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## **Ethnic Minorities in Kosovo in 2005**

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## Introduction

Based on the field research, media reporting, trials for March riots in Kosovo, and other information, the Humanitarian Law Center believes that the position of the minority ethnic communities in Kosovo does not meet the basic human rights standards. Certain municipalities, such as Klina/Klinë, do however represent isolated examples of the return process of displaced persons' and their integration into Kosovo society. Overall, though, the returns story is grim. By September 2005, there had been approximately 1,500 returns. This indicates a continuing downward trend in return; in 2004 there were 2,300 returns, itself a 37 % decrease from 2003.<sup>1</sup>

This report is based on more than 60 interviews with the members of minority ethnic communities in relation to the following issues: freedom of movement, return of displaced persons, access to public services, education, upbringing, and employment, use of mother tongue, and house reconstruction; as well as on interviews with victims of ethnically motivated incidents, and information available on individuals punished for the ethnic violence that erupted on 17 March 2004.

This report is also based on the research regarding the reconstruction and building of new houses, which the HLC implemented in the following settlements and municipalities: Klina/Klinë (town), Gnjilane/Gjilan (town) and village Poneš/ Ponesh, Novo Brdo/Novobërd (municipality), village Klobukare/ Klobukar, Viti/Vitina (municipality) and village Šitinje/Zhiti, Kosovo Polje/Fushë Kosovë (municipality), Obilić/Obiliq (municipality), Peć/Pejë (municipality) and villages Siga/ Sigë and Belo Polje/Belopojë, Priština/ Prishtinë (municipality), and village Čaglavica/ Qagllavicë, Đakovica Gjakovë (town), Vuçitër/ Vushtrri (town), Uroševac/ Ferizaj– town, Prizren/Prizren (town).

In order to collect information on violations of minority rights, the research was carried out in the following settlements: Prizren/ Prizren, Dragaš/ Dragash, Vranište/Vranishtë, Uroševac/Ferizaj, Babljak/Bablak, Štimlje/Shtime, Lipljan/Lipjan, Kosovska Mitrovica/Mitrovicë, Vitina/Viti, Mala and Velika Kruša/Krushë e Madhe e krushë e Vogël, Celina/ Celinë, Bela Crkva/Bellacërkë, Pusto Selo/ Pastasel, Priština/Prishtinë, Račak/ Reçak, Magura/Magurë, Danjan/Dejë, Orahovac/Rahovec, Velika Hoča/ Hoçë e Madhe, Zočište/ Zoqosht, Doganovci/ Doganaj, Staro Gradsko/Grackë, Landovica/Landovicë, Podgorac/Pogorc, Letnica/ Letnicë, Šašar/ Shasharë, Vrnavokol/Vranakolë, Vrnez/Vrenez, Klokot/Kllokot, Gnjilane/Gjilan, Sredska/Sreckë, Poneš/Ponesh, Žitinje/Zhiti, Planjane/Planjanë, Smiri/Smirë, Vrbovac/Vërboc, Đelekaru/Gjylekar, Lupište/Lupisht, 2 July suburb in Prizren/Prizren, Štrpce/ Shtërpce, Globočica/Gllloboçicë, Novo Brdo/ Novobërd, Bostan/Bostan, Balance/Balanc, Trničevac/Tërniçevc, camp Plemetina/Plemetinë, Janjevo/Janjevë, Donja Srbica/Sërbicë e Ulët, Robovac/Rubovc, Dečani/Deçan monastery, and other settlements.

In 2005, the HLC researched not only actual cases of violations of minority rights, but also the overall situation regarding the rights of minority communities. In this respect the

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<sup>1</sup> Human Rights Watch World Report 2006: Events of 2005, p. 395

HLC visited communities' municipal offices, attended meetings of work groups for return, talks with local authorities, conducted interviews with representatives of municipal commissions for damage assessment and reconstruction of the facilities destroyed in the riots on 17 and 18 March 2004, as well as with representatives of international humanitarian organizations working on the displaced persons' return project, and especially with returnees from all minority communities.

According to the Humanitarian Law Center's documentation, the largest number of violations was committed against Serbs, then Roma, and then Bosniaks, Ashkalies, Egyptians, and Turks.

In Kosovo Serbs are exposed to different types of violence of low-level intensity, but also to pressures coming from Belgrade, which only sees extremist elements in Kosovo. This pressure prevents a larger number of Serbs from integrating into Kosovo society and intensifies fear of moving without escort.

Disrespect of property rights represents a special issue. There are still a lot of usurped houses, apartments, business facilities, and farm land owned by the members of ethnic minorities and this represents a significant obstacle to the return of the displaced persons. The HLC information, obtained in interviews with Serbs who left Kosovo, show that returnees receive more attention than they do.

In many areas where houses and apartments were destroyed, the reconstruction and rebuilding of houses has been done so incompletely. In many cases newly built facilities are smaller than the previous ones, they are not plastered, a sewerage system is not constructed, neither are water piping and power systems, and many other infrastructure facilities are missing. Thus, there are no returnees in such environments even though their houses have been reconstructed, for example, in the villages of Babljak/Bablak, Magura/Magurë, and Podgorce/Pogorc.

In Camp Plemetina/Plemetinë, where around 36 Roma and Ashkaly families reside along with several refugees from Croatia who received alternative accommodation, people live in very poor conditions and it is not likely that living standards will improve for them.

In order to increase the number of returns, displaced persons who come to Kosovo for short visits, as well as those who have already returned, stressed the importance of the efficient and full implementation of standards. Besides that, they rely on the decentralization process, which would provide more security, as well as more rights and authority. They underline the fact that the presence of international troops in Kosovo is still necessary. However, Serbs, unlike Bosniaks, Goranies, Roma, Ashkalies, Egyptians, and Turks, remain outside the Kosovo political institutions having parallel educational and health institutions.

The material situation in Kosovo is still poor, affecting both majority and minority communities. The level of unemployment is very high, as are poverty levels. There are no new job opportunities. The privatization process leaves space for ethnically based

discrimination in employment. Organized crime and corruption are omnipresent. It all makes the position of the minority ethnic communities more difficult.

## **1. Freedom of Movement**

The Offices for Return and Minorities, which deal with the minority communities' problems relating to the conditions for return, personal safety, and recovery of usurped property, were opened in the municipalities in which the HLC monitored the implementation of freedom of movement.

### 1.1. ORAHOVAC/RAHOVEC MUNICIPALITY

The office for return and minorities was opened in this municipality on 1 April 2005 and it is located in the village of Velika Hoča/Hoçë e Madhe. Minority members who live at the territory of that municipality can approach this office for assistance. They mainly come to this office with issues regarding house reconstruction, recovery of usurped property, clarification of property rights, and to receive personal documents, pensions, social welfare support, etc.

More than 50 displaced Serb families wish to return to the village of Zočište/Zoqisht. They discussed the return with their Albanian neighbours who did not object to either their wish or right to return. Bearing that in mind, the Kosovo Government Ministry for Return and Minorities devised a project for the reconstruction of 44 houses for Serb returnees and 3 for Albanians, as well as a medical clinic and infrastructure. The Kosovo Government provided 1,800,000 euros for this purpose, out of which the UNDP allocated 400,000 euros for the reconstruction of two Serb houses in Orahovac/Rahovec, for returnees Predrag Matić and Sergej Stolić. Since there are more Serbs interested in return, it is planned to build another 10 houses in the second part of the project.

As for the freedom of movement, most of the Serbs still do not dare go to the lower – Albanian majority - part of the town, but this is changing. The HLC registered in the Orahovac/Rahovec municipality that there were no ethnically motivated incidents and a few Serbs have started visiting the lower part of the town in which Albanians live, and some Albanians from that part of the town are free to go to the Serb part of Orahovac/Rahovec. This is what the Coordinator from the Office for Return and Minorities in Kosovo, Tatjana Kolašinac, told the HLC:

*“People have started moving more freely and we have not had any ethnically based incidents. Some Serbs go to the lower part of Orahovac/Rahovec, and Albanians come to the upper part where Serbs live. I often go from the upper to the lower part of Orahovac/Rahovec. Along the road, I meet Albanians and they tell me ‘Good morning’ or ‘Hello’ in Serbian and I respond in Albanian ‘mirëmëngjes’, ‘tungatjeta’. I stop and talk to some of them and there are no problems. I think that such behaviour is good because it encourages displaced Serbs and others to return to their homes.”*

## 1.2. PRIZREN/PRIZREN MUNICIPALITY

Around ten Serbs are still residing in the KFOR Camp in Prizren/Prizren where Serbs found shelter after 17 March 2004. Lepasava Pitović, Nadežda Krupniković, and Draginja Petrović are waiting for their houses in “Podkaljaja” (Nënkalaja) suburb to be rebuilt. Their houses were destroyed and set on fire during the riot on 17 March 2004. The Nedeljković family, Mladen, Divna, and their daughter Vera, who works in the Prizren Office for Communities, also live in the KFOR Camp. Their house in Prizren/Prizren was reconstructed, but they have still not returned. Natalija Krstić’s house was also reconstructed, but she still thinks it is not safe to return. Some older people, who are not socially provided for and who lived before 17 March 2004 in “Ćirilo i Metodije” religious high school in Prizren/Prizren, also live in the KFOR camp.

HLC researchers interviewed the Serbs who live in the KFOR camp and, as they said, they found themselves in an ever more difficult situation as each day goes by. The German KFOR contingent has become very strict, they said. They do not let them use the phone anymore. They abolished their health care and if they need to see a doctor, Serbs have to go to Štrpce/Shtërpce, which is located 40 km away from Prizren/Prizren. If they want to go into town and visit their houses or do some other business, they have to sign a paper stating that they are going out at their own risk. As of January 2005, Orthodox priests are banned from entering the military base. A day prior to the Feast of the Assumption of Virgin Mary (August), a Catholic priest in military uniform served a mass in the military chapel. We should also add that KFOR soldiers took Serbs on 28 August to the Visoki Dečani/Dečan Monastery for the religious feast.

The HLC registered in the period September – December 2005 that Serbs are leaving the base almost every day and they move freely through the town. Sometimes they take a taxi to go to their houses to see how the reconstruction work is progressing. They meet their Albanian, Turk, and Muslim acquaintances and talk to them without fear. They even have a drink with some of them. They feel free to go to stores and public institutions where they take care of their personal matters.

## 1.3. NOVO BRDO/NOVOBĚRD MUNICIPALITY

Novo Brdo/Novobërd is a small municipality in the eastern part of Kosovo where its Serb, Albanian, and Roma residents traditionally had very good relations. The majority of the population in the municipality is Serb. The UNHCR statistics show that before the armed conflict in Kosovo in 1999 there were 2,680 Serb residents, 2,158 Albanian, and 86 Roma residents in this municipality.

Regardless of the fact that there was no violence in this municipality after the international troops deployed to Kosovo, like there was in other Kosovo environments, the number of Serb residents still decreased to 1,117. In the meantime, this number slightly increased as a result of the spontaneous and organized return of the displaced Serbs. The municipality of Novo Brdo/Novobërd is the first municipality in Kosovo, which created the strategy for the displaced persons’ return.

All residents of the Novo Brdo/Novobërd municipality, either Serbs, or Albanian, or Roma, can move freely and plough their fields. These rights are not violated by anybody. Nobody's property was usurped except for several Government owned apartments in "Kolonije e Re" (New Colony) suburb where Albanians usurped Serb apartments. Those Albanians are ready to leave that property right away. However, Serbs are not returning. They are still setting several requirements - provision of employment among others. In this municipality, there are neither industrial facilities nor big companies where people could be employed.

There were no ethnically motivated incidents in this area as of March 2004.

#### 1.4. KLINA/KLINA MUNICIPALITY

Not a single member of Serb Community stayed in the Klina/Klinë municipality in the second half of 1999. Three years passed before the return process began. At first, local Serbs returned to two villages, Biće/Binqë and Grapce/Grapc. However, almost two years after their return they were not able to move freely. Italian KFOR was constantly present in the area. Even if some Albanians wanted to visit the returnees they had to go through very strict checks. The returnees did not dare go out of these two villages without escort. The situation changed only after several Serb families returned to the town of Klina.

