper, were the factors motivating their return. Around 120 Kosovo Serbs live in the village of Suvo Grlo/Suhogerlle and rumours persist that three families are planning to return. No serious security incidents have been reported of late but the area was shaken by the murder of an elderly Serb in the nearby village of Cerkoz (Istok/Istog municipality). Nine Orthodox nuns live in the Monastery of Devic under 24-hour KFOR protection and are visited occasionally by a priest.
145. In **Vucitrn/Vushtrri municipality**, an estimated 4000 Kosovo Serbs remain in six villages, including a large concentration of between 3,000 and 3,200 in Priluzje. There have been clear indications of spontaneous return edging the population figures up. In one village alone, over 100 persons have gradually returned since April but this movement slowed in August with students departing again to go back to school in Serbia. Reconstruction of houses and a school in this village has been identified as a priority by the Joint Committee on Returns (JCR), with the aim of stabilising the

population and offering them real prospects for sustainable reintegration. Incidents of arson and intimidation on September 21 and 26 have adversely affected the confidence of the recent returnees but they appear determined to stay nonetheless. In other villages the population grew over the summer months as young people availed of the school holidays to visit their families but this trend has reversed with the beginning of the new school year. Kosovo Serbs in isolated rural locations continue to be harassed regularly. The theft of their cattle and burning of their haystacks seriously impedes on their ability to maintain themselves and puts further pressure on them to leave. Although KFOR has increased patrols to try to combat this, Kosovo Serbs in the municipality claim that neighbouring Kosovo Albanians continue to threaten them.

Roma¹⁵

146. In previous reports we have stressed the fact that it is **difficult to speak in terms of a homogenous Roma group in Kosovo** given the existence of groups such as the **Ashkaelia** and the **Egyptians**. Despite being considered to have links with the Roma these do not necessarily consider themselves to be Roma. For ease of reference we have repeated below an explanatory footnote taken from earlier reports that provides some background on links and differences between the various groups. The approach of the international community in Kosovo has by and large been to treat the Roma, Ashkaelia and Egyptians as one self contained group. The Platform for Joint Action has been fostered and supported on the premise that all three groups have issues of concern in common. The Platform respects the fact that each constituent community retains the right to identify itself as it so chooses. By focusing on issues of common concern it has been possible to build a consensus around issues which that can be worked on in co-operation for the benefit of their respective communities.
147. **We have continued to use Roma as an inclusive term throughout this report, clarifying as necessary where the reference is specifically to Roma, Ashkaelia or Egyptian communities to the exclusion of others.** This has been done in deference to their distinct cultural characteristics and in order to highlight, as the case may be, common concerns or where the situation faced by each group is markedly different. At village level some groups ascribe to none of the forgoing classifications preferring instead to retain names which identify them in accordance with their own clan structure. Examples of this are rare and most people do identify themselves with reference to one or other of the three main groups.
148. All three communities continue to face **general problems of discrimination and harassment**. During the reporting period cases of **arson, grenade attacks and murders** were also documented. **Ashkaelia and Egyptians frequently enjoy greater freedom of movement**. This is due to their traditional links with the Kosovo Albanian community and the fact that they speak Albanian as their mother tongue. The degree of freedom of movement enjoyed varies dramatically from place to place. Some

¹⁵ As has been noted in previous reports (See page 10 of the Second Assessment) the Roma are far from a cohesive group. The so-called 'ethnic Roma' clearly identify themselves as Roma and use Romany as their mother tongue, although they can also speak Albanian and/or Serbo-Croat. They have a proud cultural tradition and links with Roma communities in other countries. By contrast, the Ashkaelia (who are Albanian-speaking), have always identified themselves as Albanian and lived close to the latter community. Nevertheless they are treated as slightly separate by the ethnic Albanians. Another community who distance themselves from the ethnic Roma are the Egyptians (considered by some observers to be Ashkaelia) who speak Albanian but claim to have come originally from Egypt. It is thought that their ancestors may have followed Alexander the Great from India to Egypt where they settled for a period before venturing to Europe. Whatever their origins, they are perceived by the Albanian community to be Roma for whom a separate identity was created about ten years ago by the Belgrade regime in order to promote the image of a multi-ethnic, rather than Albanian-dominated, Kosovo. Nevertheless as time passes the signals are becoming all the more strident that the Egyptians want to be seen as being Albanian, and not as a minority. In those villages where they are integrated they are treated as Albanian by the co-villagers, and this can often make the figures for them unreliable. Both the Ashkaelia and Egyptians follow the Muslim faith. Finally, there are the Cergari Roma who follow the Orthodox faith, speak Serbo-Croat (although they may also be able to converse in Romany) and have a nomadic lifestyle, travelling usually between Serb-populated areas. Most Orthodox Roma, living in and around Kosovo Polje left during and after the conflict, as they were closely aligned to the previous Serbian administration and as such tend to be shunned by other Roma. There are also some Catholic Roma found near the Croat communities in Lipjan/Lipjan. References in this report to specific groups within the wider Roma community generally defer to the description each community ascribes to itself.

communities are free to move within the town that they live in or between towns and villages within the municipal area but unable to travel further afield, specifically to Pristina/Prishtine. This prevents them accessing services such as Pristina/Prishtine hospital and university, having easy access to UNMIK structures at a central level or engaging freely in business activities. In spite of notable improvements in freedom of movement in many areas, and the recurring message that these minority communities are making progress vis a vis constructive interaction with their Kosovo Albanian neighbours, the notion of collective responsibility for crimes in the past still lingers and is often cited by the majority community as an objection to return. In reaction to **localised improvements in security conditions Roma, and more frequently Ashkaelia and Egyptians**, in certain locations have started to engage in a more proactive and constructive dialogue with KFOR and UNMIK Police vis a vis their security needs. In some locations this has permitted the scaling back of highly visible security arrangements in favour of routine patrols. Regrettably however, many communities still require close attention to their security needs. Security has even deteriorated in some areas previously considered as stable and as good examples of inter-ethnic tolerance.

149. In **urban Pristina/Prishtine**, the residual population remains small and there have been no indications that return of any consequence has taken place. While Albanian speaking Ashkaelia are more numerous among the remaining population, some isolated Roma families have also been reported. Freedom of movement is still a serious problem, especially for those perceived simply on the basis of their appearance to be Roma. Dark skinned Roma and Ashkaelia are particularly at risk and will invariably face problems of verbal intimidation and harassment on the streets of Pristina/Prishtine. One of the Kosovo Albanian leaders addressing the Humanitarian Round Table on April 12, lamented the fact that Roma, for so long an integral part of Pristina are no longer to be seen going about their business on the city streets. The degree of displacement suffered by both Roma and Ashakelia from Pristina has been severe with many people currently living as refugees in FYROM or as IDPs in various locations in Montenegro, Serbia and within Kosovo itself.
150. Recently, **Ashkaelia community leaders have expressed growing optimism** that the possibility of return can be transformed into reality. While only one family has been noted as having returned spontaneously from FYROM, others have expressed to UNHCR an interest in participating in go and see visits. Despite these encouraging signs the reality remains that **security concerns and reconstruction needs are serious obstacles to return**. While remaining Ashkaelia live dispersed around the city in their own homes, the predominantly Ashkaelia neighbourhood of Vranjevac, has been badly damaged both during and after the bombing campaign and it is unlikely that refugees would be willing to return without concrete commitments regarding reconstruction, even assuming that security has stabilised sufficiently to permit such return. A recent series of house visits to Ashkaelia still living in the city served to underline problems faced by the community. One family, the darkest skinned, reported not having left their home without the benefit of a security escort for over a year now. This despite good relations with their immediate Kosovo Albanian neighbours. One member of the family sadly recounted his unsuccessful attempt to participate in the September 9 rally against violence. He turned back to his house after only a few hundred yards when he was insulted and intimidated by Kosovo Albanian youths. None of the children of this family attend school, as the parents are worried about their security. The most recent addition to the family, a month old baby, was born in Pristina/Prishtine hospital only after the mother secured a KFOR escort to accompany her. In contrast, three other families visited enjoyed relatively good freedom of movement with the children going to school and some family members having found temporary employment with international organisations. The contrast in experiences serves to underline the complexity of the problems facing Roma and Ashkaelia in urban locations and would tend to suggest that the issue of repatriation needs to be approached very gradually. **Even if accommodation concerns can be overcome the obstacles of harassment and intimidation remain.**
151. There is also a Roma population living in **Pristina/Prishtine municipality**. Current estimates stand between 600 and 800 persons and most are to be found living alongside

