



World Report 2015 - [Kosovo](#)

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Events of 2014

The European Union and [Kosovo](#) government reached a landmark agreement in 2014 to establish a special court outside [Kosovo](#) to try crimes committed by former members of the [Kosovo](#) Liberation Army (KLA) during and after the 1998-1999 [Kosovo](#) war.

The continued failure to form a government after April elections and the crisis over the role of the Constitutional Court further weakened human rights protection. The justice system continued to be overburdened and international judges in [Kosovo](#) claimed widespread corruption among judges and prosecutors. Journalists and members of the lesbian, gay, bisexual and transsexual (LGBT) community continued to face threats and harassment. Inter-ethnic tensions flared mid-year and Roma, Ashkali, and Egyptian communities remained vulnerable to discrimination and social exclusion. Parliament changed an existing law to offer support to wartime rape victims.

Impunity, Accountability, Access to Justice

In April, the [Kosovo](#) parliament approved the establishment of a special court located outside [Kosovo](#) and presided over by international judges to adjudicate criminal prosecutions arising from the work of the European Union Special Task Force established in 2011 to investigate serious abuses during and after the [Kosovo](#) war. The Special Task Force based its work on findings of a 2010 Council of Europe report. The court will be based in the Netherlands and is expected to become operational once the [Kosovo](#) Assembly adopts necessary legislative changes.

Based on the decisions of European Union member states, the EU Rule of Law Mission (EULEX) mandate, although extended in April until June 2016, was significantly scaled back in June as a result of the transfer of some responsibilities to the local judiciary and prosecutorial branch. International EULEX judges, in a January letter to the head of the EULEX Executive Division, outlined their concerns with the downsizing of the mission, stating that the local judiciary was not fully equipped to handle sensitive and complex cases and that EULEX prosecutors should continue to prosecute war crimes, organized crime, and serious corruption cases.

Despite progress in recent years, the justice system in [Kosovo](#) remains weak, with inadequate security for judges, court staff, prosecutors, plaintiffs, and witnesses. This results in few prosecutions for serious crimes, such as organized crime and corruption.

In July, the EU Special Task Force published its findings and stated former senior KLA officials will face charges for crimes against humanity and other abuses committed after the 1998-1999 war.

As a result of an EULEX appeal to the 2013 November acquittal, the [Kosovo](#) Appeal's Court in September reopened the case against former KLA commander, Fatmir Limaj, and nine co-defendants suspected of abusing prisoners at the Klecka detention center in 1998-1999. Two EULEX judges and one Kosovar judge will oversee the proceedings. The case illustrates weakness in [Kosovo](#)'s witness protection program: in the initial proceedings in 2012, testimony by the key witness, who was found dead in a park in Germany in December 2012 in what police called a suicide, was first ruled inadmissible, and on retrial, contradictory and unreliable.

In May, a first instance court in Mitrovica acquitted former KLA Commander Sylejman Selimi and three co-defendants of war crimes committed during the 1998-1999 conflict in a case concerning repeated assaults of two ethnic Albanian women held at the KLA detention center in Likovac. The court said the evidence was too weak and too much time had elapsed since the alleged abuse took place.

The trial of [Kosovo](#) Serb politician Oliver Ivanovic and other former Serb paramilitaries officials started in August. Ivanovic is suspected of war crimes by ordering the murder of four ethnic Albanians in Mitrovica in 1999 during the NATO bombing. He and three co-defendants are further charged with inciting others to commit murder during the February 2000 violence in Mitrovica where 10 ethnic Albanians were killed, 25 wounded, and more than 11,000 forced from their homes after being attacked by ethnic Serbs several months after the end of the war.

Between January and August, EULEX reported that two war crimes judgments had been issued by mixed panels of judges, one at the Basic Court and one at the Court of Appeals. A panel of EULEX judges also issued one judgment during 2014. At time of writing, there were 160 pending war crimes cases, of which 128 cases are with EULEX Special Prosecution Office prosecutors and 32 with [Kosovo](#) Special Prosecution Office prosecutors.

In November, the High Representative of the European Union for Foreign Affairs and Security Policy Federica Mogherini appointed an independent expert to review a EULEX internal investigation into alleged corruption in the mission. A EULEX prosecutor has alleged the mission failed to investigate her complaints about the matter and instead targeted her. The same month, EU Ombudsman Emily O'Reilly opened an inquiry into the EU's handling of the corruption allegations.

The Human Rights Review Panel, an independent body set up in 2009 to review allegations of human rights violations by EULEX staff, handed down three decisions between January and September, including that EULEX had violated a complainant's right to effective remedy in a case where a EULEX police officer attacked the complainant, who then could not work for several months.

The Human Rights Advisory Panel, an independent body set up in 2006 to examine complaints committed by or attributable to the United Nations Interim Administration in [Kosovo](#) (UNMIK), found violations in 59 out of 60 cases addressed between January and August.

