

## **KOSOVO**

Kosovo has a population of approximately 2.2 million and is administered by the UN Interim Administrative Mission in Kosovo (UNMIK) pursuant to UN Security Council (UNSC) Resolution 1244 of 1999. UNMIK is led by a special representative of the UN secretary general in Kosovo (SRSG). UNMIK promulgated regulations that addressed the civil and legal responsibilities of governmental entities and private individuals and ratified laws passed by the Kosovo Assembly. The UNMIK-promulgated Constitutional Framework for Provisional Self-Government in Kosovo defines the provisional institutions of self-government (PISG). Multiparty elections in October 2004 for seats in the Kosovo Assembly generally reflected the will of the voters. UNMIK international civilian authorities and a UN-authorized North Atlantic Treaty Organization (NATO) peacekeeping force for Kosovo (KFOR) generally maintained effective control over security forces; however, there were occasional reports that local elements of the security forces acted independently of their respective authority. During the year, negotiations aimed at settling Kosovo's future status were held under the auspices of the UN Office of the Special Envoy for Kosovo. No decision on Kosovo's status had been reached by year's end.

UNMIK and the PISG generally respected the human rights of residents; however, there were problems in some areas, particularly relating to minority populations. The most serious of these were cases of politically and ethnically motivated killings; death and injuries from unexploded ordnance or landmines; lengthy pretrial detention and lack of judicial due process; corruption and government interference in the judiciary; societal antipathy against Serbs and the Serbian Orthodox Church; lack of progress in returning internally displaced persons to their homes; corruption in the PISG; violence and discrimination against women; trafficking in persons, particularly girls and women for sexual exploitation; societal violence, abuse, and discrimination against minority communities; societal discrimination against persons with disabilities; abuse and one killing of homosexuals; and child labor in the informal sector. Unexploded ordnance from the 1998-1999 conflict continued to be a concern and caused several deaths or injuries.

### **RESPECT FOR HUMAN RIGHTS**

Section 1 Respect for the Integrity of the Person

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that international authorities UNMIK, the PISG, KFOR, or their agents committed unlawful or arbitrary killings; however, local security forces organized under the authority of the PISG committed at least one unlawful or arbitrary killing during the year.

On January 2, Kosovo Protection Service (KPS) special forces officer Albert Markaj killed detainee Besnik Kastrati inside the Pec/Peja police station. The killing was linked to a blood feud between the families of Markaj and Kastrati. In October Markaj was convicted of murder and sentenced to 10 years in prison.

On December 2, Hetem Sadri Rexhaj was killed in police custody in Pec/Peja. No further details were available at year's end, although a KPS professional standards unit investigation was underway.

During the year landmines or unexploded ordnance from the 1998-1999 conflict killed one person and injured ten, compared with two fatalities and three injuries in 2005. Despite some progress on cleanup, unexploded ordnance remained a threat to civilians.

During the year there were at least two killings that may have involved a political motive. On May 2, unknown persons killed Mark Oroshi, the man suspected of killing attorney and Istok/Istog Democratic League of Kosovo (LDK) political activist Shaban Manaj in 2001. Oroshi was released due to lack of evidence. According to police he had been a target for some time. Earlier in the year, Oroshi was injured in a failed assassination attempt. A KPS investigation continued at year's end.

On June 20, a 68-year-old Kosovo Serb, Dragan Popovic, was shot and killed in his home in the ethnically mixed Klina/Kline municipality. Popovic left Kosovo during the 1998-1999 conflict and had returned to Klina/Kline in 2005. Despite some allegations that this killing involved an ethnic motive, no such evidence had emerged and no suspects were apprehended by year's end.

Unlike in previous years, there were no apparently politically motivated killings of police officers.

There were reports of attacks and threats against Kosovo Albanian political and institutional figures (see section 3).

There were no developments in the investigation into the January 2005 killing of UNMIK police officer Omar Ali, who died when a bomb was detonated under his official vehicle.

On March 17, a court dismissed for lack of evidence the case against Tasim Osaj for the April 2005 killing of Enver Haradinaj, brother of former prime minister and Alliance for the Future of Kosovo (AAK) president Ramush Haradinaj. Osaj voluntarily surrendered in July 2005.

The investigation into the August 2005 apparently ethnically motivated killings of Kosovo Serbs Ivan Dejanovic and Aleksander Stankovic in Strpce, which also injured two passengers in their car, was closed on August 7 due to insufficient evidence.

There were no developments in the possibly politically motivated killing of ethnic Turk and Turk Democratic Party of Kosovo member Ibish Cakalli in October 2005. Investigations remained ongoing at year's end.

There were no developments in the following apparently politically motivated killings of Kosovo Albanians in 2005: the January 2005 killing of Sadik Musaj, a witness at the "Dukagjini group" trial; the April 2005 killing of Muhamet Sallaj, a former Kosovo Liberation Army (KLA) member; the June 2005 drive-by shooting of journalist Bardhyl Ajeti of the Albanian language daily *Bota Sot*; the July 2005 drive-by killing of Muhamet Xhemajili, former commander of the Liberation Army of Presevo, Medvedje and Bujanovac, an armed Kosovo Albanian group previously active in Serbia's Presevo Valley; the September 2005 car bombing of Kosovo Protection Corps (KPC) and former KLA member Naser Ramaj and his brother Jeton; the October 2005 killing of Hasan Rrustemi, a witness in the war crimes trial of former KLA (and former KPC) Commander Selim Krasniqi.

There were no developments in Kosovo Albanian minor "AK"'s appeal of his June 2005 aggravated murder conviction for the June 2004 killing of 17-year-old Kosovo Serb Dimitrije Popovic and serious injury of another Kosovo Serb teenager in a drive-by shooting in Gracanica.