Kosovo Serbs in enclave situations in Gracanica/Ulpiana, Caglavica/Cagllavice, Preoca/Peroc and Laplje Sello/Fshati Llap. As such they face the same type of security concerns and limitations on freedom of movement as their Serb neighbours. Generally they report cordial inter-ethnic relations within their communities. However some complaints have been received regarding uneven distribution of humanitarian aid. Roma leaders state that as their community enjoys less access to land than the Kosovo Serbs, they should as a result be targeted more as aid recipients. There are a number of Roma IDPs from Pristina/Prishtine city currently accommodated within the Roma population of Gracanica/Ulpiana. These IDPs have little expectation of returning to their own homes in the near future.

152. The Ashkaelia population in **Podujevo/Podujeve town, suburbs and surrounding villages**, has remained very stable. It is currently estimated to number between 900 and 1,000 persons, a slight increase on previous estimates of between 800 and 900. This results from improved monitoring mechanisms and some small scale return. Almost all Ashkaelia remain in their own homes while some live with relatives or friends under hosting arrangements. The overall security situation is calm but there were two incidents of grenade attacks against Ashkaelia homes during the summer months. Freedom of movement and access to services within Podujevo/Podujeve town is good but this does not extend to travel elsewhere. This has a negative impact on the ability of the Ashkaelia to secure employment. There is representation on the Municipal Council which ensures that the Ashkaelia have a channel to voice the concerns of their community. In addition the development of a local NGO, Democratic Hope has been instrumental in fostering a positive image of the community and providing much needed support in the form of vocational education initiatives. Positive developments were noted with respect to one rural location within Podujevo/Podujeve municipality. Months of intensive efforts to foster inter-ethnic dialogue were supported by the international community and ultimately yielded results because of the commitment of local people. Fourteen Ashkaelia IDPs returned to the village in late August 2000 to commence work on the rebuilding of their houses having spent the previous year living in displacement in another location within Kosovo. It is planned to reconstruct nine houses and once this has been achieved it is expected that the remaining group, totalling 64 persons in all, will be able to move back to the village permanently. So far only limited progress has been made on the reconstruction of the houses and it is not assured that return can take place before the onset of winter. On a more positive note, the general support of the local population and the practical involvement of the Kosovo Protection Corps, to support reconstruction efforts in this case have been key factors underscoring the achievements to date. This experience may yet prove an example that can be replicated elsewhere.
153. There is still a large Ashkaelia population in **Kosovo Polje/Fushe Kosove**, estimated to number around 2,500 persons. It has proved difficult to pin down specific figures as the estimates offered by community leaders vary considerably and there has been ongoing movement in and out of this location. Kosovo Polje/Fushe Kosove hosts a number of IDPs displaced from other locations around Kosovo and more recently has seen some limited degree of return, primarily from FYROM. The Ashkaelia tend to live in a concentrated location in a section of town somewhat distant from the centre. Within their own large neighbourhood they enjoy freedom of movement but this does not extend to the rest of the urban centre. This restriction places severe limitations on the ability of the community to find employment and otherwise integrate into mainstream life. The overall security situation for Ashkaelia has been relatively calm with few incidents cited. There has been progress of late as regards the integration of Ashkaelia children in the local schools. Since the start of the new school year in September, Ashkaelia children have been able to attend the local school alongside their Kosovo Albanian counterparts. This is a very welcome development and a tribute to the efforts of UNICEF and others in supporting catch up classes for the Ashkaelia pupils. In spite of setbacks encountered as a result of recent incidents of intimidation and bullying of the Ashkaelia pupils, parents from both communities remain committed to maintaining a constructive dialogue and they have persevered in their efforts to ensure that all children can attend school together regardless of their different ethnic backgrounds.

154. Only a few Roma and Ashkaelia, less than 100 in total, remain in **Obilic/Obiliq town**. Despite some efforts at municipal level to reach out to families displaced from their homes and currently living in the IDP settlement at Plemetina/Plementine, little concrete progress has been made. Roma and Ashkaelia, in common with other ethnic groups, face a generally hostile attitude on the part of the majority Kosovo Albanian population. One feature of this is ongoing harassment which aims to pressure people to sell their homes. During the reporting period four Ashkaelia families departed the town for other locations within Kosovo.
155. Elsewhere in **Obilic/Obiliq municipality** small numbers of Roma and Ashkaelia can be found in Cerkevna Vodica and in Plemetina village. The largest single concentration of Roma within the municipality continues to be the **IDP settlement in Plemetina/Plementine barracks** (as distinct from the small population in Plemetina/Plementine village itself). The current estimated population is 700 to 800 persons. This has decreased from a reported figure of 890 in January, shortly after the barracks was renovated and the IDPs were relocated from a tented site in Krusevac. Fluctuations in the population figures can be attributed to a number of factors, including further displacement due to the departure of residents to Serbia and other locations, frustrated by what they perceive to be a total lack of progress vis a vis their return to places of origin. At the same time a small number of people have been newly incorporated into the settlement, some joining family members already there and others being placed there by UNHCR. These latter are people who have been deported from western European countries with absolutely no prospects of being able to return to their places of origin, under current conditions. While considerable efforts have been made to improve general living conditions of the residents, the settlement essentially remains an isolated and guarded site, offering at best a temporary solution to the IDPs. It is worth reporting that the informal schooling initiative within the settlement has become well established. As a result most of the children are attending primary school and it is anticipated that pupils who successfully pass their exams will receive recognition from the UNMIK Department of Education. In addition the education promoters drawn from within the IDP population have had the opportunity to receive mentoring from professional teachers, thereby improving their ability to remain actively involved in meeting the educational needs of their community.
156. So far only a handful of families have managed to go back to their places of origin. Security concerns combined with the lack of reconstruction assistance continue to be barriers to others who would otherwise gladly opt to leave the camp and return home. In a positive development the Swiss Agency for Development and Co-Operation agreed to address the rehabilitation of a number of Ashkaelia homes in Kosovo Polje/Fushe Kosove, **paving the way for the potential return of a number of families from Plemetina/Plementine settlement back to their place of origin**. Some families have in fact already received this assistance and departed the settlement for their own homes.
157. In **Lipljan/Lipjan town** it is estimated that a total of 600 Ashkaelia and Roma remain. Elsewhere around **Lipljan/Lipjan municipality** Ashkaelia and Roma communities can be found in a number of villages including Janjevo/Janjeve, Mali Alas/Hallac I Vogel, Medvece/Medvec and Vrelo/Vershec. Total numbers, including the urban population and those in rural locations, are estimated to remain in or around 1,500 but are difficult to pinpoint accurately given the varying degrees of integration and the fact that some sections of these communities auto-identify with other ethnic groups and resist being classified as an ethnic minority. A recent inter-ethnic football tournament, supported by local staff members of UNHCR and OSCE acting on their own initiative, proved a great success bringing together teams of children from different communities to participate in a sporting event untainted by any suggestion of inter-ethnic tensions. Such initiatives deserve attention and praise, as they offer concrete evidence of the fact that, despite the difficulties, there is willingness at local level to nurture tolerance and co-operation between different communities. Such steps are sorely needed to offer alternatives that can help to break the unrelenting cycle of violence affecting minority communities. A number of serious incidents occurred in the municipality during the reporting period, the most tragic of which was the killing of three members of an Ashkaelia family in Mali

