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World Report 2014 - Kosovo

Human rights protection remains weak in Kosovo. Despite reforms, the justice system continues to have a large backlog. Ethnic minority communities, Roma, Ashkali, and Egyptians in particular, continue to suffer discrimination. Journalists and human rights defenders were subjected to threats and attacks during 2013.

Tensions sometimes flared up in the divided north, despite improved political relations with Serbia, demonstrated by an April agreement establishing a special police commander and appeal court for the Serbian minority; an August agreement to establish permanent border crossings between Kosovo and Serbia in 2014; and the September dissolution of Serb parallel structures in northern Kosovo. In September, unknown assailants killed an EU Rule of Law Mission (EULEX) police officer in an attack against two EULEX police vehicles. Police were investigating at time of writing.

Impunity, Accountability, Access to Justice

Justice system reform enacted in January restructured the courts in an attempt to address the years-long case backlog. A new criminal code also entered into force in January, without three contested provisions deemed to restrict media freedom.

In the first nine months, EULEX judges handed down five war crimes judgments, reaching acquittals in all but one case. The September acquittal of Fatmir Limaj and nine others in a case concerning the 1998 mass murder of Serb and Albanian civilians in Klecka by Kosovo Liberation Army (KLA) forces illustrates weaknesses in Kosovo's witness protection program and challenges to prosecute crimes committed during and after the war. Testimony from a key witness, found dead in a park in Germany in December 2012, in what police called a suicide, was first ruled inadmissible and then, in the retrial, contradictory and unreliable.

In June, three men were sentenced to six, four, and three years respectively for beating and torturing Kosovo Albanian civilians illegally detained in the KLA Llapashtica detention center between 1998 and 1999. In October, the EULEX special prosecutor charged 15 people with war crimes against civilians and prisoners in 1998 at a KLA detention center in Likovac.

Hundreds of cases are pending before the Kosovo Special Prosecution Office, the War Crimes Investigative Unit of the Kosovo Police, and EULEX. At time of writing, 13 arrest warrants were outstanding concerning Serbs who are believed to reside outside Kosovo. EULEX continues to investigate 94 war crimes cases from the 1998-1999 Kosovo war, including massacres in Meja, Dubrava, and Krusha thought to involve more than 1,000 victims.

At the end of August, the Human Rights Review Panel (HRRP), an independent body set up in 2009 to review allegations of human rights violations by EULEX staff, handed down 15 decisions, finding violations in 5 cases. In the case concerning attacks by Kosovo Police and ethnic Albanians against Serbs during the 2012 Vidovdan Serbian religious holiday, the HRRP found that EULEX had failed to allocate adequate resources to provide protection or to conduct an effective investigation into allegations of human rights abuse.

Freedom of Media

Journalists continue to face a hostile environment. In May, a gas bomb was thrown into the house of the editor-in-chief of Radio Television of Kosovo, the public service broadcaster, causing damage but no injuries. Kosovo authorities condemned the attack and police were investigating. At time of writing, no arrests had been made.

In June, a mixed panel of Kosovo and EULEX judges acquitted former Mayor of Skenderaj Sami Lushtaku; the former owner of *Infopress*, Rexhep Hoti; its former editor-in-chief, Avni Azemi; and two other journalists of threats against Jeta Xharra, the director of *BIRN*, a regional news group. The court held that the 12 news items where *Infopress* referred to Xharra as “a Serbian spy,” and “embassy slut,” in response to a BIRN TV program dealing with alleged mismanagement in Skenderaj where Lushtaku was mayor at the time, did not pose a threat to Xharra.

Treatment of Minorities

Roma, Ashkali, and Egyptian communities, numbering approximately 40,000 people, are the most vulnerable and marginalized groups in Kosovo and continue to face difficulties obtaining personal documents, impeding their access to health care, social assistance, and education.

In July, the Ministry of Social Welfare changed the eligibility criteria for social assistance in a way that effectively prevents many Roma, Ashkali, and Egyptian families from accessing social benefits. The 2010 Strategy for Integration of Roma, Ashkali, and Egyptians continues to exist on paper only, with the government failing to allocate necessary funds to implement the strategy.

Movement occurred with respect to the 2010 Strategy on Reintegration of Repatriated Persons, including Roma, Ashkali and Egyptians, as central funds were transferred from the Ministry of Internal Affairs to the Municipal Offices for Communities and Return, responsible for identifying and supporting Roma, Ashkali, and Egyptian returnees. The impact of the fund transfer was too early to tell at time of writing.

Tensions between the Serb minority and Albanian majority flared in the second half of 2013, particularly in northern Kosovo, with a fatal shooting of an EULEX officer in September and threats against a Serb politician and his family in Mitrovica in the lead-up to local elections in November. Police were investigating both incidents at this writing. In defiance of a Constitutional Court ruling, the Kosovo Assembly passed in September an amnesty for certain crimes committed up until June 20, 2013, in “resistance” to Kosovo law enforcement authorities, including destroying property, assisting offenders after they committed crimes, and falsifying documents. Supporters of the amnesty law argue it is intended to facilitate the integration of Kosovo’s Serb minority.