On September 26, the murder trial of Shkumbin Mehmeti, Florim Ejupi, Xhavit Kosumi, and Faik Shaqiri began before international judges. The four were charged in April 2005 with

the killing of a KPS officer and an UNMIK police officer in an ambush on the Podujevo/Podujeve road after the March 2004 riots. Ejupi was also indicted earlier on charges that he and accomplices planned and executed the 2001 Merdare bus bombing near Podujevo/Podujeve that killed 11 Kosovo Serbs and injured 40. A hearing in the latter case remained pending.

There were no developments in the 2004 killing of Avni Elezaj, a former KLA fighter and bodyguard of former prime minister and AAK president Ramush Haradinaj.

On October 18, a special KPS unit apprehended Faton Hajrizi, accused of killing a Russian KFOR soldier in Klina in 2002. Hajziri had escaped from the Pec/Peja investigative prison during trial in August 2005. He remained in custody at year's end.

On August 4, an international panel of the Prizren District Court found Sali Veseli guilty of criminal association and complicity in aggravated murder for the apparently politically motivated 2000 killing of the director of the Prizren Department of Environment, former KLA member Ekrem Rerxha, known as "Commander Drini," and sentenced him to 15 years' imprisonment. The Supreme Court rejected Veseli's appeal on September 1. The court acquitted codefendant Abit Haziraj of the actual assassination for lack of evidence; the gunman was never identified. Charges against codefendant Xhemali Beqiraj were dropped.

#### b. Disappearance

There were no reports of politically motivated disappearances; however, there were still thousands of persons missing from the 1999 conflict whose remains had not been identified or whereabouts determined.

According to the International Committee for the Red Cross (ICRC), 2,139 persons remained unaccounted for at year's end, compared with 2,464 at the beginning of the year. Of those still unaccounted for, the ICRC reported that approximately 70 percent were Kosovo Albanians and 30 percent were Kosovo Serbs and other minorities.

During the year the UNMIK Office of Missing Persons and Forensics (OMPF) continued to identify the remains of missing persons in Kosovo. Since its establishment in 2002, the office performed 505 field operations and exhumations, 59 of which took

place during the year. The remains of over 3,800 missing persons had been recovered and OMPF focused on establishing the identities of the 1,440 sets of human remains discovered in Kosovo and approximately 900 received from Serbia since 2002.

During the year OMPF continued to hold 582 unidentified bodies in the Pristina morgue, of which 414 were exhumed in Kosovo and 168 were transferred unidentified from Serbia. OMPF received 398 positive DNA reports during the year, representing 291 different individuals. OMPF also submitted 262 bone samples for DNA testing to the International Commission on Missing Persons (ICMP), which returned 1,635 results. By year's end, OMPF had completed forensic inspections of all cases transferred from Serbia proper during the year (remains were transferred on March 31 and June 30) and had conducted 425 autopsies.

At year's end OMPF also continued exhumations; it recovered and autopsied 51 bodies from 34 sites. On October 13, OMPF transferred to the Serbian government the remains of 28 Serbs and other ethnic minorities killed in 1998 and discovered in a mass grave in Volljak, Klina/Kline municipality, in 2005.

On June 30, the Serbian government transferred the last sets of identified remains of Kosovo Albanian victims of the 1999 conflict found in mass graves in Serbia. These remains were returned to families for burial. Families of the missing continued to request that the Serbian government provide access to records that might indicate locations of additional mass graves or places where Kosovo Albanian bodies may have been incinerated.

A working group of Kosovo and Serbian officials on missing persons, chaired by the ICRC, met twice during the year under the auspices of the SRSG. Although a special subgroup on forensics was formed in September 2005 and met several times in the first half of the year, it had not yet identified the hundreds of remains still stored in the Orahovac/Rahovec morgue.

Of the 711 cases resolved in 2005, 174 human remains were identified and transferred to the families by August: 45 from Serbia to Kosovo, 112 within Kosovo, and 28 from Kosovo to Serbia. During the year 323 human remains were identified and returned to families: 102 from Serbia to Kosovo, 60 from Kosovo to Serbia, and 161 within Kosovo. The bodies identified during the year included 253 Kosovo Albanians and 70 members of other ethnic groups.

In 2004 the Prizren prosecutor's office announced arrest warrants for two former Kosovo Serb policemen, Goran Janjusevic and Slavisa Milkovic, for committing war crimes against the civilian population in the Prizren region, including the kidnapping and killing of Ardian Zyrnagjiu during the 1999 conflict. Both suspects remained at large at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitutional framework and criminal procedure code prohibit such practices; however, there were reports that the PISG engaged in such practices. There were no reports that UNMIK, which is the sovereign authority, or KFOR, which has limited arrest and detention authority, engaged in such practices.

According to media reports, the KPS used force to disperse demonstrations and beat demonstrators while making arrests on a least four occasions during the year. The Self-Determination Movement, a group that opposed the continued UN presence and practiced aggressive and confrontational tactics in advocating immediate and unconditional independence for Kosovo, organized protests during the year, several of which became violent. On May 5, the KPS arrested 22 movement members demonstrating against UNMIK, and the media reported that the KPS beat detainees. An unknown number of demonstrators refused medical treatment at the police station; nine KPS officers were injured in the incident, one seriously. An internal KPS investigation found that the KPS did not use excessive force, and none of demonstrators filed official complaints against the police. On June 9, police again reportedly beat protesters while arresting 91 movement members demonstrating against UNMIK; there was one report that a protestor required surgery to treat his injuries. Police violence was also reported on June 28, when police arrested 85 Self-Determination Movement activists at the Kosovo-Serbia administrative boundary line crossing at Merdare, and 31 movement members in Mitrovica, who were protesting the Serbian prime minister's visit to Kosovo. The Kosovo Assembly and the government criticized the reported police abuse of Assembly member Emrush Xhemajli, who was arrested in Merdare. Similar KPS beatings of protesters were reported during the movement's August 23 demonstrations at the Kosovo Assembly and UNMIK headquarters. Eight of the 22 were detained for 72 hours.