Alas/Hallac I Vogel on August 2. They died when an improvised explosive device was planted near their home. Despite this incident the Ashkaelia population persisted in their efforts to pursue discussions with their Kosovo Albanian neighbours on the question of the return of displaced members of their community and the integration of their children into the local school. A further incident on September 14, in which an Ashkaelia man was injured, again by an improvised explosive device, has seriously undermined these efforts. The Roma community living in **Janjevo/Janjeve**, numbering some 200 persons, has remained stable and over recent months no security incidents have been noted.

158. The Roma population in **Kosovska Mitrovica/Mitrovice** is concentrated to the north of the river and is essentially comprised of some 275 IDPs, most of whom originate from the Roma neighbourhood south of the river which was totally decimated during the post-conflict period. This group of IDPs was first housed in a tented location in Zitkovac but as and from January this year they were re-housed in pre-fabricated units at a new location in urban Mitrovica north. Whilst on the surface enjoying good relations with their Kosovo Serb neighbourhoods this community does face problems. They have no access to employment and are totally reliant on humanitarian assistance. Recent reports of Roma children being bullied by Kosovo Serb children has resulted in a dramatic drop in the number of children attending school; only 10 are currently enrolled as opposed to 75 who were previously attending. A grenade attack against the settlement on 30 June left four residents injured, including one child who had to undergo surgery. The motivation for this attack has never been established nor has anyone been arrested. **This settlement, similar to the one in Plemetina offers at best a temporary solution for the IDPs.** Discussions between various actors have been ongoing over the course of recent months regarding the possibility of establishing temporary accommodation south of the river Ibar. Such accommodation in the form of pre-fabricated units in the near vicinity of the IDPs' original homes would represent the first step in a process that could eventually lead to the re-establishment of the Roma neighbourhood. Such a development would be to the benefit of IDPs currently living north of the river, those displaced to Zvecane/Zvecan and Leposavic/Leposaviq and ultimately to those displaced outside of Kosovo. The interest of the IDPs was clearly evidenced by their participation in a number of go and see visits to assess the feasibility of such a plan. Despite the emerging support of the local community and the strong support of international actors such as UNHCR, including the identification of a potential donor willing to commit sufficient funds to cover accommodation needs during the initial stages of the project, security has emerged as an obstacle. KFOR recently informed that due to personnel constraints they would not be in a position to extend the degree of security coverage envisaged as an essential requirement to permit the project to commence in conditions of safety and dignity for the IDPs involved. This setback has come as a blow to the potential beneficiaries who had slowly but surely overcome their initial fears and come to believe in the feasibility of the project as a realistic solution for their long term needs.
159. A small **Ashkaelia** population numbering about 170 persons can be found in **Kosovska Mitrovica/Mitrovice**, south of the river Ibar. An even smaller community comprising only a handful of families can be found to the north of the river. While the southern community has its own political representation and there is positive inter-action with other ethnic groups, members of the community continue to report problems of acceptance. Ongoing harassment is reported by male members of the community, limiting their ability to move about freely and obtain employment.
160. In **Leposavic/Leposaviq** the current population of the collective centre housing IDPs is estimated, by the community leader, to stand at 190. The figure fluctuates constantly as there is considerable cross boundary travel to Serbia and Montenegro. The population is primarily comprised of Roma displaced from the south Mitrovica/Mitrovice. There are also some Egyptians and Ashkaelia displaced from other areas of Kosovo. Generally speaking the IDPs are accepted by their Kosovo Serb neighbours and are able to attend the local medical facilities for treatment. Access to education is more problematic and not all of the children were considered to speak sufficient Serbian to be accepted in the local school. Some pupils therefore travel to school in Mitrovica/Mitrovice, with the

support of an NGO, and attend a Serb speaking school staffed by teachers with more comprehensive previous experience in schooling Roma children.

161. In **Zvecane/Zvecan municipality**, the former IDP camp in Zitkovac has seen an increase in population as a result of the spontaneous arrival of Roma IDPs from Montenegro. These people are returning to a situation of displacement within Kosovo. There are currently 144 persons living under tents at this site with little prospect of returning to their places of origin in Kosovo in the short term. The children are able to attend school in Zvecane/Zvecan and people generally report a supportive attitude on the part of Kosovo Serb neighbours. An accommodation alternative must be found before the onset of winter.
162. In **Vucitrn/Vushtrii** the Ashkaelia population has remained stable at around 130 people. The number of serious incidents reported has decreased dramatically but verbal abuse, stone throwing and cattle theft are still regular occurrences. Despite these difficulties the community insist that their members should and will return from displacement in Serbia and elsewhere. It is unlikely that this will occur in the short term, as illegal occupation of Ashkaelia properties is ongoing. To address this problem an international NGO has initiated discussions with the Kosovo Albanian community in order to explore the possibilities of assisting them with housing reconstruction thereby freeing up Ashkaelia properties. Such lines of communication are valuable as part of an overall process of dialogue. However caution must be a guiding principle. The last grenade attack against the Ashkaelia community occurred in May, apparently in retaliation for the attempted eviction of a Kosovo Albanian family in preparation for the return of an Ashkaelia family. It is clear that tensions still run high in this community and any steps forward will need time to mature. Meanwhile in the mixed village of **Priluzje/Prilluzhe**, the Roma community still suffers limitations on their freedom of movement. However the population has remained stable at about 160 persons.
163. In **Srbica/Skenderaj municipality** only a handful of Ashkaelia families were recorded. In one mixed village a pre-conflict population of some 120 persons found themselves unable to return and remained elsewhere in Kosovo as IDPs. There are now encouraging indicators that some families are interested in returning. They have already carried out some go and see visits on their own initiative. An NGO has expressed an interest in assisting in the reconstruction of some Ashkaelia homes. This may make the wish to return, a reality, at least for a small number of families.
164. In **Urosevac/Ferizaj** the Ashkaelia population has remained stable at an estimated 4,200 people, living in three neighbourhoods within the urban area and the predominantly Ashkaelia village of Dubrava/Lisnaje. The Ashkaelia have quite strong political representation and express a strong affiliation with the Kosovo Albanian community. In fact many Ashkaelia consider themselves to be Albanian and reject the notion of any association with the Roma community. A visit of the Kosovo Albanian members of the IAC to Urosevac/Ferizaj, on June 7, in keeping with their commitments under the Platform for Joint Action, was very well received by the Roma and Ashkaelia communities. In the wake of this visit security incidents declined. However they have gradually begun to reappear. While some Ashkaelia have returned to Urosevac/Ferizaj, others have left unable to bear the pressure of constant harassment compounded by periodic incidents of arson and physical attacks. Despite these difficulties the Ashkaelia leaders remain optimistic that security conditions will stabilise and further return can be anticipated. In fact there is some interest from refugees in FYROM to participate in go and see visits and this idea is being actively pursued by UNHCR. The Ashkaelia leadership asserts that there is a higher number of Ashkaelia in the area, unknown to the international community as many of them prefer to identify themselves as Albanian. There is still a need for concerted efforts to improve the rates of school attendance by Ashkaelia (and more so Roma) children. This matter has been actively pursued by OSCE but there is still considerable room for progress.
165. The **Roma of Urosevac/Ferizaj**, in contrast have faced an acute deterioration in their security conditions. They are increasingly isolated from the Ashkaelia community who do