Between January and August, Kosovo Police Services reported only 10 inter-ethnic incidents, without specifying whether such incidents involved physical injuries or property damage. International observers remained concerned that many inter-ethnic incidents are unreported, unregistered, and misclassified.

In January, approximately sixty graves in four orthodox graveyards were vandalized in Serb minority areas in Kilokot, Obilic, Prizren, and Kosovo Polje. Police arrested five people in January, including four under 18. Prime Minister Hashim Thaci condemned the vandalism and allocated 97,000 EUR (US\$ 131,000) to repair the graves. In February, two Serbian children were injured when an unknown assailant threw a hand grenade at a house in a suspected act of ethnic violence. The police were investigating at time of writing.

Human Rights Defenders

In March, at least two assailants severely beat prominent human rights defender Nazlie Bala outside her apartment. Anonymous death threats preceded the attack, citing her public support of a proposed amendment to an existing law that would provide compensation and rehabilitation to survivors of war crimes of sexual violence. A letter under her door read: “Do not protect the shame. Otherwise we will kill you.” Police were investigating at this writing.

A mob of about twenty men with clubs destroyed equipment and beat one employee during the launch of magazine Kosovo 2.0’s “sexuality” issue in December 2012. The issue included several articles related to lesbian, gay, bisexual, and transgender (LGBT) issues. In September, the EULEX mission and the Kosovo state prosecutor charged three people for inflicting bodily harm and inciting hatred.

Sexual Orientation and Gender Identity

LGBT people face social stigma and a culture of silence. Qesh, the only public LGBT organization in Kosovo, reported receiving several threats via social media related to an LGBT event in May hosted in cooperation with the government ministry for good governance. The organization reported one of these threats and police were investigating at time of writing.

Asylum Seekers and Displaced Persons

During the first eight months of the year, the Office of the United Nations High Commissioner for Refugees (UNHCR) registered 483 voluntary returns, including people from outside Kosovo and internally displaced persons, compared to 589 during the same period in 2012.

Deportations to Kosovo from Western Europe continued, with limited assistance provided upon return. Between January and August, the UNHCR registered 2,149 forced returns to Kosovo, including 378 Roma, 143 Ashkali, and 6 Egyptians. Most minorities were returned from Sweden (243) followed by Germany (150).

The lead-contaminated Osterode camp outside Mitrovica closed in December 2012 and the remaining five Roma, Ashkali, and Egyptian families were resettled to an apartment building in north Mitrovica.

Key International Actors

In a resolution adopted in January, the Parliamentary Assembly of the Council of Europe called on Kosovo authorities to fight corruption, make judicial reforms, address war crimes, protect and promote the rights of Roma, Ashkali, and Egyptians, ensure independence of media and adequate protection for journalists, and strengthen the fight against human trafficking. It also urged the European Union to focus its policy dialogue with Kosovo on strengthening the rule of law.

EU High Representative for Foreign Affairs Catherine Ashton welcomed Kosovo's April agreement with Serbia aiming to normalize relations and advance European integration, but failed to stress the importance of strengthening human rights protection.

In an October progress report, a stabilization agreement between the EU and Kosovo, the European Commission (EC) raised serious concerns about the rule of law and protection of minorities. The EC urged Kosovar authorities to address corruption, organized crime, and attacks on the judiciary by strengthening legislation and its implementation and ensure security and protection measures for judges, prosecutors, witnesses, and plaintiffs. It also urged authorities to take further measures to reduce the backlog of court cases by enforcing court rulings. The report called on authorities to investigate and prosecute attacks motivated by ethnicity or religion and for prompt implementation of the national strategy and action plan for the Roma, Ashkali, and Egyptian communities.

During a June visit, UN High Commissioner for Human Rights Navi Pillay expressed serious concerns about rule of law, including the independence of the judiciary and case backlogs, as well as discrimination against Roma, Ashkali, and Egyptians, Serbs, Gorani, and other minorities and called for vigorous implementation of laws and tougher responses to hate speech and ethnic intolerance.

In July, UN Secretary General Ban Ki-moon called on Kosovo and Serbia to cooperate to resolve the issue of missing persons in Kosovo. To date, more than 1,700 people remain missing as a result of the war with Serbia.

Despite a historic agreement in April by the European Council to start European Union membership talks in January 2014 with Serbia, human rights concerns persist. The situation of ethnic minorities remains precarious, especially for Roma. Journalists continue to be targets of threats despite attempts to bring perpetrators to justice. The asylum system is weak and overburdened. The signing of a cooperation protocol between Serbian and Bosnian prosecutors offers potential to improve the slow progress in war crimes prosecutions.