At a November 28 protest, demonstrators reportedly threw rocks and paint-filled bottles at buildings housing UNMIK and

government offices. UNMIK police responded with tear gas but did not intervene further, instead videotaping the incident and later arresting eight people. All were subsequently released. No injuries were reported, and at year's end no serious charges had been brought against the activists.

In an October 2005 letter to the SRSG concerning October 2005 Self-Determination Movement arrests, the Ombudsperson cited eyewitness reports that "many" activists had experienced "severe ill-treatment" during their arrest and statements by persons who had been arrested that the mistreatment continued after they had been taken into custody. The KPS Professional Standards Unit initiated three investigations, one of which was dismissed as unfounded. The other two investigations resulted in discipline against KPS officers involved, each of whom was suspended for 10 days without pay, given mandatory remedial training, and given letters of discipline in their personnel files.

There were developments in the case of six Kosovo Albanian KPC officers arrested for alleged involvement in war crimes committed against Kosovo Albanian civilians in the Drenovac Detention Camp in Prizren between June and October 1998. On July 27, the international investigating judge dropped the charges against Isuf Gashi and Xhavit Elshani. On August 10, the Gjilan District Court acquitted Islam Gashi and convicted former KPC commander general Selim Krasniqi, colonel Bedri Zyberaj, and Agron Krasniqi of war crimes and sentenced each of them to seven years in prison. When Zyberaj and Selim Krasniqi were provisionally released pending their appeals, Kosovo Prime Minister Agim Ceku visited Selim Krasniqi, called the release "a good thing for Kosovo," and declared, "I never stopped believing in their innocence." Both the Belgrade-based Humanitarian Law Center-Kosovo Branch (HLC) and the Kosovo-based Council for the Defense of Human Rights of Freedoms (CDHRF) criticized the prime minister's statement. Later in August, the prosecutor won a Supreme Court appeal of the provisional release, and an order was issued for the rearrest of the men soon thereafter. Zyberaj was apprehended on October 25. At year's end, Selim Krasniqi remained at large.

During the year authorities brought a number of persons to court for crimes related to the March 2004 interethnic riots (see section 5).

#### Prison and Detention Center Conditions

Prisons and detention centers reportedly met international standards, and UNMIK permitted ICRC visits and monitoring by the Ombudsperson; however, there were allegations of abuses, including sexual abuse, and mistreatment of prisoners during the year. The government denied prison access to at least one local nongovernmental organization (NGO) during the year.

The Dubrava prison and five detention centers operated during the year, and the construction of a new prison facility continued in Lipljan/Lipjan to alleviate crowding.

UNMIK police corrections officers managed prisons and detention centers, but increasingly transferred responsibilities to the Kosovo Correctional Service (KCS), under the authority of the PISG.

On February 1, the UNMIK Department of Justice Penal Management Division appointed a Kosovo Albanian as KCS commissioner. UNMIK transferred control of Lipljan/Lipjan Prison and all five detention centers to the KCS on February 17. The KCS managed daily operations at the Dubrava prison, with the exception of the 32-prisoner "high risk" section, which remained under international supervision. UNMIK retained authority to take full control of the prison system during emergencies.

The CDHRF reported receiving complaints from prisoners and their families charging abuse and excessive solitary confinement in prison. Authorities did not conduct investigations into these allegations. On June 7, several prisoners went on strike at Dubrava prison, protesting the lack of supplies at the prison canteen. According to CDHRF, prison authorities violated many of the rights granted prisoners by the provisional criminal code, the antidiscrimination law, the juvenile justice code, the education law, and international law.

While the law provides for women and juveniles to be held separately from men, the CDHRF reported that women and juveniles in the Lipljan/Lipjan prison were being held only yards away from men serving sentences for lesser crimes and were harassed by them.

UNMIK reported bringing 60 disciplinary proceedings against members of the 1,650-strong KCS during the year, compared with 35 in 2005. The 17 proceedings that were concluded by October resulted in six dismissals, nine written warnings, and one demotion. Behavior resulting in discipline included

administrative violations such as repeated tardiness and fraud (see section 3).

In July the CDHRF was provided full access to monitor KPS police stations. The ICRC visited Kosovo's prisons, although it did not issue any public findings on its visits. In a December policy reversal, the minister of justice decided to allow CDHRF access to the prisons for the first time since 2003, although no such visits took place by year's end. In December, journalists were also allowed to visit both Lipljan/Lipjan and Dubrava prisons for the first time since the 1999 conflict. According to the journalists who visited Dubrava prison, the prisoners with whom they spoke praised prison conditions in the Justice Minister's presence but criticized them in his absence. Dubrava prison held 809 inmates at year's end, below its total capacity of 1,100.

In October the HLC filed suit in Prizren District Court on behalf of Sasa Grkovic, who alleged severe mistreatment while in detention in 2001-2002 before and during his trial on charges of mass murder and torture of civilians. He was acquitted and released after 457 days of imprisonment. There were no developments in the case by year's end.

In January the Council of Europe (COE) noted that it was unclear whether a NATO/KFOR detention facility in Kosovo was open for inspection by its Committee for the Prevention of Torture (CPT). In July the COE and NATO reached agreement to give the CPT full access to NATO/KFOR facilities. In December CPT visited KFOR headquarters to discuss future visits to detention facilities, but no such visits had taken place by year's end.

#### d. Arbitrary Arrest or Detention

The constitutional framework and criminal procedure code prohibit arbitrary arrest and detention, and UNMIK, KFOR, and the PISG generally observed these prohibitions in practice.

#### Role of the Police and Security Apparatus

Local security forces included the KPC, a civilian emergency response organization, and the KPS, a local police force which functions under the authority of the SRSG and supervision of UNMIK police. A December 2005 UNMIK regulation established the Ministry of Internal Affairs, which under the constitutional framework is responsible for law enforcement. In March Fatmir Rexhepi was appointed minister and in April KPS became an

executive agency under the ministry. UNMIK maintains executive authority over the police, but continued to transfer police authority and functions to the KPS.