not feel any affinity towards them and tend to blame them for fluctuating security conditions, stating that it is the Roma who are the targets of reprisal attacks rather the Ashkaelia, who are only caught up in such violence due to their misfortune to be erroneously associated with the Roma. The Roma population has decreased considerably. An estimated range of 300 to 500 reported in February 2000, has now been fixed more accurately at the lower end of the scale. In one neighbourhood of Urosevac/Ferizai housing 30 Roma families at the beginning of the year only 6 families remain. The others sold their homes well below market price and leaving because of security concerns. It is anticipated that more families will depart in the short to medium term unless there is a marked improvement in their overall security.

166. In **Gnjilane/Gjilan town** the current population has reduced further still, now numbering only 330 as compared with a pre-conflict estimate of several thousands. While most of the Roma left as a result of the high levels of violence last summer and the recent decline numbers only in the tens, this is significant to a community that has been so dramatically reduced in size and lives under siege like conditions uncertain of their future. Recently a Roma community leader travelled to FYROM with the assistance of UNHCR in order to meet with Roma refugees originating from Gnjilane/Gjilan and to discuss with them current conditions. While the leader spoke optimistically of the fact that there is accommodation within the Roma quarter to absorb returnee families under hosting arrangements, he was equally frank and open about the fact that security concerns still exist and freedom of movement is practically non-existent. The refugees were already aware of an arson attempt on the Roma school in Gnjilane/Gjilan, an attack that occurred only days prior to the visit on September 20. They welcomed the visit and expressed gratitude for the opportunity to receive first hand and reliable information but were understandably reserved on the prospects for return under current conditions. UNHCR intends to further pursue visits of this type and it is anticipated that some refugees may be interested in accompanied visits to their homes in order to assess the situation further. Recent indications are that a small number of Roma may have already returned on their own initiative.
167. Another problem faced by the community has been their **inability to pay their utility bills**. Almost all families applied for exemption under the temporary scheme but as yet have not been informed if they were accepted or not. Meanwhile the electricity supply company, KEK, has twice attempted to disconnect services, stating that they could no longer await a decision on this matter. KFOR intervention has so far prevented disconnection but this problem will reoccur since the exemption scheme runs only up to March and the community will be unable to pay future bills. Electricity bills issued thus far have been only in English and Albanian, whereas many in the community speak only Serbian. More recently bills have not been issued at all but rather people have simply been shown a book which purports to indicate the amount of electricity consumed. One community leader has received bills indicating zero consumption up to June but has now been informed by KEK that his cumulative bill runs to 1,110DM: roughly equivalent to 10 months of social assistance at the highest rate of payment.
168. In other locations around the **eastern Kosovo region** small populations of Roma do remain but figures continue to fluctuate due to ongoing departures and some small-scale return. In **Vitina/Viti town** remaining Roma number in the tens but a couple of families have repatriated spontaneously from Bosnia and interest has been expressed by refugees in FYROM to undertake accompanied visits. Vitina/Viti continues to be a very volatile location with a lot of violence directed towards the remaining Kosovo Serbs. The Roma are wary of the possibility of attacks against them too and this will invariably put a brake on returns. In **Strpce/Shterpce**, only 34 Roma were reported in the entire municipality. While one family returned from Serbia overall numbers declined due to the departure of other families to displacement outside Kosovo. With reference to humanitarian assistance Kosovo Serb leaders in Strpce/Shterpce stated that the Roma are treated exactly as the rest of the community but informed that one of their homes "had to be burned" because of the pro-Albanian sentiments of the family. In **Kamanica/Kamenice** an estimated 450 Roma remain, some in the town itself and others in mixed Roma/Kosovo Albanian villages across the municipality. In **Novo**

Brdo/Nove Berde the small Roma community in Bostane/Bostan, previously estimated to number 50 persons, reduced further still with the departure of two families.

169. **Stimlje/Shtime town** has seen a dramatic deterioration in security conditions for the Ashkaelia community. It is estimated that the community numbers some 400 persons and this was considered to be on the increase due to some small-scale return. However in June a family that had spontaneously returned from FYROM fled Stimlje for a second time after being subjected to a hand grenade attack. A spate of similar attacks followed throughout the summer months. Several attacks particularly targeted one extended family and they were ultimately forced to flee in early September. The remaining Ashkaelia community expressed optimism that the security situation would stabilise following the departure of this family and stated that they did not consider themselves to be in imminent danger. The frequency of such attacks has indeed decreased of late but has not ceased. There were grenade attacks on Ashkaelia homes in the town on September 27 and October 18, clearly indicating that the situation remains volatile. Numbers of Ashkaelia elsewhere in Stimlje/Shtime municipality fell but it is believed that this is not attributed to departure but rather to the fact that communities prefer to identify themselves as Albanian.
170. In **Prizren** the Roma population remains stable and is currently estimated at 4,500 persons or more. The Roma enjoy quite good freedom of movement within the urban area and few serious security incidents directed against the urban population have been reported. However, a Roma man was found beaten to death close to Landovica village in late August. There have been some incidents of arson affecting Roma homes but it is generally believed that this is more linked to a general pattern in Prizren to appropriate abandoned properties and make use of the land for illegal constructions. The Kosovo Albanian members of the IAC visited Prizren on June 7 as follow up to the Platform for Joint Action activities. This visit was very well received by the Roma community.
171. Both Roma and Egyptians continue to live in **Orahovac/Rahovec** in close proximity to the Serb enclave. The current population is estimated to stand at about 450. The population continues to face a very tense security situation. In late August two Roma men were found dead on the roadside close to Radoste/Malesi e Vogel village in Orahovac/Rahovec municipality. The motivation for these murders was never established and no perpetrators have yet been arrested in connection with this incident. A Roma home was the target of arson on the night of 28 September. Freedom of movement remains restricted and largely dependent on the UNHCR bus service. However, there have been some positive developments. A Roma representative participates in the municipal council and has engaged in periodic round table meetings held locally between all ethnic groups. He recently participated in the meeting in Pristina/Prishtine between Roma, Ashkaelia and Egyptian community representatives and heads of JIAS departments where he conveyed the security concerns of the Roma and Egyptians alike. A social centre organised by Roma women has given them a space to relax and discuss their concerns. A Roma woman involved in this initiative also participated in the September 25 meeting with UNMIK officials in Pristina/Prishtine. Roma and Egyptian children have benefited from the Baltazar Children's Centre, an NGO initiative supported by UNHCR that reaches out to children of all ethnic groups.
172. In **Decani/Decan municipality** an estimated population of 350 to 400 Roma and Egyptians can be found scattered among a number of villages. The vast majority of this group identify themselves as Egyptian and they speak Albanian as their mother tongue which greatly facilitates their relatively easy interaction with their Kosovo Albanian neighbours. There has been a notable improvement regarding the acceptance of the Egyptians by the Kosovo Albanian population. Local Kosovo Albanian leaders are more frequently willing to speak of the needs of this minority group. Many Egyptians were displaced from the municipality during the conflict and have not returned due to the fact that their homes were destroyed. The availability of reconstruction assistance is very limited. A local representative group, the Albanian-Egyptian Organisation has begun the process of documenting the detail of damaged and destroyed houses, with a view to

lobbying for adequate reconstruction assistance. A response to their needs on the part of the international community could pave the way for return.