The first Serb families returned to the town of Klina/Klinë in early March 2005. Unlike the circumstances in the villages of Bića/Binqë and Grapce/Grapc, there families were constantly escorted by KFOR. They returned to their houses or apartments; they were not accommodated in some separate suburb, rather they live with Albanians. They started moving through the town without escort. They point out that they are satisfied with the freedom of movement they have. Returnee Miloš Vasić gave the following statement to the HLC:

*"As for the freedom of movement, it is not a problem. I go everywhere, I speak Albanian and Serbian, and nobody gives me looks. I ran across some friends of mine and I talked to them normally. Police, and sometimes KFOR, come to visit us. I tell them that they do not have to do something like that because we have no problems."*

Returnee Milorad Pavlović gave a similar statement:

*"Relations with our Albanian neighbours are neither good nor bad. We have no contacts with our neighbours in the building. However, it seems as if they are trying not to obstruct us with anything. I have been paying attention, and really they are always quiet in the corridor, I have not even heard them talk out loud. However, we still have not made contacts. We are completely free to go out, go to town; we can do shopping in every store. Not once did we have problems. I often go to the Municipal building and they always provide services for me properly. I even went to the Municipal Court once to pick up a document. I speak Albanian very well. I asked an Albanian officer for the document. He promptly replied to me very kindly: 'Uluni vetem pak, do ta rregullojmë' (Please, do*



*sit down; we will sort that out straight away). Very soon they finished that business for me and I went home. Thank God, we still have not had to go to hospital, but I think we wouldn't have any problems there either. As a matter of fact, Lepa Mazić went there the other day for medical examination. She told me she was very well received, examined, and showed out. Despite the fact that most of the people who lived in Klina/Klinë know me very well, very few of them say hello to me. But still, I have some contacts with Albanians, but it is usually very discreet.”*

During 2005, over 20 Serb families returned to Klina/Klinë. This had a positive influence on the freedom of movement in the surrounding villages as well, the villages of Bića/Binqë, Grabac/Grapc, and Vidanje/ Vidajë. However, there is still a lot of work to be done on the promotion of freedom of movement and other rights, and that especially relates to the local institutions.

### 1.5. PEĆ/PEJË MUNICIPALITY

The circumstances relating to the freedom of movement in the Peć/Pejë municipality are still unchanged. The only village where local Serbs stayed in their homes is Goraždevac/Gorazhdevc. However, Goraždevac/Gorazhdevc operates as an enclave. Serbs can move freely on the territory of the village, but it is rare that Serbs dare go to Peć without escort.

The situation concerning the returnees to three villages in the Peć/Pejë municipality is the same. In September 2003, 24 Serb families returned to the village of Belo Polje/Bellopojë. Even today they live only 2 kilometres from the centre of Peć/Pejë and they cannot go to this town freely. Of course, the events from March 2004 influence this. On 18 March 2004, the village of Belo Polje/Bellopojë was attacked and on that occasion newly built houses for the returnees were set on fire.

The situation in the villages Brestovik/Brestovik and Siga/Sigë is a little bit better. The return process in this village began in September 2004. In these two villages, unlike Belo Polje/Bellopojë, there is neither a KFOR nor a police checkpoint, but there are regular patrols. The returnees feel safe, but they still avoid going to Peć/Pejë without escort. There are some exceptions, but returnees are mostly afraid to do so. Dejan Jašović gave the following statement to the HLC:

*“We have still not made any close contacts with our Albanian neighbours and we should do that. When we see each other in the distance, we always wave as a sign of greeting. I am sure that we will have no problems with our neighbours because they have never had problems with us. We can move freely on the territory of the village; we go to the village of Brestovik without any problems. I personally go even further. When I go to my family in Montenegro, I walk up to the intersection near Vitimirice. I wait for the bus there. That is usually a bus, which goes from Prizren; I stop it; and completely normally I get on the bus and head to Montenegro. I use that bus line when I'm returning too. Nobody has ever given me a look. But still, we have not dared go to Peć without escort.”*

To conclude, there are almost no positive steps regarding the freedom of movement for the members of Serb Community in the Peć/Pejë municipality.

## **2. Return of the Displaced Persons**

During 2005, HLC representatives visited 21 settlements throughout Kosovo where the return process was ongoing. Despite the fact that the overall number of returnees was lower than in 2004, the HLC came to the conclusion that where Serbs had returned the process was more successful in 2005 compared to previous years. It was certainly influenced by the establishment of the Ministry for Communities and Return in the Kosovo Government.

The Humanitarian Law Center's researchers observed the return of minority groups to the areas that were affected by ethnically motivated riots in March 2004 and they made a research on the return process in the Klina/Klinë area. The return of the Serb minority to Klina, located in the northeast part of Kosovo, has become possible only now. The earlier attempts to organize return of the Serb minority to Klina/Klinë (2003) failed. Municipal authorities enabled their return by providing more support. The HLC sent a press release based on the reports from the field, stressing the fact that this case represents a positive step in the return issue.

This press release was published in the "Koha ditore" Daily on 5 July 2005.

### **2.1. LIPLJAN/LIPJAN MUNICIPALITY**

The municipality of Lipljan/Lipjan is ethnically mixed. There are Albanians, Serbs, Ashkalies, Roma, and Croats living there. The municipality has 72 villages, out of which 52 are Albanian, 6 are Serb, and 13 are mixed villages. Minority Communities are mostly located in the town of Lipljan/Lipjan, as well as in the villages: Rabovce/Rubovc, Staro Gracko/Grackë, Medvec/Medvec, Mali Alas/Allas, Dobrotin/Dobrotin, Donja Gušterica/Gushtericë e Ulët, Gornja Gušterica/Gushtericë e Epërme, Livađe/Livadh, Suvi Do/Suhodoll, Lepina/Lepinë, Janjevo/Jannjevë, Magura/Magure, Goleško Vrelo/Kroi and Goleshit, and Malo Dobranje/Dobrajë e Vogël. The most mixed village is Novo Brdo/Novobërd. Besides the majority Albanian population, Croats, Roma, and Ashkalies live there, as well.

The municipality of Lipljan/Lipjan has approximately 80,830 citizens, out of which 69,465 are Albanian, 8,914 Serbs, 1,632 Ashkalies, 520 Roma, and 299 Croats.

As of 1999, when international NATO troops deployed to Kosovo, the Serb population, along with Ashkaly and Roma, was gradually relocated from the town of Lipljan/Lipjan and surrounding villages. Serbs were relocated even after the violence that happened on 17 March 2004. After the war, most of the displaced persons' houses in Lipljan/Lipjan were destroyed. There were 1,792 burnt houses.

From 1999 to 2002, in the municipality of Lipljan, 555 houses were built and 521 reconstructed with the funding of various different organizations and associations'

(World Vision, ADRA, SDC, Diaconi, GOAL, UFORKU, KFOR), while 279 houses were built with peoples' personal funds. More than five years after the war in Kosovo ended there is still a great number of displaced persons from this municipality who still have not returned to their property. In the period from 2000 until 2004, 413 Serbs, 550 Ashkalies, and 48 Roma returned to Lipljan.

The municipal staff and municipal administration were not satisfied with the number of returnees and they undertook measures to create a favourable political climate for the return of the displaced persons. Meetings with the (Albanian) majority were organized regarding the necessity of creating space for all communities in the municipality. The majority community unilaterally agreed that there should be conditions for normal and natural acceptance of refugees and displaced persons. Special attention was drawn to the necessity of employing members of ethnic minorities in the local government and civil services. There are 185 Albanians and 32 members of minority communities working in the municipal administration at the moment. One of the Deputy Mayors is a member of Serb Community.

There has been one serious ethnically motivated incident in 2005. In the last quarter of 2005, unidentified persons shot from firearms at the house of a member of one Ashkaly family in the village of Mali Alas/Allas.

The return of the Ashaklies displaced from the village of Magure, who are currently placed in camp Plemetina, is in progress at the moment.

*“We talked to the Ashkalies displaced from the village of Magure on 20 October 2005 for the last time. Besides me, the UNHCR and UNMIK representatives participated in the negotiations. We emphasized that camp Plemetina was going to close down and that they should return to their homes where they used to live. We said that Lipljan Municipality provided a land lot where apartments would be built for them, that security is at the high level, freedom of movement normal, that they would have equal education opportunity, and that 50 Ashkaly families have already returned to Magura and they live normally. However, most of the Ashkalies from the village of Magure who are in camp Plemetina at the moment is not satisfied with the apartments, which are being built for them. They protested because nobody consulted them regarding the spot for building the apartments for them and also because the apartments were not built in Lipljan or Obilić where there are more job opportunities.”*

### **Russian language teacher, Lipljan Municipality Official for Return**

#### 2.2. KLINA/KLINË MUNICIPALITY

The return to the town of Klina/Klinë can be considered the most successful example. The return of Serbs to Klina/Klinë began this year even though some Serbs from Klina tried to return in December 2003. They were situated in the village of Binće, the municipality of Klina, where Serbs live.

On 10 December 2003, 11 men went on foot from the village of Binće/Binqë to Kline/Klinë. They were placed in one Serb house, but very soon a certain number of Albanians gathered near that house and protested because of the unannounced return and by this obstructed the return of Serbs to Klina/Klinë. It took more than a year for the first Serb family to return to this town. With the help of DRC (Danish Refugee Council) and generous support of the Klina/Klinë Municipal Assembly, the first Serb family returned home to Klina on 28 February 2005. Mr. and Mrs. Mazić were very satisfied with the return and the treatment they received from the municipal institutions. We are quoting a part of the statement, which returnee M. M. gave to the HLC:

*“The two of us, my wife and I, were lucky to be the first to return to Klina. We were received very well. When the Mayor of Klina/Klinë, Rame Manaj, heard of our return, he paid us a visit and on that occasion he welcomed us. The mitigating circumstance for our return was the fact that our house was not damaged. Our Albanian neighbour lived in it. HABITAT contacted him and he said he was ready to leave our house. We did not get in touch with other neighbours other than our next door neighbour. For the start we are satisfied with this.”*

The second Serb family returned to Klina/Klinë on 19 April 2005. This family of three members returned to its apartment. Returnee M. P, gave the following statement:

*“I move freely in Klina/Klinë. I should tell you that I have never been provoked. The truth is that very few people say hello to me on the street even though I have known most of the Kline/Kline residents for a long time. However, I think that relations will eventually improve. The important thing is that nobody has provoked me on the street. I purchase supplies freely in the stores and shopkeepers’ services are the best possible.”*

Nineteen Serb families have returned to Klina//Klinë to date. It is interesting that Serbs were returning to Klina/Klinë individually and they live in different suburbs near their Albanian neighbours. They move freely in the town, visit each others, and have access to all institutions. Some of them asked for medical help in the Klina/Klinë outpatient clinic and the medical staff treated them very well. Despite all that, life of the returnees to Klina/Klinë is not easy. They set the issue of their property, such as houses, business facilities, to be the priority, as well as the employment issue. They underlined that it is necessary to pay electric power, phone, and other bills. However, on the other side, they have no income. This problem is the Serb returnees’ greatest concern.

### 2.3. OPŠTINA PEĆ/PEJË

#### 2.3.1. Belo Polje/Bellopojë Village

The return of the displaced Serbs to the village of Belo Polje/Bellopojë near Peć/Pejë began at the end of 2003. The houses for 24 families were almost finished. However, it is well known that Serb returnees to this village were also affected by the March riots. They were forced to leave their newly built houses, which were then set on fire. The residents of Belo Polje/Bellopojë stayed in the Italian KFOR base camp for some time and

afterwards they returned to their village. Their houses were reconstructed in February 2005 with funding allocated by the Kosovo Government and Peć/Pejë Municipal Assembly. The residents of this village have different opinions on the return. Some claim that there are minimum conditions for sustainable return, while others say that they cannot live in such conditions. The representative of the village gave the following statement to the HLC regarding the return issue:

*“It is amazing how simple it is to resolve this problem. First of all, the International Community should know what is the most necessary here. That is the lack of economic growth, of course; it is necessary to invest money here in order to create new jobs. When we are settled, when young people are employed, then they will make friends and nobody will ever think of doing anything bad to another person. The Kosovo Government says a little bit louder that it accepts return and that would be nice. People will accept that very soon. Then, the return process should not be abused. There is one Greek organization, which invests in the return of Serbs. They made a project for 40 Serb families to return to this village. I was thrilled until I saw the list of people whose houses were going to be rebuilt. How did they pick those people? Every single one of them bought houses in Belgrade worth more than 200,000 euros. They will never return to live here. On the other hand, there are still Serbs from our village who live in collective centres and cannot wait for somebody to build them a cottage here. There are people who buried their young children here and cannot wait to come back and die here. This means that people eligible for return should be picked very carefully.”*

Still, it is not only the lack of economic growth that affects the return of the displaced to this village, but also that there is no freedom of movement. The residents of the village can move freely only on the territory of the village. They have organized transportations, which takes them on certain days to Goraždevac/Gorazhdevc, or further to Mitrovica/Mitrovicë. Because of this, their access to institutions is very limited. It simply looks like this: when some of the residents need to approach some municipal authorities, then they need to go to the village of Goraždevac, where the Office for Communities is, and then through that office approach the needed authority.