An international commissioner of police directed both UNMIK police and the KPS, although in August UNMIK appointed a Kosovo Albanian as deputy commissioner and four Kosovo Albanians as assistant commissioners. Members of ethnic minorities comprised approximately 16 percent of the KPS's 7,200 officers at year's end; 10 percent of KPS officers were Kosovo Serbs. Thirteen percent of KPS officers were female.

Executive authority over the KPS is a reserved power of the SRSG. Day-to-day police operations have been transferred to the KPS in five of the six regions of Kosovo. In those regions, the KPS is responsible for all police services and routine activity. Specialized units on war crimes and ethnically motivated crimes were still primarily staffed by international UN police officers and largely operated independently of the KPS due to the sensitivity of those functions. Units on criminal intelligence and organized crime, including trafficking, were jointly operated. Both the international police and the judiciary have broad discretion to intervene in any particular criminal matter. As a practical matter, most policing duties and responsibilities were in the hands of KPS.

Susceptibility to corruption and government influence remained a problem in the security forces.

On June 28, the PISG Ministry of Internal Affairs and the OSCE Mission in Kosovo inaugurated the Police Inspectorate of Kosovo, a body designed to promote police efficiency and effectiveness, hold police accountable for their actions, and investigate and punish misconduct. The first 20 inspectors reported for duty on July 4, and 24 additional positions were advertised in December. During the year, inspectors began the first phase of their mandate: the audit and inspection of KPS management performance. They focused on efficiency and effectiveness, inspecting six of the 14 functional areas at each regional police headquarters and the central headquarters in Pristina and presenting reports on each. A general report on the inspectorate's 2006 activities was not yet available at year's end.

An UNMIK office of oversight investigated corruption in UNMIK and the criminal justice system. The judicial system generally held the security forces to the same level of accountability as it held the general population.

During the year the KPS professional standards unit, run by UNMIK police, completed 98 disciplinary investigations of KPS officers for participating in or failing to prevent violence in the March 2004 riots. The standards unit determined 53 allegations to be unfounded, suspended 35 officers without pay, referred seven to administrative discipline at the station level, demoted two officers, and fired one.

#### Arrest and Detention

Police generally made arrests openly using a warrant issued by a judge or prosecutor; however, in some cases, persons were arrested secretly by masked or undercover police officers. By law, arrests must be based on prosecutor orders and arrestees must be brought before a judge within 72 hours. Unlike in previous years, the majority of the year's arrests were carried out by the KPS rather than by UNMIK. According to the CDHRF, the KPS did not abuse the 72-hour rule and generally charged arrestees within six hours or released them. Arrestees have the right to be informed of the reason for their arrest in a language they understand; to remain silent and not answer any questions except those concerning their identity; to obtain free assistance of an interpreter; to obtain defense counsel and to have defense counsel provided if they cannot afford to pay for legal assistance; to receive medical treatment including psychiatric treatment; and to notify a family member. UNMIK police and the KPS generally respected these rights in practice. The law permits bail, confiscation of travel documents, house arrest, and other measures as an alternative to detention on remand, but these were applied in only a handful of cases.

Under extraordinary circumstances, KFOR can arrest and detain individuals without a warrant. The KFOR commander can extend the detention of individuals in 30-day increments without charging them with a crime before a court, provided they were not released by a court. There were no reports that KFOR arrested persons without a warrant during the year.

UNMIK police and the KPS may hold individuals for up to 72 hours without a court order. The court may hold individuals in pretrial detention for 30 days from the day of arrest, but this can be extended by the courts up to a total of 18 months. The law allows for house arrest, an appeal for detention on remand, and expanded use of bail as alternatives to pretrial detention.

Lengthy detentions, both before and during judicial proceedings, remained a problem. In October 820 persons were being detained on remand, compared to 432 detained serving sentences. The law provides that the judge may impose this extraordinary measure only when ordinary measures, such as house arrest, are insufficient to secure the defendant's presence during the criminal proceedings and enable proper administration of the criminal proceedings. In practice judges used detention on remand routinely, without showing any evidentiary justification.

e. Denial of Fair Public Trial

The constitutional framework provides for an independent judiciary; however, the local judiciary was at times biased and subject to outside influence and did not always provide due process. There were credible reports of corruption in the local judiciary, and the court system was inefficient.

On March 24, a Pec/Peja municipal court panel of three international judges found former judge Gani Kelmendi and a codefendant, Florim Zekaj, guilty of extortion. Florim Zekaj was also found guilty of attempted obstruction of justice. Both were sentenced to three years in prison. The court also prohibited Kelmendi from serving as a judge for five years after his sentence is completed. Kelmendi served as judge in the Municipal Court of Istok/Istog.

Legal authority is held by UNMIK under UNSC Resolution 1244. UNMIK police and justice authorities held executive responsibility for the judicial system but worked with local judges and prosecutors; during the year UNMIK transferred some reserved competencies to the Ministry of Justice, the Ministry of Internal Affairs, and the Kosovo Judicial Council that was established in December 2005. The Serbian government continued to operate an unsanctioned parallel judicial system in Kosovo Serb enclaves and in majority Serb municipalities.

The court system includes a Supreme Court, five district courts including a commercial court, 25 municipal courts, 25 minor offense courts, and an appellate court for minor offenses. In October there were 14 UNMIK-appointed international judges and 11 international prosecutors. The PISG included a central public prosecutor's office, five district prosecutors, and seven municipal prosecutors.

While the law provides that a panel of two professional and three lay judges try serious cases, an UNMIK regulation

authorizes international prosecutors to try cases of a sensitive ethnic or political nature, including before a panel of three international judges. International prosecutors initiated 101 cases during the year, and international judges tried five of them, resulting in four convictions.

