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Kosovo - Treatment of those returning to Kosovo after years in other European countries.

A report by the *United Nations Security Council* under the heading 'Communities and returns' states:

"The Office of the United Nations High Commissioner for Refugees recorded 208 individual voluntary returns by the end of March, compared with 433 during the same period in 2010. The vast majority of the returnees were from the Kosovo Roma, Ashkali and Egyptian communities, accounting for about 60 per cent of the total number, followed by Kosovo Serbs with 22 per cent, Goranis with 10 per cent, Bosniaks with 6 per cent and Montenegrins with 2 per cent." (United Nations Security Council (3 May 2011) *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo* – pg.7)

This report also states: Paragraph 39

"Some receiving communities in the Klinë/Klina and Deçan/Dečani municipalities have opposed the return of Kosovo Serbs, claiming, without substantiation, that the returnees had been involved in war crimes during the conflict. The most disconcerting cases were in the Klinë/Klina villages of Budisavc/Budisavci, Drenovc/Drenovac and Krushevë e Madhe/Veliko Kruševo, despite efforts by the Klinë/Klina municipal authorities to mediate. As a result, displaced Kosovo Serbs who had announced their intention to return to Drenovc/Drenovac changed their plans.

The Office of the United Nations High Commissioner for Refugees recorded 117 forced returns mainly from Western European countries, of which 84 were from the Kosovo Roma, Ashkali and Egyptian communities. The data further indicate that 13 Kosovo Serbs, 7 Kosovo Bosniaks, 2 Kosovo Turks and 11 Kosovo Albanians were repatriated during the reporting period.

Many municipalities envisaged receiving large numbers of forced returnees, but have persistently highlighted that their fiscal and socio-economic limitations would impede the reintegration of such returnees. A pledge by the Ministry of Internal Affairs in Pristina to increase financial support for the reintegration of forced returnees has not yet been realized due to delays that occurred in the approval of the 2011 Kosovo budget." (ibid) (pg.8)

A report by the *United States Department of State* under the heading 'Internally Displaced Persons (IDPs)' states:

"The KP reported that investigations into four cases of physical attacks and verbal harassment against Romani returnees living in Gjilan/Gnjilane in July 2009 resulted in three cases being sent to the municipal prosecutor's office

and one case being sent to the municipal court for minor offenses.” (United States Department of State (8 April 2011) *2010 Human Rights Report: Kosovo*)

In a section titled ‘National/Racial/Ethnic Minorities’ it states:

“Institutional and societal discrimination persisted against Kosovo Serb, Roma, Ashkali, and Egyptian communities in employment, education, social services, language use, freedom of movement, the right to return, and other basic rights.” (ibid)

It also states:

“There were no developments in police investigations of the six attacks against Roma returnees that were reported in the village of Abdullah Peseva in July and August 2009 or the harassment and intimidation of 20 Romani, Ashkali, and Egyptian families from the Halit Ibish neighborhood in the Ferizaj/Urosevac municipality” (ibid)

A report by *Human Rights Watch* under the heading ‘Protection of Minorities’ states:

“In April ethnic Albanians pelted stones at the tents of Serbian returnees to the village of Zac, in Istok municipality, and also staged protests against the returnees following rumors that there were war criminals among them. UNHCR denied these allegations, and Kosovar and international authorities robustly condemned the violence. But in August, in the same village, a bulldozer was used to demolish three houses of Kosovo Serb returnees. The police arrested two Kosovo Albanian teenagers in the incident, and Kosovo Prime Minister Hashim Thaci condemned the destruction.” (Human Rights Watch (24 January 2011) *World Report 2011 Serbia and Kosovo*)

In a section titled ‘Return of Refugees and Internally Displaced Persons’ it states:

“Voluntary returns to Kosovo increased, though the overall numbers remain small. During the first six months of 2010, UNHCR Kosovo registered a total of 1,036 voluntary minority returns: 417 Serb, 99 Roma, 257 Ashkali/Egyptian, 32 Bosniak, 152 Gorani, and 79 Albanian (to Serbian majority areas, mainly Mitrovica).

Meanwhile, deportations of Kosovars from Western Europe continued with little assistance for returnees once they are in Kosovo. According to UNHCR, 1,694 Kosovars were deported from Western Europe during the first nine months of 2010, including 347 people sent to areas where they were in a minority: 193 Roma, 55 Ashkali, 2 Egyptians, 7 Bosniaks, 25 Gorani, 5 Turks, 29 Albanians, and 1 Serb. Deportations have a particularly adverse effect on Roma, Ashkali and Egyptians.