### 2.3.2. Villages of Siga and Brestovik/Sigë e Brestovik

The villages of Siga and Brestovik/Sigë e Brestovik are located only three kilometres from Peć/Pejë. The residents of these two neighbouring villages are mostly Serbs. The first returnees arrived to Brestovik/Brestovik in September 2004. The returnees to Siga/Sigë arrived that same month. The Italian organization “Bergamo” financed their return and the German NGO “THW” performed the construction works. Returnees’ freedom of movement is severely limited. They can only move freely on the territory of these villages. Of course, there are exceptions. Returnee D. J. from the village of Siga told the HLC:

*“There has been no checkpoint in this village since we came here. Anybody could come to the village. KPS often patrols this area. They come and ask us if we have any problems. They often stop by our houses and have coffee. The patrols are mixed and contain*

*Bosniaks and Albanians. They behave quite alright. They also told us that they will bring us some forms if any of us wanted to work in the police. I am not sure that anybody will apply, but, personally, I think it would be good to have some Serbs employed in KPS. KFOR patrols the area every night. But still, we have not had a single incident from the time we came to the area. Well, once some kids once threw stones at the roof of one house and broke some roof-tiles. But I do not consider it a serious incident. We feel safe here.”*

As the HLC witness said, the situation in the villages of Brestovik/Brestovik and Siga/Sigë is a little better in comparison to the village of Belo Polje/Bellopoj. While Italian KFOR soldiers are permanently present in Belo Polje/Bellopoj, the patrols in Brestovik/Brestovik and Siga/Sigë are only temporary. The lack of freedom of movement is alarming. The Kosovo Prime Minister Bajram Kosumi visited these two villages at the end of 2005. He promised the returnees that the Government of Kosovo would do everything in its power to improve the living conditions for the returnees. In order to make that improvement, an Elementary School for the returnees’ children was built. Freedom of movement has, however, not improved.

#### 2.4. VUČITRN/VUSHTRRI MUNICIPALITY

When the war was finished in 1999, almost all Ashkalies left Vučitrn/Vushtrri. The reasons were numerous incidents including murders, and the disappearance of several members of the Ashkaly Community. However, one year later people started returning to their homes. The number of Ashkalies who returned to Vučitrn/Vushtrri gradually increased. In March 2004, there were 320 members of Ashkaly Community living in Vučitrn/Vushtrri and that made around 100 families. Their freedom of movement was at first limited. Only in mid 2003, the situation improved. People went to the town, Municipal building, and did shopping in Albanian stores.

However, on 18 March 2004 Ashkalies from Vučitrn/Vushtrri became a target for local Albanians. On that occasion, all of their houses were destroyed and set on fire. The members of Ashkaly Community were evacuated to the French KROF base camp in the village of Mađunaj. The reconstruction of Ashkaly homes lasted until 22 December 2004. However, the process of their return was very slow. The Ashkaly representative in Vučitrn, Hamit Zimeri, gave the following statement to the HLC:

*“People are not returning because there are still no conditions for that. One of the conditions is to have walls built around the yards. Nobody will return until the walls are built. We received some money for that, but it is not enough. Then, houses are not furnished, during cold weather we cannot live in them because there is no heating. Anyway, I decided to return to my home some time around 1 March. I had no other solution. I Hope that others will follow my example. I think that 4 or 5 families will return and I am not sure for the rest of them. Freedom of movement affects that a lot. I still move, but very often I face verbal provocations. For example, a couple of days ago, some young men provoked me when they saw me, “Are you still here?” Freedom of movement*

*is a very significant prerequisite for our return. Then, safety is at a low level. From New Years until today several our houses were broken into.”*

According to the members of Ashkaly Community, in order to create conditions for their return, the awareness of the majority population must be at much higher level and they must stop the violence. They say that it is not enough for police to protect them. Besides safety and freedom of movement, Ashkalies are also concerned by the difficult economic situation and unemployment.

## 2.5. ORAHOVAC/RAHOVEC MUNICIPALITY

### 2.5.1. Zočište/Zoqisht village

The return to the municipality of Orahovac/Rahovec has been mostly spontaneous to date. However, the initiative of 41 Serb families to return to the village of Zočište/Zoqisht has been made. These families stated they were ready to return. In view of this, the Ministry for Return and Minorities in the Kosovo Government made a project planning to build 44 living facilities, 41 for Serb returnees and three for Albanians, then a medical clinic as well as infrastructure. The Kosovo Government allocated 1,800,000 euros for this purpose. The house reconstruction in Zočište/Zoqisht began in mid August 2005, and in this moment the construction of 35 houses is in the final phase. The medical clinic has already been constructed. The sewerage and water piping systems have been constructed, and poles for street lights have been installed. Practically all works planned for the infrastructure are coming to an end. There are nine buildings yet to be constructed and the Ministry planned to have them constructed by March 2006. The houses built for the returnees are of different size depending on the number of family members. For families with only two members houses with 48 square metres were planned and the biggest houses are those planned for the families with more family members and their surface area is 78 square metres.

Concerning access to local institutions, the Ministry for Return and Minorities has a regional office and in the village of Velika Hoča/Hoçë e Madhe there is a field office and through these two offices local Serbs resolve their problems with different municipal services.

## 2.6. OBILIĆ/OBILIQ MUNICIPALITY

### 2.6.1. Camp Plemetina/Plemetinë

In this moment 36 Roma, Ashkaly, and Serb refugee families from Croatia live in the Plemetina/Plemetinë camp.

There is always somebody visiting the camp. Kosovo Prime Minister Bajram Kosumi visited this camp at the beginning of the year 2005. He promised that residents of the camp will not live another winter in that camp and that it would be closed down in June 2005. Soon after that, near the camp, the construction of apartments for six refugee

families from Croatia began, but not for Roma and Ashkalies from the village of Magure/Magurë that are staying in the camp. The solution for them still has not been found because instead of Lipljan, as it was arranged, the construction of one house in Magura/Magurë has begun.

The Mayer of Lipljan/Lipjan visited the camp with his associates. They discussed the return process.

*“On that occasion we told them that we do not want to return to the village of Magure/Magurë because we have no living conditions there. The reason is not fear of Albanians, but rather lack of job opportunities. It is a big crisis for work not only for us Roma, but also for Albanians and others. Then, our children got used to this area. Some of them attend school in Serbian language and some in Albanian. We also have health care and there we are not sure that we would be able to use the health services. We were in the village and discussed our return with Albanian residents. Lipljan/Lipjan Deputy Mayor, an officer for return, and others were there. They told us that there would be some jobs because the mine was going to be privatized. I told them that when it is privatized Albanians will get jobs before us because they also have a lot of unemployed people and any private owner would not hire us. On that occasion nine Ashkaly and Roma families applied for return, while 12 Roma families did not agree to return and they stated that they would rather stay in the Plemetina/Plemetinë camp. The families of Muhamet Šarki, Halil Mujo and Fazli Mujo, two brothers from Lipljan, applied for return. I did not agree to return along with the following families: Gazmend Ramadani, Šaho Beriša, Džemajl Beriša, Esmā Beriša, Kader Ajeti, Husni Šaćiri, Ramadan Šaćiri, Muhamet Šaćiri, and one Serb from Magura, Verica Krstić. I do not know the exact number of Roma from the village of Magure/Magurë. Now it is all mixed. Some declare as Ashkalies, others as Egyptians. We did not have that before the war. We were all Roma people. We know exactly that we Roma families from Magure are in camp Plemetina and they do not want to return.”*

### **Husni Šaćiri, Roma, the village of Magure/Magurë**

Verica Krstić is the only Kosovo Serb who lives in camp Plemetina/Plemetinë, along with 146 displaced Kosovo Roma and Ashkalies, who came here from Lipljan/Lipjan, Obilić/Obiliq, Srbica/Sërbicë, Kosovo Polje/Fushëkosovë, and other places in Kosovo and several Serb refugee families from Croatia. There were much more people in the camp before, maybe 5 to six thousand refugees and displaced persons. Verica Krstić came here in 1999 from the village of Magure where she lived and worked in the dining facility in the Magnesit mine in Magure/Magurë. She left her house along with many other people who were scared and who did not feel free.

*“We were not safe. We did not fear our Albanian neighbours, but rather some people unknown to us who came to Magure in civilian clothes from other villages. They mistreated and offended us, Serbs, Roma, and Ashkalies. They were telling us, ‘your place is not here.’”*



*“We can see the doctor without any problems. We go to the medical clinic here in the village of Plemetina. They receive us very nicely, give us prescriptions, but many people cannot afford to buy medicine. How can somebody buy flour, cooking oil, sugar, and medicine for 50 euros and most of the people here are old and sick, and many families have a lot of children. The humanitarian organization “Mother Theresa”, which is active here, occasionally organizes trips to the Priština Hospital. As for health care, I must say there are no problems. Children also go to school freely.”*

**Verica Krstić, Serb, the village of Magure/Magurë**

## 2.7. MITROVICA/MITROVICË MUNICIPALITY

### 2.7.1. Romska mahala (Roma Town)

The HLC observed the return issue of the temporary displaced persons from the Roma community who live in the north part of Mitrovica, as well as the issue of their destroyed houses in Romska mahala. The HLC was primarily focused on the necessity of evacuating the camp because of the lead poisoning. Because of this, the HLC initiated a petition for the urgent evacuation of Roma people who live in these camps. More than 120 representatives from organizations all over the world joined this petition including Amnesty International and Refugee International, as well as over 600 individuals out of which around 200 are members of Roma, Ashkaly, or Egyptian communities in Kosovo. In its effort to raise the level of public awareness, the HLC organized a public debate on 4 May 2005 and it was covered in the media. Attorney Andi Dobruši from the European Roma Rights Centre participated in the debate. The HLC cooperated with him in raising public awareness and investigation of the case. Many non-governmental organizations and institutions’ representatives participated in this debate. During the debate, the HLC handed out transcripts to all relevant stakeholders.

The following organizations supported the initiative:

European Roma Right Center – ERRC  
Advocacy Training and Resource Center – ATRC  
Kosovo Roma Refugee Foundation – KRRF  
International War and Peace Reporting – IWPR  
Youth Initiative for Human Rights – YIHR

There were two main topics of discussion:

1. Possible legal measures caused by negligence regarding lead poisoning
2. International petition for the evacuation of the camp



*Photos from the debate on lead poisoning in Roma camps in the north part of Mitrovica, which took place on 4 May 2005*

The petition text:

The Humanitarian Law Center and European Roma Rights Center are calling you to join the petition for the urgent evacuation of the Roma camp in the North Mitrovica. The health of Roma children is endangered. Roma children and pregnant women in camps Žitkovac, Česmin Lug/Çesminllug, and Kablare/Kabllarë (North Mitrovica) are in danger of lead poisoning. According to the World Health Organization's report from October 2004 in camp Žitkovac/Zhitkovc, the soil at certain parts was contaminated 100.5 times more than allowed; while in the settlement of Česmin Lug/Çesminllug the situation is even worse. The contamination level exceeds 359.5 times. These children must be removed from the source of poisoning – IMMEDIATELY. Despite the political situation, we are asking all stakeholders to observe this situation from a humanitarian aspect. Now, when PISG and UNMIK guarantee the reconstruction of homes in Roma mahala, it would be easier to convince Roma families to leave the camp without any fear for the future reconstruction of their homes.

The HLC organized a press conference on 2 September 2005 and presented the petition. Diana Post from the European Roma Rights Centre spoke at the press conference and presented the complaint for the Kosovo Public Prosecutor filed against unidentified persons.

Three national TV stations in Kosovo RTK, TV21, and KTV covered the press conference.

## 2.8. PRIZREN/PRIZREN MUNICIPALITY

On 27 October, the Prizren Municipal Assembly Work Group for return and reintegration adopted a project worth 665,000 euros for the return of 13 Serb families and four Albanian and Roma families to the village of Donja Srbica.

According to this project the houses – that were completely destroyed after the deployment of NATO troops to Kosovo in June 1999 – will be reconstructed. The village

of Donja Srbica is nationally mixed and located approximately ten kilometres from Prizren/Prizren. It is located along the main road, which connects Prizren/Prizren and Đakovica/Gjakovë. Before the war, there were 1,151 Albanians, 99 Serbs, and several Roma, Ashkaly, or Egyptian community members lived in the village of Donja Srbica/Sërbicë e Ulët. Relations between Serbs, Albanians, and Roma were in the past positive. However, after the war, after the international troops deployed to Kosovo, all Serbs left their homes because of fear of Albanian reprisal.

### 2.8.1. Donja Srbica/Sërbicë e Ulët Village

Not a single Serb has returned to Donja Srbica/Sërbicë e Ulët. Most of them want to return to their homes. Because of this, they organized themselves to create the conditions for return. Srećko Cvetković was elected Serb representative in the village of Donja Srbica/Sërbicë e Ulët. As representative, he participated in all discussions related to the creation of a project for the return of the displaced Serbs to their homes. It could be said that those talks either with municipal, or international structures and Albanian residents of Donja Srbica/Sërbicë e Ulët, were very fair. This return project is based on the wish of the Serbs, displaced from this village and currently residing in towns in Serbia, to return.