UNMIK's Judicial Inspection Unit (JIU) monitored judicial performance and made recommendations on discipline and training. The unit has a mandate to audit and evaluate the Kosovo justice system, make recommendations to the Department of Justice for the resolution of systemic problems, conduct investigations into allegations of judicial and prosecutorial misconduct, and present cases of misconduct in disciplinary hearings before the Kosovo Judicial Council. The JIU had processed a total of 1,488 complaints since 2001, including 448 during the year. Of those 448, JIU rejected 221 cases and completed 100 of the 227 investigations it opened. In the majority of investigations (89), JIU found no misconduct. The unit referred six cases to the Judicial Council, which heard three by year's end, dismissing one judge and recommending three for disciplinary action.

A May 2006 Human Rights Watch report on the March 2004 riots cases criticized local and international authorities for failing to hold perpetrators accountable for their crimes. The report pointed to a lack of effective oversight by UNMIK over the judiciary and a failure to adequately develop and support the rule of law in Kosovo, calling impunity, particularly for crimes with a political or ethnic dimension, "rampant."

#### Trial Procedures

Trials are public, and the law provides for the right of defendants to be present at their trials, to confront witnesses, to see evidence, and to have legal representation, at public expense if necessary; however, these procedures were rarely used in practice. Defendants are presumed innocent until proven guilty and have the right of appeal. Trials are heard by panels consisting of professional and lay judges; there are no jury trials.

The UNMIK-established judicial integration section continued to address judicial system problems that affected minorities. In addition, the Ministry of Justice operated 11 court liaison offices, two of which were created during the year, to assist minority communities in Kosovo Serb-majority areas by accompanying members of minorities to courts, filing documents

with courts on their behalf, and providing information and legal assistance to refugees and internally displaced persons (IDPs). In response to past criticism by legal experts and human rights observers of a lack of fairness in criminal trials involving ethnic minorities, international judges and prosecutors, rather than Kosovo Albanians, tried and prosecuted cases involving Kosovo Serbs.

The KPS established a special investigation team to handle cases related to the March 2004 riots. The team covered the territory of Kosovo and was responsible for preparing dossiers on investigations, which were conducted in cooperation with UNMIK police and international prosecutors. According to the Kosovo Judicial Council, by year's end the 326 charges filed by municipal and district prosecutors for criminal offenses in connection with the riots had resulted in 200 indictments, 48 dismissals, 35 cases transferred from municipal to minor offenses court, and 43 cases suspended, terminated, or otherwise unsolved. Of the 200 indictments, municipal and district prosecutors won convictions in 134 cases, and courts acquitted eight and dismissed 28; 30 cases were pending at year's end (see section 1.a.). International prosecutors and judges handled the most sensitive cases. Of the 31 cases handled by international prosecutors and judges, courts convicted 26 individuals and acquitted one, and four were awaiting trial at year's end.

Kosovo's justice system and the International Criminal Tribunal for the Former Yugoslavia (ICTY) continued to identify and punish perpetrators of war crimes from the 1999 conflict; however, many cases remained unresolved. Supreme Court appeals continued in local courts to adjudicate cases of alleged war crimes and genocide arising from the 1999 conflict. The war crimes case against former KLA (and former KPC) commander Selim Krasniqi concluded during the year (see section 1.c.).

#### Political Prisoners and Detainees

There were no reports that KFOR, UNMIK, the KPS, or the PISG held political prisoners or detainees during the year.

#### Civil Judicial Procedures and Remedies

According to an April OSCE report, interference by municipal authorities and the UNMIK Department of Justice hampered judicial independence in civil matters. The OSCE cited instances in which municipal authorities plainly obstructed court proceedings, pressured judges in cases to which authorities were

party, and influenced third parties to prevent courts from exercising their authority. OSCE also reported that the justice department instructed judges not to process claims for compensation for property damages caused by KFOR, UNMIK, or the municipalities. The Department of Justice claimed that it did not pursue such compensation claims because the logistical challenges of such claims were insurmountable. It also claimed that an influx of property-related claims would hinder the courts' work, increase its already large backlog of cases, and require special planning and coordination, since it would be necessary to provide security escorts to a large number of Kosovo Serb claimants.

There were no reports of difficulty in enforcing court orders resulting from civil litigation. However, according to one survey, only 14 percent of the pending cases to affect a civil order resulted from civil litigation; 69 percent of such cases dealt with debt collection by utility companies.

#### Property Restitution

The Kosovo Property Agency was created in March under the PISG as the successor to the UNMIK Housing and Property Directorate. While the directorate only handled claims to residential properties, the new agency is responsible for the resolution of residential, commercial, and agricultural property claims from the Kosovo conflict. By year's end the Kosovo Property Agency had received 7,891 claims: 6,991 for agricultural property, 486 for commercial property, and 506 for residential property. Kosovo Serbs in the northern part of Mitrovica continued to occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part occupied and denied Kosovo Serbs access to their property. The Housing and Property Directorate reported that, by December 31, it had decided a total of 29,159 claims, including all of the 1,250 property claims in northern Mitrovica, Leposaviq/Leposavic, Zubin Potok, and Zvecan. In over half of these cases, the KPA resolved claims by allowing squatters to remain in place with owner permission and directorate administration of the property.

The Kosovo Property Agency administered 5,340 properties, 3,497 of which were held with the permission of claimants whose rights were adjudicated by either the Kosovo Property Agency or the former Housing and Property Directorate. The Kosovo Property Agency administered the remaining 1,843 properties where ownership had not been established. In September the agency began the first phase of a rental program for the residential

properties under its administration, providing a mechanism for displaced owners to receive some compensation.