173. In **Djkaovica/Gjakova municipality** it is estimated that around 6,700 Roma and Egyptians remain. The vast majority of this group identify themselves as Egyptian. The largest concentration is to be found in Djakovica/Gjakova town itself but numerous villages throughout the municipality also register a presence of Roma and/or Egyptians, including a concentration of approximately 600 persons in Brekovac/Brekoc. The Egyptians, in general report cordial relations with their Kosovo Albanian neighbours. They are Albanian speaking and apparently enjoy good freedom of movement and access to essential services including health and education. There is Egyptian participation in both Municipal Council and Administrative Board. Two Egyptians have registered as independent candidates for the forthcoming municipal elections. During the course of the summer months many Roma and Egyptian children had the opportunity to interact with Kosovo Albanian children in a summer camp initiative sponsored by an international NGO. This initiative was deemed to be a great success providing an appropriate space for the youth and adults, of all communities involved, to reflect on the nature of discrimination experienced by the minority communities
174. In **Peje municipality**, the remaining population of Roma and Egyptians is estimated to stand at over 2,000 persons. Again the vast majority of these identify themselves as Egyptians. There is a large concentration living in Peje town comprised of both Roma and Egyptians. In addition smaller populations can be found in villages across the municipality. Population estimates for many villages decreased but it is not thought that this is attributable to departures. It is more likely that the population, Roma and Egyptians alike, increasingly prefer to identify themselves as Albanian. Egyptians, and to a lesser extent Roma, have seen notable improvements in their freedom of movement within recent months. Several examples of positive interaction with the majority Kosovo Albanian population have also developed. Both Roma and Egyptians participate in the municipal administration. Community representatives, however, continue to complain of the perceived second class status of their populations and demand further action as regards access to services, and employment and increased attention to reconstruction needs, which they state to be an essential prerequisite to return.
175. Pec/Peje has been the focus for **UNHCR supported go and see visits**. Four visits have taken place over the course of the past five months, allowing 16 IDPs to visit from Montenegro and renew links with their places of origin, assessing the situation with a view to determining if they would opt to return. So far no return has resulted from this go and see initiative but it has proved a positive contribution to improving the flow of credible information between the remaining community in Pec/Peje and those displaced to Montenegro. In the same vein UNHCR staff have visited the IDP settlements in Montenegro to respond to the queries of the IDPs and, at their request, local Albanian language newspapers from Kosovo have been forwarded to them allowing them to keep abreast of developments within Kosovo. They have followed with particular interest the visit of the Kosovo Albanian members of the IAC to Pec/Peje. This event took place on September 4, and the three Kosovo Albanian leaders along with the SRSG, Dr. Kouchner were very well received by the local population.
176. Some **spontaneous return** has taken place to locations in Pec/Peje, with a few families coming back from Montenegro, Serbia and Bosnia-Herzegovina. In addition there is an ongoing movement of IDPs coming to assess the situation on their own initiative. The dynamics of such movement make it difficult to assess the scale of spontaneous return. However, it is estimated to number in tens rather than hundreds. **The success of such return has been mixed.** Some families have managed to return to their places of origin basing their decision on positive feedback from family members who remained. In such cases re-integration has been relatively smooth although the returnees tend to be heavily reliant on humanitarian assistance. Other families have returned to situations of displacement and are currently housed with friends or relatives, while they pursue the reconstruction assistance needed to rebuild and/or rehabilitate their damaged homes.

177. In one village in Pec/Peje municipality, a Roma woman reported that she was beaten by a group of Kosovo Albanian youths on September 19. The victim, an elderly lady, had returned from Montenegro on her own initiative some time previously, accompanied by her daughter and she was in the process of advising other family members in Montenegro to come and join her. The injuries she sustained were in fact quite minimal and pointed more to her having been manhandled by persons stronger than herself rather than having been badly beaten. Regardless of her limited nature of her injuries she was left shaken and confused and reported that she was dissatisfied with the treatment she received at the hospital where she stated that medical staff did not take her seriously and made jokes about her condition. When UNHCR visited the village on September 21 to monitor events related to this incident they found that **three Roma owned homes had been burnt**, including one which belonged to an IDP who had recently visited Kosovo under the auspices of UNHCR organised go and see visits. On further investigation it was discovered that a total of 6 Roma homes in all, had recently been burnt down in the area, two of these belonging to IDPs in Montenegro who were actively considering their return. The motivation for this sudden upsurge in attacks against Roma properties come after a sustained period of calm, is not clear. What is clear however is that the information reverberated through the IDP population in Montenegro and plans for a small scale voluntary return movement supported by UNHCR were cancelled as a result of heightened fears on the part of the potential returnees. This constitutes a serious setback after months of careful and cautious work that was just starting to yield results having won the confidence of the IDP population. The impact of such incidents serves to underline the fact that return prospects remain tentative and all activities related to return must be approached in a cautious, patient and responsible manner.
178. There are still considerable Roma and Egyptian populations in both **Klina/Kline** and **Istok/Istog municipalities**, now estimated to number around 1,000 in each municipality, with people dispersed in a number of rural locations. In both instances numbers are higher than those reported in February 2000. This is attributed to a pattern of small-scale return of individual families in response to their perception of improving security conditions and inter-ethnic relations. Such tentative steps towards return merit the full support of the international community. There will be a need for a proactive response to maintain favourable security conditions and extend reconstruction assistance if larger numbers of the IDPs in Montenegro and elsewhere are to return over the medium term. In **Zac/Zhaq** village, a part of the Roma and Egyptian community who have lived under 24 hour KFOR protection are now making considerable strides forward in forging links with their Kosovo Albanian neighbours and it is anticipated that they will request a scaling back of KFOR presence in the near future.

Muslim Slavs

179. This group consists of Muslims who speak Slav based languages and who would previously have been associated with the "Muslim nationality" created within the former Socialist Federal Republic of Yugoslavia. Muslim Slavs variously identify themselves as Bosnians, Bosniaks, Torbesh, Muslim Slavs or simply Muslims. They share certain cultural affinities, including language similarities and a common religion, with the Gorani, another Muslim Slav group mainly concentrated in the Dragas/Drage area south of Prizren (sometimes referred to as the Gora region). However, as there are equally clear distinctions between Gorani and other Muslim Slavs, for the purposes of this report we have covered them as distinct communities. Muslim Slavs variously refer to their language as Bosnian or Bosniac. The use of terms such as Bosnian/Bosniak/Bosniac does not necessarily imply an automatic link to the modern day state of Bosnia and Herzegovina. It is believed that the Muslim Slav groups currently living in Kosovo can claim ancestry from a variety of regions including modern day Bosnia and Herzegovina, the Sandzak region and even parts of Macedonia. These terms have developed over time, influenced by historical, political and cultural reasons. In the text that follows we have ascribed to each population the term they most frequently use to describe themselves. Variations in spelling occur with the term Bosniac or Bosniak frequently

being used interchangeably to refer both to the ethnic group and to the language that they speak. Many Muslim Slavs in Kosovo are loyal to the Party of Democratic Action (SDA) whose power base is among the Muslims of Bosnia and Herzegovina. However other parties also exist and have a considerably following among the different sectors of the broad Muslim Slav community; these include the Bosniac Party of Democratic Action of Kosovo (BSDAK) and the Democratic Reform Party of Muslims (DRSM).