Along with the Prizren/Prizren Municipal Office for Communities and international humanitarian organization ICMC, which will implement this project, they contacted 21 displaced Serb families from Donja Srbica. In these talks 13 heads of the families expressed their wish to return to their homes. Based on this, a draft document for the return of 13 families was made. The original number of families who wanted to return to Donja Srbica was 25, but because of the limited funding that number had to be decreased to 13 families. All Serbs from Donja Srbica accepted the draft project proposal. There were no serious objections, except for the fact that new houses were planned to be smaller than the ones that were destroyed. Serb returnees also suggested an addition to this project. They demanded that the water piping system be constructed because these people did not have water supplies. That suggestion was rejected because some water wells are planned to be constructed in that village even though they are not the right solution because the village has a great number of households, between 120 and 150. Those wells will not, however, be enough because they will not provide the village with sufficient water supplies. The representative of the village again suggested at the last Work Group session that Donja Srbica/Sërbicë e Ulët should be connected to the water system in Pirane/Pirranë or Landovice/Landovicë. That would be a beneficial solution for that is the city water system.

The conditions for return exist and people are willing to return. However, funding is insufficient for rebuilding all destroyed houses. There are still no Serbs in Donja Srbica/Sërbicë e Ulët. They are located all over Serbia: in Belgrade, Niš, Kragujevac, and other smaller towns.

During the NATO intervention in Donja Srbica/Sërbicë e Ulët, there were also approximately 800 displaced Albanians from the surrounding villages mostly from Pirane/Pirranë, Landovice, Zojca/Zojzë, Mamuse/Mamushë, and other smaller villages.

They stayed there for about one month and when they ran out of food, they decided to leave the village. Nobody drove them out; it was merely because they had no food.

*“I asked ICMC to organize another joint meeting with the representatives of all surrounding villages. I asked for the representatives to be older people who had some authority. I wanted to make a deal with them and to determine the real situation. We, Serbs from Donja Srbica/Sërbicë e Ulët are not ashamed or afraid to return because we did not do anything. On the contrary, we only did well for this society and these people and it would be good if we could talk and find some solution. I believe that the solution could be found because after the NATO troops arrived to Kosovo there were no incidents of assault either on Serbs, or Albanians. We lived well together and there was no difference. We protected and defended each other. In our village, unlike other villages, nobody was beaten, killed, kidnapped, or mistreated, and we were all defending. We defended and protected our people and when they left, we cried and they cried, and it was not easy for us.”*

*“Numerous activities that we have had lately, especially contacts with Albanian residents of the village show that the overall safety situation is good for return, that there is a mutual desire for cooperation, and that the Albanian population approves of Serb return to their homes. I believe that the return of the displaced Serbs to the village of Donja Srbica will be successful.”*

**Srećko Cvetković – Math Teacher, the village of Donja Srbica/Sërbicë e Ulët – Prizren/Prizren**

### **3. Equal Access to Institutions, Public Services, Education, Employment, and Use of Mother Tongue**

*Legislative Institutions, the Government of Kosovo, UNMIK*

On 19 July 2005,<sup>2</sup> the UN Secretary General Special Representative, Mr. Soren Jessen-Petersen, and Kosovo Prime Minister, Mr. Bajram Kosumi, released a strategic framework for the communities and return process in 2005 in the presence of political parties, the contact group, UNMIK, international organizations, and civil society representatives.

Mr. Bajram Kosumi showed willingness of the Kosovo Government to take over the responsibility for all citizens of Kosovo.

On 10 January 2005, the Special Representative of the UN Secretary General appointed Canadian Jenness Craig a Senior Advisor on Minority Issues.

The purpose of this appointment was to support the SRSG in an effort to integrate the Kosovo minorities and create a multiethnic society in Kosovo, and it is focused on the

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<sup>2</sup> For details see UNMIK Press release 1394, Tuesday, 19 July 2005

issues closely related to the priorities for fulfilling standards for maintaining constant dialogue between ethnic communities in Kosovo.

Jeness Craig is in charge of security, return, decentralization, and freedom of movement. He reports to the UN SRSG and he is in continuous cooperation with the Coordinator for standards and other UNMIK staff.<sup>3</sup>

Based on the Constitutional Framework from May 2001 Kosovo established a multiethnic self-governance as of 13 June 2002. Based on the electoral results in 30 municipalities, Kosovo Assembly was established in 2004 with 120 member-delegates elected on 23 October 2004. They have passed 85 laws to date.

According to OSCE, the Kosovo Assembly intends to pass laws necessary to create a legal country, works on passing laws (27 laws in 2004), and their implementation at all levels.<sup>4</sup>

Out of thirteen ministries, Mr. Sadik Idrizi from the 'Vakat' coalition composed of various ethnic minorities' representatives is the Minister of Health Care, while Mr. Slaviša Petković from the Serb Civil Initiative is the Minister for Return and Communities. There are 140 employees and 82 volunteers in this ministry. It opened local offices in six towns in Kosovo: Kamenica/Kamenicë, Mitrovica/Mitrovicë, Štrpce/Shtërpc Orahovac/Rahovec, Velika Hoča/Hoçë e Madhe, and Priluzhje/Prilluzhë.

Until April 2005, Kosovo Police Service (KPS) had 6,282 police officers, out of which 84.15 % men and 15.85 % women. 84.5 % are Albanians, 9.4% Serbs, and 6.1% other ethnic communities, divided in 26 police stations.

Minorities represent 6.1% of the Kosovo Protection Corps; of which 46 are Serbs, 43 Muslims, 13 Croats, 13 Turks, and the rest of this number are Roma, Egyptians, and Ashkalies.

There are 398 local judges and prosecutors, of which 18 are Serbs and 22 from other ethnic groups, 24 international judges and prosecutors work on 88 cases. It is considered that among the court staff, ethnic minorities are underrepresented with only 4.4% members of minority communities in the total number of court staff in Kosovo.

#### *Health Care*

There are hospitals in all areas i.e. in main centres: Priština/Prishtinë, Mitrovica/Mitrovicë, Đakovica/Gjakovë, Prizren/Prizren, Peć/Pejë, and Gnjilane/Gjilan, as well as outpatient clinics in all 30 municipalities. There are 13,500 employees working in the health care sector, including 1,000 Serbs. Small outpatient clinics provide medical services for the villages.

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<sup>3</sup> UNMIK Press Release 1297, Monday, 10 January 2005

<sup>4</sup> OEBS Report from December 2005. Kosovo Assembly Law Implementation – Report II, laws enacted in 2004, 27 laws enacted by the Kosovo Assembly, based on which OSCE wrote this report

## *Education*

A total of 42,000 children attend 1,200 schools. Around 15,000 students attend two universities in Kosovo. The Kosovo Assembly has passed the Law on Adult Education and Training.<sup>5</sup> There are certain schools in the Bosniak language that follow the Kosovo education programme and two departments of the Priština University especially opened for Bosniak students, which are located in Peć/Pejë and Prizren/Prizren. Even though there were plans to enable Bosniak students to attend university in the Albanian language and take exams in Bosniak, the university has not implemented that yet and it is still difficult for Bosniak students to continue their education at other universities in the region. There is also a lack of school books – even though the Ministry of Education, Science, and Technology had some books published, it is still not enough.

What is problematic is educating children from minority communities in their mother tongue. While Serb children who have schools nearby usually attend parallel schools financed and administered by the Serbian Ministry for Education and Sport, and Turkish children can attend school in Turkish language, other communities do not have such opportunities.

Roma people have the greatest problem regarding this issue. There are no schools or school books that could help Roma children learn the Roma language. As it is with other issues, the Roma community is not strong enough to receive sufficient funds or other types of support for opening at least one class in elementary schools or for publishing school books in the Roma language.

Ashkaly and Egyptians attend Albanian schools and members of these communities complain all the time that they do not identify enough with their nations.

Gorany, who mostly live in the municipality of Dragaš/Dragash, the southwest part of Kosovo, still have a lot of problems with education in their mother tongue. Even though it would be possible for Gorany children to attend Serb schools because of the similarities with the Serbian language, most of the Serb schools are in the central and northern part of Kosovo which is too far away for the members of Gorany community.

## *Pensions and Social Welfare Support*

The residents of Kosovo have the right to a pension and it is regulated by UNMIK Resolution no. 2001/35 on Pensions in Kosovo, as well as by a law passed by the Kosovo Assembly on social and family services.<sup>6</sup> The Kosovo Government started paying pensions in July 2002 right after it passed the aforementioned law. Around 100,000 people draw their pensions, of which 18% belong to minority communities. The basic pension now is 40 euros per month.

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<sup>4</sup> Law no. (02/L- 24) Art. 13 states on non-discrimination: Older freshmen have right to be treated without discrimination based on ethnic reasons, political and religious beliefs, national or social background, sex, and limited abilities.

<sup>6</sup> Law no. 02/L-17

Social welfare support goes from 34 to 62 euros per month depending of the number of family members and other criteria. Around 200,000 people receive social welfare support.

### *Languages*

Every municipality should provide interpreters for material and use languages of all communities living in that municipality. This was regulated by the UNMIK Resolution 2000/45.<sup>7</sup>

Kosovo Gazette is published regularly at least once a month in Albanian, Serbian, Turkish, Bosniak, and English. See Kosovo Law on Gazette.<sup>8</sup>

At the public RTK TV station there is certain time designated for programmes in minority languages, which has been recently extended. RTK offers news and cultural programmes in different languages several times a day. However, such programmes still do not represent a method for diverse communities' representatives to inform the minority audience of important events or other issues related to that specific community. This does not apply to the local radio stations. On 1 June 2005 four new radio stations sponsored by the OSCE Mission to Kosovo were opened. Journalists who are the members of these communities broadcast the programmes and news hoping to improve the flow of information within the communities.

However, Turkish and Roma communities complain that they do not have newspapers in their language.

### *Ombudsman*

The Ombudsman institution exists in Kosovo and according to its fifth report for 2004-2005 addressed to the SRSG on 13 July 2005, it registered 446 complaints.<sup>9</sup>

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<sup>7</sup> UNMIK Resolution, on self-governance in the municipalities Art. 9 – Languages, Item 9.5 Statute of the municipality and Resolution on the languages of Communities.

<sup>8</sup> Law no. 2004-47, Art. 3 – Languages.

<sup>9</sup> Ombudsperson Institution in Kosovo was established by UNKIM Regulation no. 2000/38 (30 June 2000), (Regulation) on improvement and protection of human rights in Kosovo. As of 11 July 2000, upon Austrian Chairman of OSCE recommendations, the Special Representative of the UN Secretary General (SRSG) appointed Marek Antony Novicki Ombudsman in Kosovo. As of 15 September 2000, the SRSG appointed three deputies upon this regulation (Mr. Nik Lumezi, Mr. Ljubinko Todorović, and Mrs. Dona Gomijen).

The Ombudsman institution was officially inaugurated on 21 November 2000. As institution it is devoted to the promotion and protection of human rights and has local staff working, around 30% of the employees belong to the minority communities.

The Ombudsman institution accepts complaints of every person claiming to be victims of human rights violations or abuse of official position, and conducts investigations upon these complaints. The official working languages in these institutions are Albanian, Serbian, and English. It tries to provide the complainant with the service in his/her/their mother tongue even when it is none of the aforementioned languages. Through its work, this institution supports the promotion of human rights and proper administration in Kosovo and it contributes to efforts in making the administration transparent and open for public. Ombudsman services are free of charge.

Complainants' national background is as follows. Albanians – 323 complaints, Serbs – 104 complaints, others – 23 complaints on human rights abuses. The issues in the official complaints are usually the following: length of civil lawsuits, issues pertaining to property, improper criminal investigation, abuse of authority, cases pertaining to the rights to trial, cases regarding employment, economical, social, and cultural rights, right to freedom, etc.

### 3.1. Lipljan/Lipjan Municipality

There are several villages in the Lipljan Municipality with mixed residents. The Forestry and Agriculture Department Director and Committee for Communities President are Serbs. Municipal Work Group for return composed of members of all communities operates at the territory of this municipality. There are 1,116 people working in education, out of that number 905 are Albanians and 211 members of minority communities. There are 284 persons working in health care, out of which 189 are Albanians and 95 non-Albanians. In the Office for Communities, there are 14 Serbs and Ashkaly working. They organized meetings with the representatives of displaced persons and refugees in Macedonia, Serbia, Montenegro, and Camp Plementina. The members of minority communities move freely through Lipljan and villages they live in. They are free to use their mother tongue and they can obtain all documents in their mother tongue.

#### 3.1.1. Rubovce/Rubovc Village– Lipljan/Lipjan

The village of Rubovce/Rubovc is located two or three kilometres away from the main road Priština/Prishtinë–Skoplje/Shkup between the municipalities of Lipljan/Lipjan and Uroševac/Ferizaj. Half of the citizens are Albanian, and half Serb families.

Approximately ten Serb families left the village of Rubovce from the time of war and they have never returned. Other Serbs, at least most of them, live here under sustainable conditions. They move freely, plough their fields. Mr. Etem (Murat) Uskoku, a salesman from the village of Rubovce, gave the following statement for the HLC:

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Access to the institution of Ombudsman is provided through the Institution's Main Office in Priština/Prishtine and Gnjilane/Gjilan, Peć/Pejë, Mitrovica/Mitrovice, and Prizren field offices, and as of February 2005, it also has a field office in Gračanica/Graçanicë. The field offices are usually run by two lawyers and one Legal Assistant/Interpreter. Mitrovica/Mitrovice field office has a branch in the north part of the town.