The Kosovo authorities signed a bilateral readmission agreement with the government of Germany in late April 2010. It awarded Kosovo a better visa facilitation regime in exchange for accepting deportations of all persons originating from Kosovo. Around 16,000 people are expected to be returned under it, many of them Roma, Ashkali, and Egyptian. Similar agreements

were signed with Albania, Belgium, France, and Switzerland in late 2009 and 2010.” (ibid)

It also states:

“In October a lead-contaminated Roma, Ashkali, and Egyptian camp in Cesmin Lug was closed and demolished after a decade. Most of its inhabitants are being rehoused in reconstructed homes in the original Roma neighborhood (Mahalla) in South Mitrovica, together with some residents from a second lead-contaminated camp at Osterode, which remains open at this writing. A group of Cesmin Lug residents unwilling to return to the Mahalla have been moved to Osterode and are pending their resettlement elsewhere at this writing. Funding comes from a €5 million European Commission project announced in December 2009, including medical treatment, education, community safety, and income generation, and a complementary project funded by the US Agency for International Development.” (ibid)

A report from the *European Commission* in section 2.2. Human rights and the protection of minorities, in the paragraph titled ‘Respect for and protection of minorities, cultural rights’ it states:

“In the area of refugees and internally displaced persons, some progress can be reported. Since January 2010, more than 1600 members of minorities returned voluntarily to Kosovo. This is a sharp increase in a difficult regional context. The Ministry for Communities and Returns strategy was adopted on 12 February 2010. The municipal return officers have been given a stable legal status as part of the municipal communities' offices. The government allocated some financial resources to facilitate the return process. The government promoted a safe and dignified return of refugees and internally displaced persons. Some pieces of land were allocated for long-term use (99 years) for landless returnee families in order to guarantee the sustainability of the return process. The government is continuing to run humanitarian bus lines which are used by many members of minority communities in isolated areas to commute to urban areas for basic services and shopping.

However, some incidents have occurred. Municipal return strategies are yet to be fully implemented. A higher level of synergy is necessary between the frameworks put in place for voluntary returns and forced returns. Employment opportunities in places of return are scarce.

Overall, the returns process remains a challenge for Kosovo's institutions. Limited access to property, delayed property restitution proceedings and the scarcity of economic opportunities continue to be the main obstacles to sustainable returns. Many displaced persons are still living in difficult conditions.” (European Commission (9 November 2010) “*Kosovo 2010 Progress Report [SEC(2010)1329]*” – pg 20)

A report by the *International Crisis Group* under the heading ‘The Construction War’ states:

“Many Northern Serbs are IDPs from elsewhere in Kosovo, and many Albanians who once lived north of the Ibar are displaced to Mitrovica and points south. Though IDP returns are still controversial throughout Kosovo,

open violence is rare, but both communities use the reconstruction of IDP housing as a subtle weapon to maintain the ethnic balance.

Violent demonstrations met early attempts to build housing for Albanian returnees in the Kroj i Vitakut (Brdjani) hamlet in Mitrovica. High-level mediation – and intervention by EULEX riot police firing tear gas – allowed construction to proceed, and dozens of houses are available for settlement. Interspersed through this tiny hamlet, however, are several four- and five-storey apartment blocks, prepared for Serbian IDPs.

Mitrovica Serbs fear an influx of Albanians, especially in peripheral neighbourhoods to the west that, if connected and taken over, could jeopardise Serb control of the town centre. No such influx is visible. Instead, many restored Albanian homes appear vacant, and anecdotal evidence suggests they are meant for sale to Serbs...” (International Crisis Group (14 March 2011) *North Kosovo: Dual Sovereignty in Practice* -pg.12)

It also states:

“The fate of apartments built for Serbs who fled Croatian troops in August 1995 and are still displaced shows how little room there is for return. The flats were quickly occupied and usurped by other Serbs – themselves displaced from Svinjare village in South Mitrovica. The Svinjare Serbs all owned homes rebuilt by the international community but refused to live in them, terrified by Albanian intimidation (or persuaded to sell).” (ibid)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

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European Commission
European Country of Origin Information Network (ECOI)
Human Rights Watch
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