180. There is a Muslim Slav (Bosniak) community in urban **Pristina/Prishtine** which was estimated to have numbered some 3,500 to 4,000 persons before the conflict. It has been steadily decreasing since the end of the conflict in June 1999 and stood at between 1,600 and 1,800 by the time of publication of the UNHCR/OSCE fourth assessment report in February 2000. Community representatives refer to an ongoing pattern of departure and claim that the current population now stands at only 10% of the pre-conflict figure. It is unlikely that the figure has fallen as low as this but it is clear that there have been ongoing departures. Muslim Slav families cite language difficulties and incidents of harassment and verbal insults as their main reasons for leaving. An estimate of around 1,000 persons remaining in the city is probably more realistic, but as most of those remaining are those enjoying higher degrees of integration with their Kosovo Albanian neighbours, UNHCR and OSCE have found it impossible to pinpoint figures with any accuracy. The figure of 1,000 is therefore at best, a very general estimate.
181. In **Mitrovica/Mitrovice**, a Muslim Slav community, identifying themselves as Bosniaks, continues to live both north and south of the river Ibar. Community leaders cite a current figure of up to 3,000 as compared to a pre-conflict population of 6,000 and state that they are optimistic about return prospects. However an estimate of around 2,000 (up from 1,750 in January) is believed to be more accurate. The overall security situation for Bosniaks is stable. However they are affected by the tense situation that prevails in the city and periodically spills over into open violence. Bosniaks on the south of the river remain cautious about the public use of their own language preferring to speak Albanian but are otherwise apparently tolerated by the majority Kosovo Albanian population. Bosniaks on the north of the river have also enjoyed relative stability. The mixed neighbourhood of Bosniac Mahalla where many of them live has been included in the "Confidence Area" that was established by the international community in response to the serious outbreaks of violence in February 2000. The implementation of the "Confidence Area" has permitted Bosniaks to remain in their homes in spite of recurrent cycles of violence over recent months.
182. The **Prizren** area is still home to a substantial population of Muslim Slavs, variously classified as Bosniaks, Torbesh or simply Muslims. Between Prizren town and a number of villages across the municipality an estimated number of 25,000 Muslim Slavs remain (figures are difficult to estimate with any accuracy as some sources do not differentiate between Muslim Slavs and Gorani populations). There are still problems of full access to municipal structures and basic services, largely due to the language barrier. As a result many Muslim Slavs continue to talk of their limited prospects in Kosovo and state that they would prefer to leave. While there has been no indication of significant departures during the course of the reporting period it is believed that a slow but steady outflow is ongoing. Many Muslim Slavs returned to Prizren over the summer months at least to visit friends and family if not intending to stay permanently. Most Muslim Slavs are still reluctant to use their language in public, fearful of being mistaken for Serbs. However their freedom of movement is considered to have improved and people are tentatively venturing to use their language in public. In some rural locations Muslim Slavs live in mixed villages alongside Kosovo Serbs, a factor that has implications for their security. Recent incidents in Musnikovo/Mushnikove village for instance were most probably directed at the few Kosovo Serbs living there, especially recent returnees, but the Muslim Slav families were also affected. Muslim Slavs have also increasingly been the target of common crime, particularly robberies. On 6 September, six masked and armed men broke into a Bosniak home in Prizren demanding money. A woman living in the house was hit on the head with the butt of a gun and required medical treatment. Earlier in the month, on 3 September, an unoccupied Bosniak home was set alight. Yet another example of the alarming trend in Prizren to destroy unoccupied properties and

appropriate the land for reconstruction. Minority homes are most frequently the target of this activity.

183. In **Pec/Peje** there is a large Muslim Slav community to be found both in the town and in other locations around the municipality. Most identify themselves as Bosniaks but there is also a small number of Gorani. Total figures for urban and rural locations combined, stand at about 4,000, an estimated 1,600 of these in Pec/Peje town itself. Population estimates vary depending on the source with some community representatives stating that there have been numerous departures. The killing of a young Bosniak in Pec/Peje on 19 June shocked the community and is believed to have sparked some departures. Within the municipal structure in Pec/Peje there is a Department of Inter-Community Affairs, the director of which is a Bosniak. This has permitted the Bosniak community a channel through which to voice their concerns and has additionally fostered inter-ethnic dialogue between Kosovo Albanians, Bosniaks, Roma and Egyptians in the Peje area.
184. One of the main concentrations of Bosniaks within the municipality is found in **Vitimirica/Vitomirice**, close to Pec/Peje town. At this location alone, an estimated 2,300 Bosniaks live alongside smaller populations of Roma and Egyptians. The population has remained stable but with some minor fluctuations due to departures and return on a small scale. Bosniak children attend primary school in Vitimirica but have to travel to Pec/Peje for secondary education. Parents express concern that their children can not receive higher education in their own language. Primary health needs are met by an ambulanta but as there has been no doctor in attendance since August, patients often have to be referred to Pec/Peje hospital. Some are reluctant to travel to obtain treatment in the hospital citing security concerns and the fact that they do not speak Albanian. There is still a KFOR presence which undertakes regular patrols but a permanent checkpoint on the main road has been removed. There have been no serious security incidents in Vitimirica over recent months but the population complains of continuous incidents of harassment and intimidation. Many residents have expressed their intention to sell their property and leave as they do not see a long-term future for their families in Kosovo. Further departures from Vitimirica cannot be discounted.
185. A Muslim Slav (Bosniak) population, estimated to number around 1,000 persons, can be found in **Istok/Istog municipality**. While the population has remained relatively stable there have been constant small-scale departures, bringing the overall figure down from that reported in February. Fear of using their language publicly and resulting limitations on their freedom of movement have put pressure on the community and a continuing trend towards departures is expected. In August the father and son of one Bosniak family living in a rural location were badly beaten by unidentified but allegedly uniformed Kosovo Albanian men. Apart from this incident, security was generally reported as acceptable but the Bosniak community does question their long-term future in Kosovo.
186. The small Bosniak community in **Djakovica/Gjakova** was shaken by the June 27 murder of a young man recently returned from Germany to join his family. In the wake of this incident the victim's immediate family fled to Montenegro.