In March, the [Kosovo](#) Assembly adopted legislation that recognized survivors of conflict-related sexual violence and abuse as veterans.

Treatment of Minorities

Roma, Ashkali, and Egyptian communities continued to face problems obtaining personal documents, which hamper their access to health care, social assistance, and education.

The continued failure to implement the 2010 Strategy and Action Plan for the Integration of Roma, Ashkali, and Egyptian communities stems from a lack of political will, funds, and cooperation between central and municipal authorities and between government and civil society.

A new strategy for reintegrating repatriated persons – including Roma, Ashkali and Egyptians – for 2014-2018 replaced the old 2010 strategy, improving the situation slightly for returnees in 2014.

Municipal Committees for Return were established dealing with assistance to returnees, mainly food and accommodation. Repatriated persons still face difficulties accessing employment, education, and health services and, as a result, more than 1,200 Roma, Ashkali, and Egyptians left [Kosovo](#) in 2014, according to Balkan Sunflowers, a local nongovernmental organization.

Inter-ethnic tensions in the north flared up in June, when a protest organized by Albanians from south Mitrovica sparked violence. Protesters clashed with [Kosovo](#) police and several people were injured and vehicles burned. In January, the Serb municipal councilor for north Mitrovica, Dimitrije Janicijevic, was shot dead outside his home. Police were investigating his murder at time of writing.

Between January and August, [Kosovo](#) Police Services reported three inter-ethnic incidents, without specifying their nature.

Asylum Seekers and Displaced Persons

During the first 10 months of the year, the United Nations High Commissioner for Refugees (UNHCR) registered 440 voluntary returns, including people from outside [Kosovo](#) and internally displaced persons, compared to 465 during the same period in 2013.

Deportations from Western Europe to [Kosovo](#) continued, with improved but limited assistance upon return. Between January and August, the Ministry of Interior registered 2,109 forced returns to [Kosovo](#), including 261 Roma, 95 Ashkali, and 19 Egyptians. Most were returned were from Germany (341) and Switzerland (258).

Freedom of Media

Journalists continued to face attacks and threats during 2014, particularly those reporting on radical Muslim groups. In September, Visar Duriqi, a journalist at the *GazetaExpress* newspaper who had reported on political Islam, received death threats, including of beheading, when a radical Islamist

group accused him of apostasy. Artan Haraqija, a journalist at *Indeksonline* news site, who worked on a joint report with Duriqi about radical Muslim groups operating in [Kosovo](#), received death threats after he appeared on the KTV show "Rubikon" in September. Police were investigating both incidents at time of writing.

In September, the ombudsperson condemned threats against journalists and called on media, prosecutors, and police to act within the full scope of their mandates and not use methods that violate people's privacy and dignity.

Sexual Orientation and Gender Identity

According to QESh, the only public LGBT organization in [Kosovo](#), the LGBT community faced physical attacks and threats during the year, particularly via social and online media and on radio. According to QESh, in August, three men assaulted a gay man in Prizren. In June, a transsexual 17 year old in Pristina was verbally abused and threatened by three other boys his age, and in April, an 18-year-old gay man was verbally abused by his school teacher.

Key International Actors

In January, the Organization for Security and Co-operation in Europe (OSCE) called on [Kosovo](#) authorities to establish exactly how many forcibly returned asylum seekers were still in [Kosovo](#) and, in particular, identify members of communities UNHCR considers to be "at risk" and in need of international protection, including Serbs, Roma, Ashkali, and Egyptian communities.

EU High Representative Catherine Ashton in April welcomed the extension of EULEX's mandate and the establishment of a specialist court to adjudicate abuses during and after the 1998-1999 [Kosovo](#) war.

The EU progress report on [Kosovo](#) highlighted shortcomings with rule of law, including judicial independence, stressed that witness intimidation remains a serious concern, and noted limited results in the fight against corruption and organized crime. The report called for the strengthening of the ombudsperson's institution, the adoption of anti-discrimination legislation, and for human rights issues to be put higher on the political agenda, such as the implementation of the action plan for integrating Roma, Ashkali, and Egyptian communities.

UN Secretary-General Ban Ki-Moon in a May report stated that strengthening rule of law institutions remains a long-term challenge and called on authorities to improve their performance in this area.

In September, OSCE Representative on Freedom of Media Dunja Mijatovic condemned death threats and attacks against journalists in [Kosovo](#) and called on authorities to bring perpetrators to justice.

The Council of Europe Venice Commission in March published its opinion on an amendment of the Law on Freedom of Religion in [Kosovo](#), outlining the need for a number of improvements, including expanding the list of religious communities that "constitute the historical, cultural and social heritage of the country" from five groups to include all other established religious groups.

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