In February 2005 a new field office in Gračanica/Graçanicë was opened. Its purpose is to provide easier access to Ombudsman for many members of minority communities. That office started operating on 1 March 2005 and it was founded exclusively with the support of the Austrian Ministry of Foreign Affairs Agency for Development generous donation.



*“Last year we had a joint action of paving the road Rubovce–Lipljan. Only Albanians sponsored this action. The Serbs did not, but still we paved the road and now we are all using it.”*

### 3.2. GNJILANE/GJILAN MUNICIPALITY

#### 3.2.1. Poneš/Ponesh village

Selo Poneš/Ponesh has around 200 Serb households and almost 130 Albanian. Before the war there were marginally more Serbs in this village than today. Some of them left earlier and built houses in Serbia. Others left after NATO troops deployed to Kosovo. The majority, however, remained.

In Poneš/Ponesh there are few problems between Albanians and Serbs. Serbs move freely, plough their fields, and socialize with Albanians. They have a joint school, which Albanian and Serbian children attend together. Around 40 Albanian students attend this school every day together with more than 100 Serb students. Serbs attend classes according to the curricula and programmes from Serbia, they have their own Coordinator, and the name of their school is “Sveti Sava” (St. Sava). Albanians have their own Coordinator and they have classes according to the Kosovo curricula and programmes.

This mixed schooling arrangement does not trouble Albanians or Serbs. On the contrary, sometimes it is easier for them to organize joint activities. Teachers and students, Albanians and Serbs, socialize in the school, as well as in the village. There have been no ethnically motivated incidents in 2005. The situation is much better than it used to be.

Inhabitants of Poneš/Ponesh initiated an action to build a new school building, to be built and used by both Serbs and Albanians. They paved the road in August 2005. However, that road goes through the part of the village inhabited by Serbs and stops before the part where Albanian houses are.

*“I do not know who decided it to be that way because it is not good, and Serbs do not approve of such an act and neither do we Albanians. The local medical clinic also leaves a bad impression. The doctor comes twice a week, but only for Serbs, and we have to go all the way to Gnjilane. “*

**Sadik (Nuri) Sulejmani, Teacher in Elementary School „Ibrahim Urvić“(Zejnel Hajdini) in the village of Poneš**

### 3.3. ORAHOVAC/RAHOVEC MUNICIPALITY

#### 3.3.1. Zočište/Zoqisht village

The reconstruction of living facilities in Zočište/Zoqisht, the municipality of Orahovac/Rahovec, began in mid August 2005, and 35 houses are now in the final phase of construction. A medical clinic has also been built. Sewerage and water piping systems

were constructed and street lights poles have been installed. Practically, all planned works on infrastructure are coming to an end. Nine facilities are still under construction and according to the Ministry's plan they should be finished by March 2006. The implementation of these plans was slightly delayed primarily because of the bad weather, but also because of financial reasons. Financial obligations could not keep up with the dynamics of the work conducted. The houses built for the returnees are of different size depending on the number of family members. For families with two members only, the houses of 48 square metres were planned and 78 square metres for families with more members.

The process of Kosovo standards implementation is still underway. Based on HLC research, the municipal authorities in Kosovo are working intensively on the normal operation of democratic institutions- the rule of law, freedom of movement, sustainable return, and right to property.

The presence of minorities in public institutions in the municipality of Orahovac/Rahovec, based on their demographic status, can be seen in the following table:

Number of members and ethnical obligatory composition of communities:

	%	Total	Majority	Minority
Committee for politics and finances	11,1 %	9	8	1
Committee for Communities	55,5 %	9	4	5
Mediation Committee	55,5 %	9	4	5

The percentage of the minority presence-comparing to the proportional division of budget in the Orahovac Municipality should be 3.1% of the minorities. At the moment, minorities in Orahovac/Rahovec are represented with 7.6 %, in administration 15.8 %, in education 5, 6 %, and in health care 10.4 %.

The municipality exceeded the percentage of proportional division of budget for the needs of minorities (3.1% is a just division and 6.15% was allocated).

**Source: Report of Standards' Implementation, the municipality of Orahovac/Rahovec**

*“After more than five years, I visited the village of Zočište/Zoqish for the first time in July this year. The residents accepted me well. They asked me where I was from and told me that everybody should return home. They even asked me for one Serb lady, a nurse, who used to work in the medic station in Zočište. They praised her a lot and said they wished she would come back and continue working there. She is from Velika Hoča/Hoçë e Madhe. Her name is Cveta, and I do not know her last name; currently she works in the outpatient clinic in Velia Hoča/Hoçë e Madhe. Two representatives of the displaced Serbs from Zočište/Zoqisht, Pavle Stojanović and Đorđe Mišić, visited their homes today for the first time after the armed conflicts in Kosovo. They came here with the help of the Committee for Crating Conditions for Return to the municipality of Orahovac/Rahovec*

*and UNHCR. They were really satisfied with what they saw that was done on the reconstruction of the destroyed facilities and with what they found there. They said they were willing to return and that first returnees would be Jovo Jovanović and Đorđe Krstić whose houses have been rebuilt.”*

*“I think that the return to the village of Zočište/Zoqisht will be successful. But, we, people who stayed here, and the Albanian population should show more understanding and will to accept returnees. The municipal authorities should provide other prerequisites for return, such as employment, especially growth of wine-growing for which we have ideal conditions. “*

**Tatjana Kolašinac – the Coordinator of the Ministry for Return and Minorities Regional Office in Orahovac/Rahovec**

The HLC monitored the talks the Council of Europe Advisory Committee had with members of minority communities, which took place in Prizren on 13 October 2005, in the OSCE Mission’s Conference Hall.

Persons who attended the meeting: members of the Council of Europe Advisory Committee – Asbjern Eide, Chairman of the Advisory Committee (representing Norway), Anastasia Crickley (Ireland) i Zdislav Galicki (Poland), Antti Korkeakivi (Executive Secretary of the Framework Convention), and Stefanie Marshall, Administrator.

The representatives of the minority communities attended the meeting: Refki Alija, Bosniak, „Lëvizja për të Drejtat e Qytetarëve“ NGO, Prizren, Iskender Muzbeg, Attorney, Turk from Prizren, Nuhi Tahirovci, Gorany from Dragaš, Besnik Avdosaj, Roma from Prizren, a member of the Work Group for Roma return to the Prizren Municipality, Nedžip Menekše, Roma from Prizren, „Durmiš Aslano“ NGO, Branislav Krstić, Serb returnee to Prizren, Taner Bojnik, Turk from Prizren, Office for Communities, Ćerim Bajrami, Bosniak, NGO „Vrelo“, Rečane, Emilija Redžepi, Bosniak, NGO „Equality“, Prizren, Ibrahim Elšani, Roma from Prizren, magazine „Alavo Romane“, Gani Elšani, Ashkaly from Prizren, NGO „Inicijativa 6“, Musa Saliju, Bosniak from Prizren, teachers’ representative, Fikrim Dimka, Turk, teachers’ representatives, and Abdi Alija, Gorany from Dragaš, NGO „Human Ecology“. UNMIK and OSCE representatives also attended the meeting. The representatives of the Novake village, where Serbs’ return was organized, attended the meeting as well, even though they were not invited.

Most of the minority communities’ representatives gave positive examples illustrating their presentations by the fact that the Constitutional Framework of Kosovo guarantees minorities’ individual and collective rights, that the Kosovo Assembly passed the Law on non-Discrimination, that minorities in Kosovo have their political parties, which are active, that the turnout at the last elections was satisfactory (except for Serb voters who mostly boycotted the elections), that there are seven delegates in the Assembly from the region of Prizren, among which one is a Minister and one a member of the Kosovo Parliament Presidency, and that they are engaging themselves in the region of Prizren to

integrate as much as possible. They pointed out that they have freedom of movement; that they are safe, including a certain number of Serbs who returned to the town, to Prizren Canton villages Novaci, Drajići, Smać, Stajkovce, Sredska, etc.

They also pointed out that they are free to use their language, that their children attend school in their mother tongue (except for Roma), they are free to use their ethnic symbols, and have the right to be informed in their mother tongue. Radio Prizren, radio stations “Yeni Donem”, “Omega”, and “Astra” broadcast programmes in Turkish, Bosniak, and Roma languages. There is also one independent magazine in Bosniak language called “Alem”, and different family editions in ethnic minorities’ languages are also being published.

They, however, stressed that there were a lot of instances of obstruction in these processes. A lot of remarks were addressed to the local institutions, which sometimes do not express the will to resolve essential issues relating to minority communities. It was stated that the Prizren Coat of Arms was written only in Albanian and English, but not in the languages of minority communities. Assembly agendas and records are exclusively written in Albanian. In public gatherings, only Albanian is spoken without an interpreter provided. Names of important documents, as well as names of streets, are also exclusively written in Albanian. Minorities are not properly represented in the local institutions. The Municipal Directors’ Board does not contain a single Serb, Bosniak, Roma, Ashkaly, or Egyptian.

However, most of the remarks addressed the issue of unemployment and education of the members of minority communities.

It was stated that the majority population does not show sufficient will to accept the member of minority communities and also, that minority communities are not very interested in integration, which is a legacy of the past.

#### **4. Ethnically – Racially Motivated Violence/Incidents**

During 2005, the HLC monitored the number of incidents i.e. attacks on members of minority communities in Kosovo. In comparison to previous years, the number of attacks in 2005 decreased. Most of the attacks registered were directed against property owned by members of minority communities. However, there were attacks directed against persons from minority communities. The largest percent of incidents were directed against Serbs, then Roma, Ashkaly, or Egyptian community members. But still, members of other minority groups were assaulted as well, including the Albanian minority community living in the north part of Mitrovica.

##### 4.1. Murder of Attorney Ibiš Čakalo from Prizren/Prizren

Attorney Ibiš Čakal was murdered on Tuesday, 11 October 2005 in front of his apartment in Prizren on 4 Đeparska Street, around 19:30. The perpetrators of this crime are

unidentified. Members of Kosovo Police Service (KPS), UNMIK police and Prosecution still have no information on the motives and perpetrators of this murder.

According to the statement given by family members, after “iftar” (dinner) Ibish went out of his apartment on the second floor, along with his wife. They were going to visit some friends. When they came out of the building they lived in, Ibish’s wife returned to the apartment to take something she had forgotten. Ibish stayed in front of the building to wait for her. A couple of minutes later, she came out of the building and found her husband lying on the ground some 20 metres away from the entrance of their building. Thinking that Ibish was not feeling well, she hurried into the neighbouring apartment building where Ibish’s cousin Adnan Kazazi lived to ask him for help. Several minutes later they came to the place where Ibish was lying, but the place was already surrounded by KPS members who did not let them come closer. Ibish’s wife did not see anyone she could suspect of her husband’s murder and neither did she hear shooting.

The following morning, police announced that one of their members was passing down the Đerdapska Street in Ortakol suburb when he spotted Ibiš Čakalo lying on the ground. He took him to hospital, but he passed away on the way there. Ibiš had two gun shot wounds, one in the stomach, and one in the right arm. He was probably shot with a weapon with a silencer. However, the police and investigative authorities still have no information about this murder.

The murder of attorney Ibiš Čakalo is the first murder of a Turkish Community member on the territory of the Prizren Municipality.

In view of the murder of Ibiš Čakalo, Prizren Regional Attorney Association organized on 13 October 2005 a commemorative session demanding the respective authorities reveal the perpetrators and bring them to justice.