The backlog of property-related claims in municipal courts grew from 17,000 in 2005 to over 47,000 at year's end; these were almost exclusively monetary claims by Kosovo Serbs for war-related damage. A study commissioned by the European Agency for Reconstruction estimated that 11,000 additional claims involving agricultural and commercial property awaited adjudication at the end of 2005. There was no indication that this number decreased during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

UNMIK regulations and the constitutional framework prohibit such actions, and UNMIK, KFOR, and the PISG generally respected these prohibitions in practice. KFOR forces assisted UNMIK civilian police and the KPS in conducting searches for high-risk suspects and independently searched private property for weapons without court orders, based on UNSC Resolution 1244's peacekeeping authority.

Section 2 Respect for Civil Liberties

a. Freedom of Speech and Press

UNMIK regulations and the constitutional framework provide for freedom of speech and of the press, and UNMIK, KFOR, and the PISG generally respected these rights in practice; however, there were allegations that the KPS interfered with freedom of speech and press, and the courts ordered the seizure and sale of the assets of a daily newspaper for not paying its fines, including those for "unbalanced coverage" of the 2004 elections. UNMIK regulations prohibit hate speech and speech that incites ethnic violence, as well as newspaper articles that might encourage criminal activity or violence.

Individuals generally could criticize authorities publicly or privately without reprisal.

During the year the number of daily newspapers reached 10, with nine publishing at year's end. On November 24, authorities closed the Pristina branch of *Bota Sot* and the newspaper's printing press for failing to pay taxes accumulated since 2000. Three newspapers published weekly and covered current events, and dozens of other periodicals that primarily covered

entertainment published throughout the year regularly or irregularly.

According to the Association of Professional Journalists of Kosovo, media outlets' financial difficulties left their editorial independence and journalistic professionalism vulnerable to outside influence and pressure. Some newspapers were financially self-sufficient or operated through aid donations and thus were able to develop editorial policies independent of business and political interests. However other newspapers relied on funding from businesses and political interest groups, who provided such money in exchange for positive coverage. During the year, there were no reports that the PISG or UNMIK pressured or influenced the independent print media.

Print media were self-regulated by a press code of conduct adopted by the Press Council of Kosovo, an organization comprised of print editors and publishers. The council's complaint board may impose fines for breaches of the code of conduct, including penalties of up to \$2,620 (2,000 euros) for serious violations such as hate speech and defamation. During the year the council adjudicated 10 of the 20 complaints filed, but did not impose any fines.

Kosovo had 115 licensed independent broadcast outlets (93 radio and 22 television stations), which were active and expressed a wide variety of views.

International media were allowed to operate freely.

Journalists reported that pressure from powerful politicians resulted in indirect forms of censorship; they refrained from critical investigative reporting out of fear for their personal security. Journalists were occasionally offered financial benefits in exchange for positive reporting or for abandoning an investigation. According to editors, government agencies withdrew regular advertising from newspapers that had published critical coverage of them.

On January 20, the Kosovo Assembly passed a law bringing Kosovo's popular public broadcasting company Radio Television Kosovo (RTK), formerly overseen by UNMIK, under the immediate authority of the assembly. While RTK previously received operating funds out of fees collected by the Kosovo Energy Corporation, the new law placed RTK's budget under the direct control of the Ministry of Finance, a change that observers

believed could jeopardize its editorial independence. RTK reported being frequently pressured by the PISG. The new RTK law also provides for regulation of RTK program content and requires that at least 15 percent of RTK program time, including prime time, be dedicated to nonmajority communities in their respective languages on a proportionate basis.

On August 29, the Independent Media Commission replaced UNMIK's temporary media commissioner. The commission is a permanent body overseen by a seven-member governing council that includes two international members. The commission implemented UNMIK regulations and enforced codes of conduct governing broadcast media.

During the year there were several incidents of violence or harassment directed at the media.

On July 18, a security guard at *Bota Sot* noticed a hand grenade on a sidewalk near the premises of the newspaper. Police responded and a KFOR demining unit performed a controlled explosion of the device.

The RTK received bomb threats during the year, via both telephone and e-mail. Early in the year, the station received a number of threats from a person accusing it of being a mouthpiece for UNMIK and "working for Serbs." On March 17, RTK received an e-mail from an organization calling itself the "Meteoras," threatening to destroy RTK with a bomb at 3:00 p.m. the following day. The e-mail asked RTK to evacuate the building at that time. The threat proved to be false.

On August 23, RTK received another e-mail threat from a group calling itself "Islamic Jihad," related to RTK's publication of Danish cartoons depicting the Prophet Muhammad several months earlier.

On September 14, a KPS officer allegedly assaulted daily *Lajm Ekskluzive* journalist Enis Veliu in the Kosovo Assembly building. The subsequent case against the officer was dismissed as unfounded.

On October 15, two men physically attacked daily *Lajm Exclusiva* reporter Bujar Desku over his reporting on the illegal construction of a Mobtel cellular telephone antenna in a village outside Pristina and subsequently made further telephone threats to him as well. In September *Infopress* reporter Burim Qela

received death threats by telephone for reporting on the same issue.

On January 13, the KPS and journalists held a public debate on violence against journalists. Fatos Bytyci, head of the Association of Professional Journalists of Kosovo said that although the violence, which had been increasing, did not seem to be a matter of policy, the police commissioner was not doing enough to prevent it. Since that debate, journalists had occasional altercations with the KPS, but as of October there had been only three such incidents reported to the association, compared to 16 during the same period in 2005.

There were no developments in the investigation of the June 2005 killing of *Bota Sot* editor Bardhyl Ajeti. A KPS investigation continued at year's end.

In September an internal investigation by the KPS Professional Standards Unit cleared a KPS officer of alleged involvement in the March 2005 assault of RTK reporters Behxhet Begu and Bardh Bekteshi. The two had allegedly parked their car in a restricted hospital/emergency no-parking zone on municipal property in Vucitrn/Vushtrri.

