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World Report 2012

Kosovo

Kosovo's human rights situation improved little in 2011, amid faltering negotiations with Serbia and tensions between Serbs and Albanians at the northern border that sometimes led to violence. The justice system remained weak, despite efforts to prosecute individuals for corruption and war crimes. Kosovo's Roma, Ashkali, and Egyptian (an Albanian speaking group with supposed origins in Egypt) remained marginalized and vulnerable to discrimination. General elections in December 2010 occurred without violence, but were marred by irregularities that international observers said called the results into question.

Protection of Minorities

Roma, Ashkali, and Egyptians continued to face persistent discrimination—particularly in housing and access to public services—and the highest unemployment, school dropout, and mortality rates in Kosovo.

Following an accidental fire in January in their social housing apartments in Plementina, approximately 250 Roma, Ashkali, and Egyptians were forced to move to a makeshift camp in town without electricity and consistent access to running water. During the summer there was a water shortage at the camp. At this writing repairs to their apartments had yet to be completed and they remained in the temporary camp.

Tensions between Serbs and Albanians in northern Kosovo intensified in August, after Kosovo authorities occupied border stations on the Serbia border. Serbs in northern Kosovo held blockades and protests that persisted until November, with one fatality, a Kosovo police officer killed by Serb protestors in a border skirmish in late July. In September sixteen Serbs and four peacekeepers from the NATO-led Kosovo Force (KFOR) were injured in a confrontation over Serb blockades near border crossings.

Local prosecutors received reports of 60 inter-ethnic incidents during the first nine months of 2011, according to the Kosovo prosecutor's office. Reports from the UN Mission in Kosovo indicated that although most were low-level incidents, including vandalism at religious sites in January and February, they included a number of serious assaults and murders.

A Serb man was shot dead and his son wounded in a village in Orahovac municipality in October. At this writing the police had yet to make arrests. A Serb man was shot dead and three Serbs, including a police officer, were injured in an incident in Mitrovica in November. Police were investigating at this writing.

In October the Organization for Security and Co-operation in Europe (OSCE) called on Kosovo authorities to do more to protect Serb returnees to a village in Ferizaj municipality after an arson attack on an Orthodox cemetery in October and a spate of burglary and looting since August.

Return of Refugees and Internally Displaced Persons

In March UNHCR reported that Serbia and Kosovo produced the highest number of asylum applicants in "industrialized" countries in 2010. The trend was attributed to the EU visa liberalization with Serbia and the economic problems and discrimination that minorities face in Kosovo. Most claims were lodged in Europe. According to UNHCR, many claimants were Roma, Ashkali, and Egyptians from Kosovo. Almost all were rejected.

UNHCR Kosovo registered a total of 695 voluntary minority returns in the first seven months of the year, a decline from the peak in 2010: 237 Serb, 76 Roma, 187 Ashkali and Egyptian, 36 Bosniak, 68 Gorani, 12 Albanian (to Serbian majority areas, mainly Mitrovica), and 7 Montenegrins.

Deportations of Kosovars from Western Europe continued, with little assistance for returnees once in Kosovo. According to UNHCR, 1,334 Kosovars were deported from Western Europe during the first seven months of 2011, including 336 people to areas where they were in a minority: 168 Roma, 76 Ashkali, 5 Egyptians, 22 Bosniaks, 8 Gorani, 3 Turks, 16 Albanians, and 38 Serbs.

Deportations continued to disproportionately impact Roma, Ashkali, and Egyptian communities, with most returnees living in informal settlements and lacking basic utilities such as running water and electricity. The UN Children's Fund reported in August that most Roma, Ashkali, and Egyptian children returned to Kosovo were now on the national registry, giving them a legal right to access education and other social services. Three-quarters still do not attend school due to poverty, curriculum differences, and language barriers.

The state of North Rhine-Westphalia, which hosts the largest number of Kosovo Roma, Ashkali, and Egyptians in Germany, suspended forced returns of Roma, Ashkali, and Egyptians for the winter months of 2010 and 2011, due to concerns about their safety in Kosovo. Forced returns from North Rhine-Westphalia resumed in April 2011, although more nuanced assessments introduced in September 2010 meant that school-age children were less likely to be deported.