The HLC investigated this case and managed to find out more about the murder of the aforementioned attorney. The following statement was given by Attorney Lulzim Bilurdagi, the President of the Prizren Regional Attorney Association:

*“On that day, before Ibiš was murdered, it was noticed that there were a lot of Serbs standing some 50 metres away from his office located across from my office, which was awkward. There were more Serbs that day than previous days. In one moment there were at least 15 of his clients who came to resolve their sale contracts. However, regardless of that, I think that was not the reason for his murder. I think it was a political murder. I think that it was not an accident that he was murdered at the time when Turkish Deputy Prime Minister and Minister of Foreign Affairs, Abdullah Gul, visited Prizren. Besides that, this murder happened during intensive preparations for the beginning of negotiations on the future status of Kosovo where Turkish society would integrate more and more into the Kosovo society. Ibiš was a presidency member of the Kosova Demokratik Turk Partisi (KDTP) (Turkish Democratic Party of Kosovo) and president of this party’s branch in Prizren. He fought for the interests of the Kosovo Turks and he was professionally and politically engaged in improving Kosovo society as a whole.”*

#### 4.2. Assault on four Serb young men on the Uroševac – Štrpce road

The gravest assault happened on 27 August 2005 on the main road Uroševac–Štrpce. That day, around 21:00, four young men of Serb nationality rode in their car from Lipljan/Lipjan towards Štrpce/Shtërpc. They were shot at from another moving car. On that occasion, Ivan Dejanović, born in the village of Prilužje, the municipality of Vučitrn; and Aleksandar Stanković, born in the village of Konjuh, the municipality of Lipljan were murdered. Nikola Dukić from Novo Naselje near Lipljan was seriously injured, while Aleksandar Janićijević from Štimlje/Shtime sustained light bodily injuries. We now present a part of the statement given to the HLC by surviving Aleksandar Janićijević:

*“It was around 21:10 when we spotted a black vehicle behind us. That was on the Uroševac–Štrpce road, close to one bridge. In one moment, near one curve, we heard something, but at first we did not know what it was and right away we felt that we had a flat front tyre. Then we pulled over and when Aleksandar, who was driving the car, wanted to open the door, the black car pulled parallel to us. I was sitting on the right side in the back of the car. They opened fire with an automatic rifle. I was shot with three bullets in my left arm. I do not know where the others were shot. The shooting did not last long and then for five minutes that car remained there. I did not hear the assailant talk - there was silence. Five minutes after, the black car carried on towards Štrpce. Only then, over Aleksandar’s body, did Nikola Dukić manage to turn the car around. Aleksandar, the driver, and Ivan Dejanović showed no signs of life. Since the car was automatic, Nikola put it in reverse and pressed Aleksandar’s leg that was on the gas pedal. Then, he moved the car and that is how we managed to drive back and we got close to one gas station. We pulled over about 500 metres away from the gas station in order to move Aleksandar to another seat, so that I could drive because Dukić suddenly started bleeding more and more. “*

International and local institutions condemned this crime, as well as political parties in Kosovo. However, police investigation failed and nobody has been suspected to date and perpetrator of this terrible crime has not yet been revealed.

#### 4.3. Assault on police patrol

On one of the following days on that same part of the road, another two incidents happened. First, a memorial for the late KLA soldiers, located along the road several hundreds metres away from the scene of the first crime, was destroyed. On 9 September 2005, a KPS patrol from Štrpce/Shtërpc was attacked. Three police officers, who were in the car, were members of the Serb Community. They were on regular duties patrolling that part of the road, from Štrpce/Shtërpc to the village of Doganović, which is the bordering settlement of the Štrpce/Shtërpc Municipality with Kačanik. They spotted some people near the destroyed memorial for the KLA soldiers and a small barricade made of stones several metres away from them, on the road. In the moment when they slowed down in order to drive over the stones, somebody shot at the car from an automatic firearm. On that occasion, policeman Saša Durlević, who was driving the

police vehicle that night, sustained injuries. This is how his colleague described the incident for the HLC:

*“After that, we headed back straight away. It was around 23:30 when we got to that memorial. There were nine people (two women and seven men) standing there, lighting candles. It seems strange to us. We knew that Albanians did not light candles at cemeteries or gravestones. We decided not to pull over because the whole situation seemed strange. Several minutes later there was an armed man standing there and now nine people lighting candles in the middle of the night. When we approached the memorial, we noticed a pile of stones set to be a barricade on the road in front of us. The first time we passed that road, we did not notice it and the UNMIK patrol, which passed that road several minutes before us, did not report it. Saša slowed down, but soon he realized we were in danger; he pressed the gas pedal and took off quickly. We managed to drive over the barricade on the left side of the road where there were fewer stones. We did not drive over the barricade when gunfire was opened at us from the direction of the forest. Novica and I told Saša, “Drive faster, let’s run away”. He was driving like crazy. Suddenly I noticed that Saša was bleeding. I saw blood stain spreading on his shirt, in the right back area. “*

The investigation in this case has not been finished either. This affected members of the Serb Community and they were scared to use this road, especially during the night. Long after these incidents, KFOR, UNMIK, and KPS forces patrolled this part of the Uroševac-Štrpce road.

#### 4.4. Assault on KPS Colonel Dejan Janković

On 28 September 2005 another armed attack on two Kosovo Police Service members happened. That was Colonel Dejan Janković. Dejan Janković is the only KPS Colonel who is a member of the Serb Community. He was born in the village of Vrbeštica, the municipality of Štrpce. He is the KPS Regional HQ Commander. On this day, his colleague Novica Stojanović and he were going from Gnjilane towards Štrpce. They were riding in a police vehicle. Around 18:00, they were passing by the villages of Stari Kačanik and Belograce, which are in the Kačanik municipality. At that spot they were shot at from an ambush. Here is the description of the event given by Colonel Dejan Janković:

*“In one big curve around 180 degrees, Novica slowed down the vehicle. We were driving not more than 30 km per hour. There was forest on the both sides of the road. Suddenly, from the right side of the road, gunfire was opened at us from the direction of the forest, from some 10 metres distance. There were two or even more people shooting at us, I couldn’t see. I only noticed that we were shot at from an ambush. Unofficially, I found out that around 50 bullets were fired, of which more than a half hit our vehicle. I was shot in the palm, forearm, and in the right chest area. Novica was neither hit nor wounded. He drove our damaged vehicle for another 200 metres when we went off the road and hit a tree. Even though I had three wounds I was not in a critical condition. We got out of the car and hid. I called the Police Stations in Vitina and Uroševac straight away over the radio and asked them for help. In the meantime, two vehicles pulled over*

*near us. Some men came out of the cars and headed towards us. I pulled my gun out, ordered them to freeze and put their hands in the air. They were Albanian and they said, "To help you, to help you..." But they shouldn't have helped us. After five minutes, police patrol arrived and took me to Uroševac."*

Even though this was an attack on two Kosovo Police Service members, one of whom was high ranking, the perpetrators were never found. It is interesting that two days after the incident, RTK TV station received an email from a secret organization called "Serb Volunteer Guard – Tigers" in which they took over the responsibility for this attack. The victims of this incident, Dejan Janković, denied this claim stating that this email was not written by a Serb. It was full of grammatical mistakes and it was sent only to distract the course of the investigation.

#### 4.5. Assault on a Serb married couple in the village of Čerkoljez, Istok Municipality

The village of Čerkoljez belongs to the municipality of Istok/Istog and it is inhabited by Serbs and Albanians. However, there is no cohabitation in this village. It is divided in two parts and there is virtually no contact between Serbs and Albanians. Serbs use the road through the mountains, which goes to Zubin Potok/Zubinpotok because they are scared to use the main road put Peć–Mitrovica/Pejë–Mitrovicë. Regardless of that division, there were had been no major incidents between Albanians and Serbs until 28 March 2005 when an old married couple was assaulted. Nedeljko and Nevena Vučić lived alone in their house, the incident happened in the early morning hours. Their next door neighbours, Serbs, heard the two old people crying around 7:30. They went to their house and found them with serious injuries probably inflicted by a sharp object. Their neighbour Zorica Tijanić gave the following statement to the HLC:

*"Yesterday, early in the morning, around 7:30, I came out of the house as I usually do every day. In one moment I heard weeping coming from Nedeljko's house. At first I heard Nevenka screaming and then Nedeljko weeping. I was scared at first and then I went to my brother-in-law Gligorije Tijanić's house. I called him and told him that something had happened to the Vučićs. He said he would come in five minutes. I gained courage and headed towards their house. When I arrived at the creek, I spotted Nevenka waving to come to her. She was standing. I started running towards them straight away. When I got there I found Nedeljko sitting and Nevenka squatting. She was bending over her husband. They were in front of the garage, which was built by the house. Nedeljko's head was covered in blood. Nevenka was bleeding, too, but on the back. They were both weeping. In one moment Nedeljko said that he saw one man who attacked him, but he also said that he did not recognize him. Nevenka said that she did not see anyone. She just felt somebody hitting her and then she fainted. There was a lot of blood of the entrance to the garage. "*





#### Traces of Blood in the Vučić family garage

Talking to the local doctor Mario Stanković, HLC discovered that these people sustained head, shoulders, back, and thoracic cage injuries. Nedeljko had broken ribs. Nevenka sustained injuries to the right shoulder blade and on that occasion her pleura was injured and air entered between the pleura and lungs.

*“We succeeded in stopping the bleeding and treating the wounds. Nedeljko had more wounds than Nevenka. His left ear was practically cut off and the wound was seizing the lower part of the ear. Nedeljko also had other head injuries, but they could not have been spotted so easily because of the blood.”*

#### **Mario Stanković**

Law enforcement authorities did not clarify this incident. For this reason other Serbs in this village feel unsafe and unprotected.

#### 4.6. Murder of Smajil Sukurica, a Bosniak from the village of Dobruše, Istok Municipality

The village of Dobruše is in the municipality of Istog and is inhabited by Albanians and Bosniaks. According to members of both communities, their inter-ethnic relations were very good. The truth is that a lot of Bosniaks left this area from the beginning of 1990s mostly moving to BiH. There were some who stayed in the village and did farming. One of them was the late Smail Sukurica, who was a cattle breeder. According to his brother, Smail had good relations with the local Albanians. Albanians regularly bought milk

products from him. On 13 May 2005, Smail grazed the cattle in a field located around one kilometre from his house. That is when one or more unidentified persons brutally killed him. His body was found only in the late evening hours. His brother Sulejman Sukurica described the event for the HLC:

*“Around 14:00 that day Smail took the cattle to graze. We have a field behind the forest, which is also ours. That field cannot be seen from the house because of this forest. Smail usually took cattle for grazing around that time. Around 17:00 the cows returned to the stable alone. That is when mother started worrying. She called Alija and told him that Smail had not returned with the cattle. Our brother Alija went with his father-in-law to the field, but they did not find Smail. Then they started calling him, but he did not reply. They started looking for him in the forest. In one moment they found him. He had been dragged to some bushes. His shoes had fallen off several metres away and his pants had been pulled down to his knees, probably because those criminals, who killed him, dragged him afterwards. Maybe he was killed in the field and then dragged into the forest. He was not killed with a weapon. He had a plastic bag on his head and that is how they suffocated him. On the right side of the head he had injuries inflicted by a blunt object. Then they called the police. They told me there were a lot of police patrols, which investigated the scene of the crime until the following morning. “*

This crime was covered intensively by the media and the local institutions reacted as well. Authorities from the Istog Municipality visited the Sukurica family and they promised to do everything in their power to find and punish the perpetrators of this crime. However, this has still not happened. As for the motives for the murder, even Sukurica family members are not sure that the murder was ethnically motivated.

#### 4.7. Two Assaults on Ashkaly Boys in Uroševac/Ferizaj

The REA Community members live in several settlements in Uroševac. Salahane and Halita Ibišija Street are the biggest settlements in which Roma, Ashkaly, and Egyptian people live. There were several incidents in these settlements since the end of the war, but during the years of 2003 and 2004, the number of incidents significantly decreased. The freedom of movement for RAE people improved, as well as relations with Albanian population. Economical situation i.e. unemployment was and still is the biggest issue for the RAE Community members. That was the main reason for a lot of young RAE members to start collecting aluminium cans and other metal dump in the town, in order to sell it and earn some money for food. Faton Ajeti (25) and Minur Latifi (14) were among those young men. Minur Latifi lives on Halita Ibišija Street, while Faton lives in Salahane settlement.

On 14 May 2005, Minur went out with a cart to collect old metal in town in order to sell it later. He was returning home when one Albanian boy stopped him on the street around 12:30. That boy was around 15 or 16 years of age. He mistreated Minur and when he tried to leave, he was attacked and had a knife stabbed in his shoulder joint. Police was informed of this incident and court procedure is ongoing. Police also knows the perpetrator of this crime. As for Minur, he is treated at home because his family cannot

afford to send him to hospital. This family has nine members and they live off the social welfare support.