Gorani

187. As stated above, the Gorani can be considered as part of the broader group of Muslim Slavs, however given the distinct characteristics of their language and the fact that they inhabit a clearly defined geographical area, which faces not only security concerns but also specific problems related to isolation and economic underdevelopment we have opted for the purposes of this report, as in previous reports, to deal with them as a distinct community separate from other Muslim Slav groups.
188. The main Gorani community in Kosovo is to be found in **Dragas/Dragash municipality**, south of Prizren. The current estimate is that there are between 9,000 and 11,000 Goranis in the municipality as a whole, of which 1,500 are in Dragas/Dragash town, and the rest in numerous villages throughout the Gora region. Traditionally the Gorani community have been migrant workers and population movements are dynamic making

it difficult to accurately estimate their numbers. The current estimate is lower than that of February 2000 and this can be partly attributed to the fact that there were departures during February and March, following a series of security incidents against Gora both in the municipality of Dragas/ Dragash and in Prizren. The summer saw many Gora returning to visit their home villages. Whilst most left again at the end of summer, some have remained into the start of the new school year. Recently explosions in Dragas/ Dragash town on 21 and 30 September targeted Gorani homes and unnerved the population. Such incidents may lead to further departures as the community worries about a deterioration in overall security conditions. Many Gorani are still wary to speak their own language outside the areas they dominate and as a consequence they face limitations on their access to employment and to basic services. Education is a particular problem, due to the specific linguistic requirements of the community and to the fact that many live in isolated rural locations, unable to easily access secondary education. UNICEF will shortly fund a project that aims to improve vocational education for Gorani youth in the Dragas/ Dragash area, in the hope that this will improve their prospects of finding employment and building a more stable future in Kosovo. A very successful sports project, during the summer months with the involvement of a Danish football star, was a welcome initiative for local youth who otherwise have little to do and are unable to exercise full freedom of movement. In Prizren, the Gorani community is not generally distinguished from Muslim Slavs, so no separate figures are available.

189. In **Mitrovica/ Mitrovice** town, there is a small community of Gorani, estimated to number only 120 persons, of whom one third live in south Mitrovica/ Mitrovice and two thirds in the north. Most remain in their own pre-conflict properties. However, Gorani homes and businesses in the south of the city have been illegally occupied and this discourages the return of Gorani who previously fled from Mitrovica.
190. There are still Gorani families remaining in **Pristina/ Prishtine** municipality. Numbers are difficult to estimate as the community is quite dispersed and its members are often not distinguished from Muslim Slavs. It was previously reported that many families had departed to Bosnia, Macedonia and Montenegro or to join friends and families in Dragas/ Dragash. Whilst there have not been any recent departures reported, the Gorani warn that further departures are likely as they find it difficult to sustain the difficult environment of Pristina/ Prishtine, where they remain cautious about using their language in public and have limited access to jobs and services as a result. There seems to be a general perception amongst the community that life would be easier in the large Gorani communities in Dragas/ Dragash.
191. Around the greater Pristina/ Prishtine area very small communities of Gorani also remain in **Janjevo/ Janjeve**, **Lipljan/ Lipjan**, **Kosovo Polje/ Fushe Kosove**, **Obilic/ Obiliq**, often comprising of no more than a handful of isolated families. Similarly small communities can be found in **Kosovska Kamenica/ Kamenice** and **Gnjilane/ Gjilan**, numbering no more than 200 in both these locations combined. These communities have not reported any major problems.

Kosovo Turks

192. The Turkish community in Kosovo remains relatively stable, with few security incidents reported. However, a major concern for them remains the question of their language, and in particular the recognition by UNMIK of Turkish as an official language. As explained above, in the section on language, intensive negotiations between UNMIK and Turkish political leaders on the status of Turkish as an official language, has resulted in a compromise position. However, this was reached too late to facilitate the participation of the community in the registration. Most, will not therefore be eligible to vote in the forthcoming municipal elections. The SRSG is likely to use his powers of co-option to ensure that the Turks are not left underrepresented in the municipal structures of areas predominantly populated by them. Full resolution of the language question remains pending, with Turkish language education being a primary demand of the community.

193. In **Prizren**, there appears to have been little fluctuation in the Turkish population, which is now estimated by community leaders at 12,000 in Prizren town, and 5 000 in the largely Turkish village of Mamusa/Mamushe. Few security incidents have been reported.
194. Similarly there has been little movement in the Turkish population in **Gnjilane/Gjilan** municipality, which remains at approximately 1,500 in Gnjilane/Gjilan town and 400 in the village of Dobrcane/Mireshe. Again, few security incidents have been reported.
195. A Turkish population numbering an estimated 600 remains in Mitrovica/Mitrovice town, mostly in their own homes. Community leaders inform that there are 40% residing in the north of the town and 60% in the south. There has been no major change in population size, the differences with previously reported figures is rather due to more accurate information gathering by the community. Community leaders have reported an interest on the part of Kosovo Turks currently living in Turkey to return, but so far it seems that none have done so. The Turkish population of north Mitrovica/Mitrovice suffered, alongside other minority populations, during the violent events of February 2000 and a few families were displaced to the south of the town. Following a lull in violence and harassment in north Mitrovica/Mitrovice, UNMIK Police stated in early September 2000 that they had received two reports of Turkish family homes being occupied by Kosovo Serbs. The families in question have been displaced to Mitrovica/Mitrovice south.
196. There are an estimated 300 Turks dispersed around **Vucitrn/Vushtrii** town. 50-60% of this community are under the age of 18, with some attending school in south Mitrovica/Mitrovice and the rest in Vucitrn/Vushtrii.
197. A small Turkish community remains in **Pristina/Prishtine**. They report a general feeling of disappointment concerning what they perceive to be a lack of interest in their concerns on the part of the international community, as compared with other minority groups. Turks living in urban Pristina/Prishtine frequently state that if they do not see any improvement in their situation, vis a vis employment and education opportunities in their own language, many members of this community will leave for Turkey. A handful of Turkish families are believed to live in **Kosovo Polje/Fushe Kosove**.

Croats

198. The Croat community in **Janjevo/Janjeve** is reported to have decreased due to individual departures and currently stands at about 370 persons. There have been no major security incidents but it would appear that the community are concerned about their long term future in Kosovo, particularly with respect to access to education for their children. The remaining members of the community retain close links with the Catholic church in the village and there is still an ethnic Croat priest attending to their spiritual needs.
199. The Croat population of **Letnica/Letnice** in Vitina/Viti municipality has remained stable but very reduced at between 50 and 60 persons. Up to a hundred Croats visited Letnica/Letnice on the occasion of a Catholic religious festival, in August. The visitors included a small number of those who left the village last October, under the auspices of a departure organised by the Croatian government. While no problems were encountered during the recent visit, some of the visitors expressed concern over the fact that Kosovo Albanians are occupying their homes. The departure in October 1999 was rather sudden leaving little time for formal arrangements about property ownership. At that time hasty arrangements were made between neighbours on a sort of caretaker basis. It would appear that this arrangement has now come to be perceived as permanent occupation. The remaining few Croats feel a growing sense of isolation from their neighbours citing the fact that mass is no longer conducted in Croatian but only in Albanian. It is not anticipated that returns will take place in the near future but further visits on religious feast-days are probable.

Cerkezi

200. This ethnic group traces their origins to the Kafkaz mountain region of Russia. They are Muslim and speak their native tongue Cerkish in addition to Albanian and Serbian. A small number of families identified during previous assessments remain in Kosovo and have not faced any problems since the last report. It is possible that more Cerkezi live scattered around Kosovo and have not been identified. This in and of itself is indicative of the fact that they enjoy good inter-ethnic relations with other groups. There have been no reports of Cerkezi being targeted in any way on the basis of their ethnicity.

RECOMMENDATIONS

Security

1. UNMIK Police and KFOR should learn from the positive experiences of best practices as demonstrated in the field and continue to develop a **wider and more imaginative range of security measures**, such as, for example the use of emergency hotlines, staffed by members of minority communities.
2. **Resources for mobile police stations** should be provided as a matter of urgency. Such mobile stations should be supported by KPS officers of the same ethnicity as the community served, or by interpreters from that community in order to maximise positive interaction between the police and the local community. This should not rule out using KPS officers or interpreters of other ethnicities where this is acceptable to the community.
3. Proven examples of ways to **provide security to minorities to enable them to work** should be replicated. These include transport to and from work, and security whilst at work. Agencies should, as part of their planning for minority recruitment, ensure that such security can be made available, where possible pooling resources (such as shuttle buses) with other agencies, so as not to overstretch demands for security escorts.
4. Security measures should, as a general rule, **be discussed with the communities** they affect. This includes not only minority communities who may be the main beneficiaries of such measures but also their majority community neighbours, as security measures are likely to have an impact for them also.