Activists and Roma leaders voiced concerns in March and April 2011 about lack of treatment for poisoning for most former inhabitants of a lead-contaminated camp in Mitrovica that closed in October 2010. A similar lead-contaminated camp at Osterode remained open as approximately 20 families remaining there feared violence and discrimination if they returned to their former homes in southern Mitrovica. In July 2011 the authorities in north Mitrovica reached an agreement with Mercy Corps and the European Commission to provide land for homes for these families.

Impunity, Accountability, and Access to Justice

The partial retrial at the ICTY of Ramush Haradinaj, former Kosovo prime minister, and Idriz Balaj and Lahi Brahimaj, Kosovo Liberation Army (KLA) commanders, began in August on charges related to wartime prisoner abuse at a KLA detention facility. A key prosecution witness who had declined to testify in the first trial again refused to give evidence citing fears over his safety, reawakening concerns over witness security that the ICTY appeals chamber had cited when ordering the retrial.

In January the Parliamentary Assembly of the Council of Europe adopted a report by Swiss parliamentarian Dick Marty, alleging that some KLA members, including current senior officials in Kosovo, had participated in the post-war abductions, enforced disappearances, and killing of Serbs, as well as alleged organ trafficking and organized crime including weapons and drug smuggling. In May the EU approved a special task force in its Rule of Law and Police Mission in Kosovo (EULEX) to investigate the allegations. In August EULEX appointed an experienced American prosecutor to head the investigation.

In October the trial of seven Kosovo Albanians accused of separate allegations of organ trafficking and human trafficking, known as the Medicus case, opened in Pristina. The defendants are accused of luring donors from poor countries to Kosovo with false promises of high payments for their kidneys.

During the period from July 2010 to June 2011, EULEX completed five war crime cases, with three more ongoing and 67 in pre-trial stages.

The war crimes prosecution of Fatmir Limaj, a Kosovo member of parliament in the ruling party, was delayed from March until September because of confusion about whether he had parliamentary immunity from prosecution. In September the Constitutional Court of Kosovo ruled that lawmakers are not immune from prosecution and a district court ordered him placed under house arrest. Limaj is accused of torturing and killing Serbian and Albanian prisoners in the town of Klecka in 1999.

The impending trial faced a setback in late September when a key witness under witness protection, Agim Zogaj, was found dead in a park in Germany. While German police investigations indicated suicide, Zogaj's family criticized the protection offered to him by EULEX and said Zogaj had been under intense pressure. The Office of the UN High Commissioner for Human Rights noted that the case highlighted the wider challenge of effective witness protection in Kosovo.

Freedom of Media

In an open letter in February Christopher Dell, the United States ambassador to Kosovo, accused three media outlets—Koha Ditore, Koha Vision TV, and Express—of illegal conduct after they obtained and reported on text messages and a tape recorded conversation between Ambassador Dell and Kosovo politicians during that month's presidential elections. The Independent Media Commission in Kosovo cleared the three publications of wrongdoing the same month. In March Reporters without Borders criticized Dell's intervention as "unacceptable harassment."

In August EULEX issued indictments against Rexhep Hoti and four other staff at the Kosovo daily *Infopress* after threats made in the paper in May and June 2009 against a prominent journalist, Jeta Xharra. The threats followed Xharra's reporting on threats to media freedom in Kosovo. The indicted individuals could face up to five years in prison if convicted.

Human Rights Defenders

The EULEX Human Rights Review Panel (HRRP), an advisory body that adjudicates claims brought by individuals against EULEX, issued its first decision in April (an employment case) and a second in June (non-implementation of a court judgment) finding that EULEX had breached property rights in both and the right to fair hearing in the second.

Key International Actors

In February the head of the UN Mission in Kosovo, Lamberto Zannier, highlighted before the Security Council the need for a speedy investigation into war crimes and organ trafficking allegations in the Council of Europe report. He also noted "widespread irregularities and manipulation of votes" during the December 2010 elections. Election irregularities were also criticized in January by Ulrike Lunacek, the European Parliament rapporteur on Kosovo.

The Committee for the Prevention of Torture, a Council of Europe body, released a report in October after a July visit that found persistent ill-treatment in Kosovo police custody and lack of legal safeguards for those forcibly placed in psychiatric facilities.

In October the European Commission's annual progress report highlighted "serious shortcomings" in the December 2010 elections and the need for greater efforts to tackle organized crime, citing "weak" witness protection as a particular obstacle. The report noted lack of progress on refugees and IDP returns, and difficult conditions for displaced persons. It called on the authorities to do more to tackle access to "education, healthcare, housing and social protection" for Roma, Ashkali, and Egyptians.