According to election regulations, during political campaigns media must ensure fair and equitable news coverage and access to discussion and debate for all parties; campaign-related reporting must be fair and impartial; and debates must have politically diverse guests and audiences and impartial moderators. In April an international judge ordered daily *Bota Sot*'s assets to be seized and sold to pay a \$85,150 (65,000 euros) fine imposed by court order in December 2005 for unbalanced coverage of the 2004 elections, and an \$10,480 (8,000 euros) fine for a February 2005 failure to ensure accuracy in reporting. A *Bota Sot* bank account containing \$68,120 (52,000 euros) was frozen pending payment of the fine.

On November 24, the Kosovo tax administration closed *Bota Sot* for alleged nonpayment of \$524,000 (400,000 euros) in taxes; the law allows the tax administration to seize and sell the papers assets after 60 days. At year's end no assets had been seized but the paper was not operating.

#### Internet Freedom

There were no UNMIK, KFOR, or PISG restrictions on access to the Internet or reports that the government monitored e-mail or

Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

In a November poll, 19 percent of Kosovars reported that they used the Internet daily.

#### Academic Freedom and Cultural Events

There were no UNMIK, KFOR, or PISG restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

UNMIK regulations and the constitutional framework provide for freedom of assembly, and UNMIK, KFOR, and the PISG generally respected this right in practice. An UNMIK regulation required that demonstration organizers give 48 hours advance notice for police coordination.

According to media reports, the KPS used force to disperse demonstrations and beat demonstrators while making arrests on at least four occasions during the year (see section 1.c.).

##### Freedom of Association

UNMIK regulations and the constitutional framework provide for freedom of association, and UNMIK, KFOR, and the PISG generally respected this right in practice.

The OSCE Mission in Kosovo routinely registered political parties under UNMIK auspices, and the Ministry of Public Services registered NGOs.

#### c. Freedom of Religion

UNMIK regulations and the constitutional framework provide for freedom of religion, and UNMIK and the PISG generally respected this right in practice.

There are no specific licensing regulations for religious groups; however, religious organizations must register as NGOs with UNMIK and the Ministry of Public Services in order to purchase property or receive funding from UNMIK or other international organizations. Religious groups complained that

NGO status did not adequately reflect their religious character, and the Protestant Evangelical Church refused to register as an NGO.

In July the assembly passed the Law on Religious Freedom, which the SRSG promulgated in August. The law affirms the right to freedom of expression, conscience and religion to all residents of Kosovo regardless of their religious convictions. It provides for the separation of religious communities from public authorities and for equal rights and obligations to all religious communities, and stipulates that there is no official religion in Kosovo.

Religious identity and ethnicity were closely related. Kosovo Serbs identified with the Serbian Orthodox Church, which influenced their cultural, historical, political, and religious views (see section 5). While significant parts of the Kosovo Albanian community continued to view the Serbian Orthodox Church as a symbol of Serbian nationalism, relations between leaders of the Kosovo Albanian community and the Serbian Orthodox Church improved during the year as PISG officials and political figures met on several occasions with church clergy. In May central and local government officials participated in a landmark interfaith conference held at the Serbian Orthodox Patriarchate in Pec/Peja.

Pursuant to a 2002 law requiring public education institutions to refrain from religious instruction or other activities promoting any specific religion, the Ministry of Education prohibited the wearing of headscarves. The ministry continued to enforce this prohibition, particularly at schools with obligatory uniforms, despite a 2004 opinion issued by the Ombudsperson that the rule should apply only to teachers and school officials, not students. Following mediation by the Ombudsperson, a primary school student dismissed from class in April 2005 for wearing a veil completed her education through correspondence classes and received her diploma during the year.

The Ombudsperson Institution reported that it had received no new complaints of violations of religious rights during the year. In 2005 a male student filed a complaint with the Ombudsperson alleging that he was expelled from school for having a beard; school officials told the Ombudsperson that the student was not expelled but only prevented from returning to class while he wore a beard.

Protestant groups continued to report that they experienced discrimination in media access, particularly by public television station RTK. The Protestant Evangelical Church in Kosovo, Fellowship of the Lord's People, reported that the Decani/Decan municipality, citing negative reaction from local citizens, denied it permission to build a church facility on land the church purchased previously. The church reported that the Ministry of Environment and Spatial Planning upheld the decision in February, and at year's end the case remained pending before the Kosovo Supreme Court.

The Islamic community continued to assert that UNMIK's denial of a radio frequency for an Islamic radio station and the national library's closure of its prayer room constituted violations of religious freedom.

#### Societal Abuses and Discrimination

During the year there were multiple reports of attacks against Serbian Orthodox clergy and parishioners and vandalism of Serbian Orthodox Churches and church property. During the year the Joint Reconstruction Implementation Commission, composed of the PISG, Serbian Orthodox Church, and international agencies, continued to make progress in restoring churches damaged or destroyed during the March 2004 riots.

On May 6, unknown attackers shot at a car driven by Serbian Orthodox priest Srjdan Stankovic in the Zvecan municipality. UNMIK charged a Kosovo Serb KPS officer in connection with the incident. The case was turned over to an international prosecutor and remained pending at year's end.

There were reported incidents of rock-throwing and other assaults against Serb buses and Serbian Orthodox clergy as they traveled outside of their monasteries, and monks and nuns at some monasteries reportedly did not use areas of the monasteries' properties out of concern for their safety.

Security concerns continued to affect the Serb community and its freedom to worship, particularly after the March 2004 riots. Some Kosovo Serbs asserted that they were not able to travel freely to practice their faith. For example, the Decani monastery experienced a decline in attendance at religious services after KFOR stopped escorting nonclergy parishioners to religious sites in April 2005. Clergy transit vans were also reportedly pelted with stones when traveling through Kosovo.