Only three days later, Faton Ajeti had the same experience. His friend Blerim Emini, also an Ashkaly and he went to collect old metal at the end of the town. On their way back several Albanian young men stopped them. Victim Faton Ajeti gave the following description of the incident to the HLC:

*“On 17 May 2005, I went, along with my friend Blerim Emini, who is also Ashkaly from Uroševac/Ferizaj, to collect old cans down by the river. That place is located at the end of the town of Uroševac/Ferizaj. We filled almost two bags with empty cans and headed home. It was around 17:30 when we came to Besima Redžepija Street. Then we noticed that five young men cut off our way. They were young; 18-years-old at most I did not know any of them. They were going towards us and when we met face to face they started beating us for no apparent reason. We left our bags with cans there on the street and started running away over one meadow. They were running after us and somewhere at the middle of the meadow they caught us. I tried to run away once more while they were beating us. One of them was dark, he pulled a knife out. That dark guy stabbed me in the shoulder and another guy stabbed me in the left thigh. I fell on the ground. They probably thought they killed me, so they stopped for a while. I used that opportunity and started running away again. They did not stab Blerim, but they beat him. When they saw me running away, they started chasing me again. Blerim Emini stayed there in the meadow, but after they started chasing me, he ran away in other direction. I ran rather fast and I was bleeding all the time. They chased me all the way to Salahane settlement. When I got closer to that settlement they stopped chasing me. I came to my door when a neighbour spotted me. I lost a lot of blood and because of that I fainted. After that, I do not remember completely what happened. I know they took me to hospital in Uroševac and then to Priština. I feel much better now, but I still cannot get up and walk normally, I spend most of the time in bed, resting.”*

Perpetrators of both assaults are known to police and procedures are underway. The HLC researchers visited the Office for Communities in Uroševac and talked to the RAE Community representative. He gave the following statement to the HLC:

*“These incidents affected the Roma, Ashkaly, and Egyptian community members very negatively. Tensions rose and people started worrying about their safety. Personally, I doubt that these incidents were organized. The Uroševac Municipal Assembly supported us, as well as other institutions.”*

#### 4.8. Shooting at Ashkaly House in the Alas Village, Lipljan Municipality

During the first two years after the armed conflict in Kosovo, the members of Ashkaly Community were commonly a target of Albanian attacks. Several incidents occurred. However, since 2002 the situation has changed. Members of Ashkaly Community started moving around freely; they have free access to institutions; and life started returning to some semblance of normality. However, individual incidents have not ceased yet. On 17

September 2005, in the evening, somebody shot at one Ashkaly house with a firearm. There were no casualties, but it did still make the local Ashkalies feel unsafe. The following quotation is a part of the statement given to the HLC by the head of this house:

*“Around 21:00, unidentified persons suddenly opened fire at my house. We were all scared and we fell on the floor. They were shooting from the direction of a neighbouring house owned by an Albanian. Nobody saw who was shooting. Because of the shooting, my house was slightly damaged, windows were broken and there are bullet wholes in the walls, but that is nothing since all of us are fine and we could have been killed. Kosovo Police Service (KPS) members reacted immediately and carried out an investigation. A KFOR patrol also came. We found 60 bullet cases around my house from the firearm. KPS has still not found a person or persons who shot at my house for no apparent reason. They only claim that the investigation is underway. I do not know who was shooting and what the goal was. I have not done anything to anybody. Every day, I used to go to work from my house in the village of Mali Alas/Allas to the Lipljan/Lipjan Municipal building where my office is, and I have never had any problems. I doubt that the attack on my house had any political motive. If it was so, they would have attacked it earlier. I think that they might have been some individuals from the village who were jealous of my beautiful house because I am employed and my children go to school. All in all, my family has good living conditions. I do not see any other reason for this attack. We will see. Maybe the police will reveal something.”*

#### 4.9. Two bomb attacks on Albanian houses in the north part of Mitrovica

The life of the Albanian minority in the northern part of Mitrovica is equally difficult as the life of other minority communities living in other parts of Kosovo. The situation was most difficult for them at the end of the armed conflict in 1999. The situation has since then gradually changed. Albanians from the northern part of Mitrovica/Mitrovicë are now able to drive to the southern – Albanian majority – part. However, they are not integrated in the institutions in the northern part. They merely live in the northern part, while everything else for them is related to the southern part of the town, shopping, hospital, education, etc. But still, according to the local Albanians, their relations with Serb neighbours are positive. They help each other, socialize, and have no problems. They claim to be targets of other people, who are not from Mitrovica, but they live there at the time. There are two settlements in the northern part of Mitrovica where Albanians live: Bosniak town, which is connected to the north part of town by a bridge, and the so-called Mikronaselje, located in the upper part of the town. On 11 March 2005, an explosive device was thrown at Beka family house. Nobody was hurt, but material damage occurred. Witness Sadri Beka gave the following description of the event to the HLC:

*“I was at home that night. It was five minutes after midnight when we heard a strong explosion. We came out of the house and went to my aunt Zimrete. We saw that some explosive device was thrown. We called the police straight away and they arrived in ten minutes. The explosive device was thrown right in front of the entrance of the house. The door was broken, as well as the windows. There was no fire. Belgian KFOR members arrived right after the police. They carried out an investigation. They asked us who might*

*have thrown the explosive device. Of course, we could not know that. I guess it was one of the attempts to intimidate us and make us leave our houses. Otherwise, I am sure that those were not our Serb neighbours, but probably some other people.”*

As in many other cases, the investigation on this incident has not been finished and the perpetrators have not been brought to justice. A similar incident occurred on Meše Selimovića Street when a grenade was thrown at Albanian house. It happened only one day after the Mikronaselje attack. In that part of town, which is located very close to the Bosniak town, only three Albanian families live. They all have the surname Peci. All other houses are Serb. On 18 March 2005, during night time, an explosive device was thrown inside their yard. Windows and doors were broken as a result of the explosion. This is how Dafina Peci described the event to the HLC:

*“In the night of 12 and 13 March 2005, we were at home. I was with my father and mother, and my older brother was there, too. We were watching TV. My brother and I sat on the couch with our backs to the window overlooking the yard. Beside our house, there is my uncle Hetem’s house. It was exactly 12:10 when we heard a huge explosion. All the windows were broken and glass fell all over my back. The explosion threw my brother and me to the other side of the room near the TV. It is a miracle that we did not sustain any injuries. I fainted and when I woke up I saw my parents pouring water on me. While we were trying to calm down, our Serb neighbours came into our yard. They said they were sorry about the incident and one old lady even cried. They called the police, which arrived soon after. They were KPS members, Serbs from the north part of town. Soon after, KFOR arrived. We still do not know what the device that was thrown was. It was thrown right next to the wall of the house owned by my uncle Hetem Peci. Our house was more damaged than his. One window and door was broken on his house, as well as a small part of the roof. The hole made by detonation was on the concrete path along side the wall. Our house is only 4 to 5 metres away from Hetem’s wall. Because of this, all of our windows, door, and a part of the weather boarding were broken.”*

Albanians insist these incidents were not committed by their Serb neighbours. They think that the motive for these attacks is to intimidate them in order to leave the houses in the northern part of Mitrovica.

#### 4.10. Mines planted in a Serb house in Klokot village, Vitina Municipality

The village of Klokot/Kllokot is located in the municipality of Vitina/Viti and before the armed conflict it was 100% Serb. Most of the residents had never left their homes, but since they were attacked several times after the armed conflict, several of them sold their property and moved out of the village. Three Serbs from this village were kidnapped in July 1999 and their bodies were found several days later. One woman from this village was working in the field in October 2002 when she stepped on the mine and died instantly. During 2003 and 2004, the number of assaults on local Serbs decreased, which influenced the freedom of movement. Local Serbs were driving to Vitina/Viti, Gnjilane/Gjilan and all over the Gnjilane region. However, during 2005, one incident happened. A bomb was planted in Milan Marinković’s house. On 10 May 2005, in the

late evening hours, a strong explosion was heard and Milan's new house was completely destroyed. Fortunately, nobody was in the house in that moment, so there were no casualties. Milan Marinković gave the following description of the incident to the HLC:

*“Around 03:15 I heard a loud explosion. I thought KFOR soldiers had some kind of exercise and that is why I did not get out of the bed. In the morning, around 6:15, as usual, I got up. I went out in the yard and washed my face by the well. That is when my wife came and asked me if I had already visited the new house that morning. I said no and then she told me that it had been destroyed. I went there straight away. I did not have anything to see. It seemed as if the front pillars had been mined since the roof fell in on the front side. The house was destroyed as if it had been made of card board. My son called the police and they arrived around 7:00. New patrols came every minute, so there were a lot of police. KFOR soldiers arrived too. Police asked me if I suspected anyone. I did not see who did it and I dared not guess. I could not have known who did it. While the police were still there, one Albanian neighbour who bought a house next to mine came by. When I saw him, I asked him, “Neighbour, is this alright?” He looked at me and said, “My dear neighbour it is not, but God sees everything”. Of course, I do not suspect my neighbours despite the fact that they had arrived recently. Somebody did that deliberately in order to intimidate me and make me leave the village.”*

The official investigation has never been finished and Marinković family stayed without their house.



*Milan Marinković on the ruins of his house*

#### 4.11. Grenades thrown at Serb returnee's house in Klina

In the night of 16 June two hand grenades were thrown in front of the Tošić family house. The Tošić family returned to Klina/Klinë in early June 2005. They have a house on the outskirts of Klina. In the moment when the incident occurred, only the old Tošić couple were inside the house. Their son Puniša gave the following statement to the HLC regarding the incident:

*“On 17 June around 1 a.m., somebody threw two hand grenades inside our yard. One fell near the entrance to the house and another one fell a little further away, by the corner of the house. According to my parents, they heard two huge explosions. The window in their room broke and glass fell over them, but fortunately the two of them were not injured. They were very scared and they did not dare move for a long time, they did not even dare turn the lights on. Albanian neighbours did not even come to check what happened. After some 10 to 15 minutes, the first police vehicle arrived and after the first many police cars arrived, as well as a KFOR vehicle. Police carried out their job. They were at the scene the whole night and the following morning. They took photos of the scene. My parents gave statements, but when they were asked who they suspected, they were of course not able to say. They were also asked if they wanted to be placed somewhere else. They said that they had returned to live in their house and not to leave it again.”*

This was the first incident that happened since the return of Serbs to Klina started. All returnees were scared, but none of them left Klina. The Police investigation influenced their decision to stay. Three persons were arrested as suspects. After this event, the return process was not interrupted. On the contrary, other families decided to return to their homes, as well.

#### 4.12. Serb shot at in Sušice Village, near Gračanica

The last incident in a row of incidents directed against the members of Serb minority community was the shooting at a young Serb man in the village of Sušice/Sushicë near Gračanica/Graçanicë. The village of Sušice is located some 3 to 4 kilometres from Gračanica/Graçanicë and it is 100% Serb. However, the road that passes through this village goes through several villages, among which Kišnica/Kishnicë, Janjevo/Janjevë, Donje and Gornje Gušterice/Gushtericë e Ulët dhe e Epërme, Saskovac/Saskoc, and Teca/Teqa. Albanians live in some of these villages and they usually use the road through Sušice/Sushicë in order to get to Priština. On 30 November around 13:20, while returning from school young Dragan Jovanović was shot at from a moving vehicle. Dragan sustained a gun shot wound to the right upper arm. Dragan Jovanović gave the following description of event to the HLC:

*“I did not see any passengers on the street in that moment. I noticed one car going in my direction. I noticed that it was a black cherry coloured Audi A4. There were two people in the car. As far as I can remember, the car had Kosovo license plates (KS). It was moving very slowly. For some reason, I did not pay attention to it. I walked on the left side of the road and I was trying to send an SMS to my friend. The car was moving very*

*slowly. In the moment it was passing me by, I noticed that the driver's window, the one on my side, was open. I didn't hear those inside talk, and I didn't hear music or anything. I didn't look at them and that is why I don't know what they look like or how old they are. I continued typing the SMS. Right in the moment they passed me by, I felt a sharp pain in my right forearm. I didn't hear a shot. I know I fell on the ground. Then I got up and started running through the fields, running away from the road. I don't remember how far I ran, but I remember that in one moment I turned around to see what was happening. I noticed that the car continued driving slowly towards Gračanica."*

Dragan Jovanović's family took him to Gračanica/Graçanicë for medical treatment and the police came to the scene and carried out an investigation. However, nobody has been arrested for this incident. This incident caused dissatisfaction and anger among the local Serb population. The following morning, a group of young Serb men stoned several Albanian cars on the main road going to Gračanica/Graçanicë.

Regardless of all these incidents, the Kosovo law enforcement authorities: KFOR, UNMIK, and KPS, claim that the security situation in Kosovo is stable. However, the very small number of resolved incidents has negatively affected minority communities and they live in fear. This directly influences the freedom of movement and the return process.

## **5. Trials for Events Which Occurred in March in Kosovo**

As a part of the Project for trials monitoring and ethnically and politically motivated murders, in 2005 the HLC monitored a certain number of trials related to the March 2004 events. The trials were chosen based on the severity of crimes the indictees were charged with. Trials related to the March events, which were followed by the HLC were conducted before the internationalized courts. The presidents of the trial panels in all cases were international judges.

Trials monitored during 2005 were as follows:

- Gnjilane/Gjilan District Court, trial of Sadri Šabani,
- Gnjilane/Gjilan District Court, trial of Xhevdet Sulejmani, and
- Priština/Prishtinë District Court, trial of Mehmet Morina.

The HLC also monitored the trial of Jeton Zogaj in December 2004 before the Prizren District Court.

The number of trials for the March events that the HLC monitored was limited by the responsibilities on the war crimes trials' monitoring.

According to the information obtained by the OSCE, around 51,000 people participated in 33 riots. According to the OSCE, until 18 November 2005, 426 persons were indicted for participation in these riots, out of which 316 cases were closed while 110 stayed unresolved. A total of 209 persons were convicted for participating or committing crimes during the riots; in 95 cases charges were dropped, and 12 acquittals were reached.



### 5.1. “Sadri Shabani et al” Case

The trial of Sadri Shabani et al was conducted before the Gnjilane/Gjilan District court mixed panel containing three members and presided by international judge from Austria, Claudia Finc. One local judge was also a member of the panel.

Gnjilane/Gjilan District Public Prosecution’s indictment represented by international Prosecutor charged indictees Agron Ibrahim, Nexhat Ramadani, Saćip Brahimi, Xheladin Salihu, Sadri Shabani, and Agim Abdulahu with the following act: on 17 March they endangered the life and property of people at the place where a larger group of people was gathered in Gnjilane/ Gjilan and they endangered property.