Justice

5. For the medium term, **additional international judges and prosecutors** are required to ensure coverage of war crimes, ethnically motivated crimes, and cases with minority defendants. The wealth of experience gathered by international judicial personnel should be put to use in the development of further strategies that aim to foster a fair and functional judiciary.
6. **Disciplinary action** must be taken against judges and prosecutors who persistently fail to adequately investigate cases of ethnically motivated crimes. An effective disciplinary system for judges and prosecutors should be set up.
7. **Minority defence counsel** should be included in all defence counsel training sessions. Given the weakness of defence counsel in general and the added complications for minority defence counsel because of security concerns and limited freedom of movement, the pro-active use of international defence counsel should be considered.

8. All efforts must be made to **recruit minority judges and prosecutors**, including early consultation and credible assurances of the provision of security measures that will enable these judges and prosecutors to work in safety.
9. Special security measures are urgently required for the **protection of minority witnesses** in criminal trials. Concerted efforts to improve the judiciary through the involvement of international personnel and the provision of support equipment will ultimately be in vain if witnesses are unable or unwilling to participate in court proceedings due to fear.

Access and Co-Ordination

10. **Detailed policy guidelines** should be developed for ensuring full and equal access for minorities to essential services. Such policies should contemplate temporary special measures. These guidelines should be discussed with the relevant JIAS Departments, Municipal Assemblies constituted following the elections, and all agencies responsible for delivering services to minority communities. The expertise of those who already provide services to minority communities should be sought; in turn, these agencies should offer to make their expertise available by submitting names to an 'experts list' in each municipality.
11. **Organisations** setting up temporary special measures to ensure minority access, such as mobile teams, **should co-ordinate their efforts** and pool resources to ensure full coverage across Kosovo without duplication of effort. Mobile facilities, or extended use of static facilities, could be used by JIAS Departments, Municipal Assemblies, UNMIK and NGOs to create 'one-stop shops' where a full range of services is readily available. Those organisations already in possession of mobile facilities should consider offering the use of these facilities to other agencies. Such facilities would then be able to provide a good focal point for information for minority communities.

Language

12. Expanding on the instructions already issued by the SRSG, to the Departments of Health and Social Welfare, Justice, and Public Utilities, **clear instructions** should now also be issued to all JIAS Departments and to UNMIK generally, on the **correct use of language** in public documents, public campaigns and public signs. Policies should include the potential for sanctions for those who fail to comply, and wherever possible provisions to ensure that no-one is adversely affected for failing to observe instructions in a document not issued in a language they can understand.
13. KPS officers, elected officials and public servants should be required to undergo language training to give them a **working knowledge of both Albanian and Serbian**, so that they are able to interact directly with all sectors of the society they are expected to serve. For officials working in municipalities with a significant proportion of Turks, Turkish could also be a requirement.
14. The language provisions of **Regulation 2000/45** must be fully implemented in all municipalities following the election of the new municipal authorities. The UNMIK Municipal Administrators must intervene where necessary to ensure this is done.

Education

15. A decision on the **languages to be used in schools** is urgently required. While noting the difficulties inherent in making this decision, without it further curriculum development is hindered.
16. Concerted action is required to **ensure that all minority children attend primary and secondary school**. This issue must be tackled not only with parents, but also with school Directors, schoolteachers and school children. Anti-bullying programmes should be developed and implemented, to ensure that minority children are not withdrawn from

school because of bullying. For minority children who have to travel to and from school outside of their own neighbourhoods, adequate transport and/or escort should be provided.

17. **Access for minorities to higher education** and to vocational training programmes must be prioritised. School facilities should be opened up for **vocational training**, both for majority and minority communities. Roma would benefit particularly from either adult education classes, aimed at their passing the secondary school leaving certificate, or from vocational training or language classes.
18. UNMIK Department of Education, UNICEF and other agencies should continue to provide **catch up classes** for children from Roma, Ashkalia and Egyptian communities and to children from other communities who need such classes.

Social assistance

19. Sufficient funding must be provided to **ensure the availability of the current social assistance programme** to eligible claimants from all communities, on the basis of need.
20. **Public information campaigns** should be undertaken to ensure that all potential claimants, for UNMIK provided social assistance, understand the claims procedures and are actually able to submit their claims to the relevant authorities.

Employment

21. A full **employment law**, with effective provisions to combat direct and indirect discrimination, and to permit temporary special measures to foster increased employment of minority groups, should be passed as soon as possible.
22. The Department of Labour should initiate an **employment policy** to end discrimination against minorities in **public employment** at all levels. Examples of **good practice**, such as the recruitment of minorities into the KPS, or the provision of training to minorities in the Civil Service Institute, should be **widely disseminated** and copied or adapted by other public employers.

Media

23. The Temporary Media Commissioner should act promptly to implement the **new Codes of Conduct** amongst all media. Vigilant attention is required to combat publication or broadcasting of information that could incite violence.
24. An increase in **minority language broadcasting** (on both TV and radio) should be encouraged, and implemented by RTK as the public service broadcaster.

Property

25. Urgent action is needed to formulate and promptly introduce **procedural regulations** that will allow the Housing and Property Directorate to process and determine claims.
26. Sufficient funding should be provided to the **Housing and Property Directorate to ensure equal access of minorities**, including funding for more mobile teams within Kosovo and for offices either in or easily accessible from Serbia proper and Montenegro.
27. Clear, uniform guidelines related to **reconstruction assistance for minorities and to combat the problem of illegal construction on minority owned land** should be further developed, widely disseminated and systematically adhered to. The Department of Reconstruction should take specific steps to ensure that minorities have fair access to reconstruction assistance in 2001.

Access to political structures

28. The SRSG should judiciously exercise his power of co-option under Regulation 2000/45 to ensure the constitution of municipal assemblies that guarantee the fair representation of minorities in every municipality.
29. The SRSG and Municipal Administrators (MAs) should ensure that the rights of minorities (including the right to return) are protected and actively supported by the local authorities in every municipality.

Initiatives towards tolerance

30. The range of initiatives to promote tolerance must be fully co-ordinated at central and local level.
31. The standard **Code of Practice**, recommended in the Fifth Minorities Assessment should be developed and promulgated within UNMIK and to all enterprises and entities working under the auspices of UNMIK, or functioning with funding provided by the international community.
32. A programme of **human rights based education** should be developed for all schools. A similar, practical programme needs to be developed and incorporated into the training structures of all public bodies in support of the Code of Practice advocated above.

Return

33. A comprehensive **strategy for attending to minority needs** in 2001 should be developed by all agencies. This will allow for co-ordinated and measurable progress on returns by focusing on the conditions that need to be put in place in order to encourage returns. Such a strategy should aim to address key issues, including security, property and access to services and should focus in the first instance on improving conditions for minority communities who remain in Kosovo. The improved security and wellbeing of these communities will send a clear message to refugees and IDPs, upon which return will follow naturally. The humanitarian character of return must be maintained to the exclusion of all other considerations.

UNHCR/OSCE
23 October 2000.