The same indictment charged Agron Ibrahim, Nexhat Ramadani, Saćip Brahimi, and Xheladin Salihu with the murder of Slobodan Perić and inflicting serious bodily injury on his mother Anka Perić.

Defendant Xheladin Salihu was charged with the “illegal weapons possession” (in the period from 16 March to 26 March 2004 he possessed 7.62 mm AK 47 automatic rifle with ammunition) and “distraction of respective authorities in gathering evidence”.

The main hearing in this trial began on 25 January 2005 and there were 25 sessions in which 30 witnesses, mostly KPS members, were examined. These people witnessed the March events or were officially working on this case. Six witnesses were protected. They were examined in the courtroom in the presence of the public, but their identity was not revealed on these occasions.

In the course of the trial, the international prosecutor amended the indictment. The defendants’ act were clarified: on 17 March 2004, in Gnjilane, defendants Agron Ibrahim, Nexhat Ramadani, Saćip Brahimi, Sadri Shabani, Xheladin Salihu, in complicity with others, committed the act of murder and causing the state of general danger.

By the amended indictment, the principle defendant Agron Ibrahim was charged with hitting Slobodan Perić at least once on the legs; the secondary defendant Nexhat Ramadani with jumping over Slobodan Perić and hitting him with a stick at least once on the hands or head; the third defendant Saćip Brahimi with hitting Slobodan Perić once with a brick or stick; the fourth defendant Xheladin Salihu with taking an automatic rifle AK 47 from the scene of the crime, which was owned by Slobodan Perić. The acts of the defendants, according to the indictment, caused death of Slobodan Perić and serious bodily injury of Anka Perić, as well as the destruction of their property, house, and car.

The defendants were found guilty and convicted to the following sentences:

– 16 years of jail to Nexhat Ramadani;

– 3 years and 6 months in jail to Saćip Brahim, considering earlier Gnjilane/Gjilan Municipal Court sentences to three months in jail, verdict P. no. 210/04 rendered on 2 June 2004 in relation to the crime as per Article 46 of the PKCC and withdrawn sentence to 1 year and 6 months in prison rendered by the Gnjilane District Court, verdict P. no. 2101/01 rendered on 10 March 2003 in relation to the act described under Article 45 Paragraph 3 of the PKCC.

– 11 years of jail for Xheladin Salihu, considering the crime pursuant to Article 45 of the PKCC and earlier sentence to three months rendered by the Gnjilane District Court P. no. 12/04 delivered on 10 March 2004.

– 2 years and 6 months of prison to Sadri Šabani, and

– 2 years and 6 months of imprisonment to Agim Abdulahu.

All sentences include the time spent in the pre-trial detention.

### 5.2. “Xhevdet Sulejmani” Case

The HLC monitored the trial of Xhevdet Sulejmani before the mixed panel of the Gnjilane/Gjilan District Court. Gnjilane/Gjilan Municipal Public Prosecutor originally indicted him for causing a state of general danger. The defendant was charged with the following act: on 17 March 2004 he committed the following crimes: causing national, racial, and religious hatred, discontent, and intolerance; causing a state of general danger by dangerous means and with causing large material damage to the protected witnesses “SD” and “BD”.

The trial was conducted before the mixed panel containing three members, presided by an international judge, with the participation of two Jury Judges. An International Prosecutor represented the prosecution. There were 17 sessions in the main hearing in which, besides the defendant, injured parties and witnesses were examined. A large number of witnesses who were examined had the status of protected witnesses. During the examination of the protected witnesses, the trial was closed to the public. The examination of the protected witnesses was carried out with the help of court interpreters and persons present in the courtroom were not able to hear their voices.

Verdict K. no. 158/2004 from 31 October 2005 pronounced Xhevdet Sulejmani guilty and convicted him to two years in jail, but this sentence was suspended providing the defendant did not commit any other crime in the period of two years from the day the judgement became final.

### 5.3. “Mehmet Morina” Case

The trial of Mehmet Morina was conducted before the Priština/Prishtinë District Court international panel and international prosecutor represented the indictment. An

International prosecutor originally charged defendant Mehmet Morina with the following acts:

1. Murder as per Art. 30 Para 2 item 2 of the KCC, in conjunction with Art 22 of the YCC (Art. 147 Item 6 in conjunction with Art. 23 of the PKCC);
2. Being a member of a joint criminal enterprise, penalized under Art. 200 Para. 1 of the KCC (Art. 320 of the PKCC).

The judge for confirming the indictment did not accept the indictment for murder replacing it with the following charges:

1. Brutal and violent attempted murder, as per Art. 30 Para. 2 Item 1, 3, and 5 of the KCC, in conjunction with Art. 19 of the YCC (Art. 147 Para. 3, 5, and 6. in conjunction with Art. 20 PKCC).
2. Light bodily injury inflicted by a dangerous object as per Art. 39 Para 2 of the KCC (Art. 153 Para. 2 of the PKCC).

When the indictment was being confirmed, the International prosecutor's indictment for participation in a joint criminal enterprise pursuant to Art. 200 Para. 1 of the KCC (Art. 320 of the PKCC) was overruled.

The main hearing in this trial began on 13 April 2005. It lasted a little over three months; there were eight sessions in which defendant, injured parties, and respective officers who participated in diverse phases of case resolving were examined.

There were nine witnesses in the course of the trial, of which six were for the Prosecution, and one of them was a protected witness.

The protected witness who was examined in the private session gave evidence in a special room. He described in detail the way the crime the defendant was charged with was committed (that he saw the defendant from immediate vicinity hitting the victim with a metal bar in the head and explained that he brandished the bar like an axe).

The scene of the crime was investigated during the main hearing. The protected witness attended this investigation and he pointed to the places where he saw the defendant on that specific day and described the way the defendant was hitting the victim. The investigation was so organized that the defendant who also attended the investigation of the scene was not able to see the protected witness.

#### Verdict K. no. 439/2004 fro. 22 July 2005

Mehmet Morina was found guilty of attempted murder as per Art. 30 Para. 2. Item 1 and 5 of the KCC in conjunction with Art. 22 of the YCC (Art. 147 Para. 5 and 6 of the PKCC in conjunction with Art. 2 and 23 of the aforementioned law) punishable with 18 years of imprisonment – for the attempted murder of Zlatibor Trajković committed in

complicity with others on 17 March 2004. The time spent in the pre-trial detention from 19 April 2004 was included in this sentence.

The body of the victim, Zlatibor Trajković, was burned during the riots. The trial panel had no evidence to prove that the injury inflicted by the defendant directly caused the death of the late Trajković.

#### 5.4. “Jeton Zogaj et al” Case

The main hearing in the criminal proceedings in the trial of Jeton Zogaj et al (Artan Bitiqi and Gazmend Xhoxhaj) took place on 14 December 2004 based on the Prizren/Prizren District Public Prosecution’s indictment, which charged the defendants with several crimes: causing national, racial, and religious hatred, discontent, and intolerance, causing a state of general danger, damaging other people’s property, damaging and destroying monuments and protected facilities. The main hearing was conducted before the Prizren/Prizren District Court mixed panel presided by international judge. Panel members were jury judges.

The defendants admitted their guilt in the commission of individual crimes for which they were convicted to the following sentences: Jeton Zogaj was convicted to two years in jail; while Artan Bitiqi to was given a two years suspended jail sentence to be enforced if he commits another crime in the period of five years; similarly, Gazmend Xhoxhaj received a 22 month suspended jail sentence to be enforced if he commits another crime in the period of five years.

#### *Conclusion:*

These are the most significant trials organized to date for the perpetrators of crimes committed during the March riots in 2003.

According to OSCE Monitoring Section, which permanently monitored all trials related to the March riots, there were very few charges compared to the number of people who participated in the riots and to the consequences, which occurred.

HLC also thinks that the sentences are far too lenient, bearing in mind the fact that these are the most serious cases. The sentences were among the lowest regardless of the difficulties the courts had to meet during the investigation (problems with gathering evidence, the lack of evidence, difficulties in gathering evidence because of the great number of incidents that happened in a short period of time, witness avoiding testifying, fear of the injured parties who decided to stay and live in Kosovo, injured parties’ moving after these events, as well as the end of UNMIK police officers’ mission).

## Summary

Significant improvement has been made regarding the respect for minority rights in Kosovo during 2005. However, that is far from a satisfactory level. Kosovo Serbs still live in fear and insecurity believing that their safety might be endangered in any moment. A string of incidents, mostly ethnically motivated, and a subsequent series of unsuccessful investigations, contributed to this feeling. Kosovo Roma, often a target of local Albanian provocation, also feel insecure. Concerning other minority groups, the situation is quite different. Kosovo Turks, Bosniaks, Ashkaly, and others do not have such problems regarding the safety, freedom of movement, and other rights. The greatest problem for the members of these minority communities is the right to employment. Except for the institutions in which there has to be a certain percent of minority employees, in all other public companies the members of minority communities are discriminated against. PTK (Post-Telecommunications), KEK (Kosovo Power Company), and all public utility companies could be taken as examples.

### *Freedom of Movement*

Even though the security in Kosovo improved during the year of 2005, members of ethnic minorities, especially Serbs and Roma, still do not move freely throughout Kosovo. The worst situation is in the Peć region, while in the Prizren region we can see some positive steps. In this region, the situation returned to the level, which existed before the March events. Serbs move freely through Prizren, just as they did before the March events.

### *Return of Displaced Persons*

The return of displaced persons in Kosovo in 2005 was down 35% compared to 2004. Despite this process of displaced persons' return to Kosovo during 2005 was – when it did occur - more dynamic than during the previous period. Unlike the previous years, in 2005 there were examples of Serbs returning to urban environments, Klina for example. The fact that the Kosovo Government created the Ministry for Minority Communities and Return also contributed to return process. Regardless of the fact that in many regions in Kosovo the return process is happening without any major problems, the truth is that the great numbers of displaced persons still live in bad conditions, in alternative accommodation waiting for the conditions for their return to improve.

### *Equal Access to Institutions*

Based on its research, the HLC believes that members of minority groups, especially Serbs, Roma, Ashkalies, and Egyptians, are underrepresented in civil services, and even though there was a small improvement in 2005 compared to the previous period, the representation of minorities in the civil service is far from a satisfactory level. Despite the laws passed by the Kosovo Government concerning access to public services and institutions, and the use of language, minorities – with the exception of a few municipalities - still face problems.

### *Ethnically/Racially Motivated Violence/Incidents*

The number of incidents i.e. assaults in the members of minority communities during 2005 is lower than during the previous period.<sup>10</sup> However, in 2005 attacks on KPS members who come from the Serb Community was unprecedented. Two such cases were registered near the municipality of Štrpci. None of these cases has yet been clarified. This had a negative influence not only on Serb KPS members, but generally on all minority communities.

#### *Trials for March Events*

The trials mentioned in this report represent the most significant trials organized for the people who committed crimes during the riots in March 2004.

The HLC believes that the sentences for these people are too mild even though these are the cases of the most severe violations of law. The sentences were close to the legal minimum, which could not be justified, regardless of the problems the courts had to deal with in their work.

The following problems were registered: difficulties in gathering evidence, lack of evidence, difficulties in collecting evidence because of a large number of incidents in a very short period of time, difficulties with witnesses i.e. their avoiding to give evidence, fear of the injured parties who decided to stay in Kosovo, and injured parties' leaving after these events, etc.

#### *Recommendations*

The Humanitarian Law Center suggests the following things in order to start resolving the problems of the minority ethnic communities:

- Laws passed by the Kosovo Government should be completely implemented at all levels, Kosovo level as well as at the local level;
- Kosovo Government officials should exploit the human resources as much as possible regardless of their national, ethnic, racial, religious, or gender affiliation;
- To increase the number of law enforcement authorities – TMK, KPS, UNMIK, KFOR – in the regions with the mixed population, to increase the safety level for all citizens of Kosovo and investigate crimes in order to increase citizens' trust in these institutions;
- Investigations into ethnically motivated attacks must be diligently pursued until resolved by TMK, KPS, UNMIK;

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<sup>10</sup> According to UNMIK information from the Kosovo Analysis report, which is available in public as of April 2005, the level of crime significantly decreased. From June to December 1999 there were 500 murders, year 2000 there were 244 murders, 2001 there were 170 murders, 2002 70 murders, and 2003 72 murders. From January to October 2004 there were 80 murders. Out of these 80 victims, 11 are Serb. There are 1,199 persons serving prison sentences in Kosovo.

- Larger role of media in raising awareness and promoting human rights for the equality of all Kosovo citizens and condemnation of criminal activities;
- To build a strategy for peace, tolerance, and coming to an end with the legacy of past atrocity, permanent return of the displaced persons, etc;
- Kosovo Government officials, in cooperation with international institutions, should build a strategy for economic growth and employment, especially of the younger members of society in Kosovo.