During the year there were numerous cases of vandalism directed against Serbian Orthodox Church property. For example, on March 15, six tombstones were damaged in a Serbian Orthodox cemetery and a church window was broken in Urosevac/Ferizaj municipality. Three Kosovo Albanian teenagers confessed to the crime. As minors, they faced criminal charges under the Juvenile Justice Code, which permits imprisonment of minors only for criminal acts that carry a penalty of five years or more under the Criminal Code. Because the crime with which they were charged--damaging graves--is punishable by up to one year of imprisonment, the prosecutor sought to impose educational measures on the defendants as permitted under the Juvenile Justice Code. Two of the defendants experienced 15 days of pretrial detention; the three awaited trial at year's end.

On June 9, a landmine was discovered in a Serbian Orthodox cemetery in the predominantly Kosovo Serb village of Staro Gracko, Lipljan/Lipjan municipality. On June 20, church officials reported the disappearances of four crosses from the roof of the Serbian Orthodox Church in Obilic/Obiliq. Three juveniles were arrested, and the crosses were recovered. On August 6, thieves broke into the Serbian Orthodox church in Babin Most, Obilic/Obiliq municipality, stealing several icons and damaging the interior of the church. No suspects were apprehended.

In July 2005 a man attacked a pastor serving in Decani/Decan with the Assemblies of God Protestant Evangelical Church of Kosovo. The pastor underwent surgery for his injuries. The attacker was arrested, fined approximately \$400 (300 euros), and released. Protestants reported the attack, which occurred with members of the KPS present, was possibly motivated by a controversy over church-owned land on which the Protestants have been prevented from building.

Protestants reported harassment and discrimination, including verbal attacks, a lack of Protestant programming on RTK, and incidents of school officials calling in parents of pupils to deter their children from converting to Protestantism. They reported that in July 2005, people in Malisevo/Malisheve municipality, incited by the Islamic community, reacted violently against the showing of the movie "Jesus," although the Protestants had received permission from the municipality, the KPS, and village leadership to screen the film. KPS arrested 20 protesters, some of whom were armed, and helped church members to safety.

Approximately 40 individuals from two families in Prizren had some Jewish roots, but there were no synagogues or Jewish institutions in Kosovo other than a small cemetery in Pristina. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2006 International Religious Freedom Report*.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation

UNMIK regulations and the constitutional framework provide for freedom of movement; however, interethnic tensions and real and perceived security concerns restricted freedom of movement. During the year UNMIK, KFOR, and the PISG generally improved protection of these rights for minority communities.

Sporadic incidents of violence and intimidation targeting minorities continued to limit freedom of movement for Kosovo Albanians in northern Kosovo. The PISG and UNMIK enhanced efforts to facilitate minority travel throughout Kosovo, but real and perceived risks deterred many minorities from traveling outside of their neighborhood.

There were numerous attacks during the year on buses carrying Serbs and other ethnic minorities. For example, on January 3, a KPS-escorted biweekly bus transporting Serbs from Orahovac/Rahovec was stoned in Malishevo/Malisheve. On January 5, a bus traveling from Dragas/Dragash to Belgrade was attacked by a rocket-propelled grenade. Buses carrying Serb returnees from Klina/Kline and Istok/Istog to Mitrovica were stoned by Kosovo Albanian youth in Runik, Srbica/Skenderaj municipality, on several occasions. On August 30, a bus driver reported that a group of Kosovo Albanians stoned his bus while transporting Kosovo Serb children through southern Mitrovica, breaking one window. The stoning of buses was also reported on October 26 in Runik/Rudnik and November 20 in Obilic. No injuries were reported in any of these incidents.

To reduce the risk of attack by making Kosovo Serb and Kosovo Albanian vehicles indistinguishable, UNMIK continued to offer Kosovo license plates at no fee to Kosovo Serbs who had already registered their vehicles in Serbia. However, Kosovo Serbs were reluctant to use the UNMIK-issued plates because doing so limited their ability to travel to Serbia, which did not recognize the UNMIK plates.

There were also incidents targeting infrastructure used by minorities. On June 2, explosives were found under a bridge connecting two Kosovo Serb returnee villages in Klina/Kline municipality. On December 8, an explosion on railroad tracks in Mihaliq village, Vucitrn/Vushtrri municipality temporarily halted rail service between Kosovo Serb communities in southern Kosovo and areas north of the Ibar River. No suspects were apprehended in either incident.

On September 11, an explosion destroyed the recently reconstructed but yet uninhabited home of a Kosovo Serb returnee and damaged another nearby home in Klina/Kline municipality. The perpetrators were not apprehended.

On August 31, UNMIK and the Ministry of Transportation and Communication signed a memorandum of understanding governing the transfer of competency to provide humanitarian train and bus services to minority communities in Kosovo; since that date the ministry operated the buses. The public transportation strategy developed as part of the transfer provided for the direct participation of an affected community in any decision to change humanitarian transportation services.

UNMIK regulated movement in and out of Kosovo. UNMIK regulations provide that the central civil registry may issue travel documents to any person registered as a habitual resident of Kosovo, and the registry routinely issued such documents in practice. The PISG held managerial and operational responsibility for the registry, while UNMIK retained its overall authority, including for the issuance of UNMIK travel documents and the security of the central registration database.

The law prohibits forced exile, and authorities did not use it.

#### Internally Displaced Persons (IDPs)

According to the Office of the UN High Commissioner for Refugees (UNHCR), some 207,000 persons from Kosovo remained displaced in Serbia and 16,500 in Montenegro as a consequence of the 1999 conflict. Of the 4,100 persons displaced by the March 2004 riots, some 1,300 remained displaced. There were 19,500 persons displaced within Kosovo, almost half of whom were Kosovo Albanians. Few IDPs returned during the year due to uncertainty over Kosovo's future political status, lack of employment opportunities, security concerns, and property disputes. While some international agencies, NGOs, and the PISG continued to organize small-scale return projects, observers criticized the

newly created PISG Ministry of Communities and Returns for internal irregularities and delay in the disbursement of PISG funding for return projects. Amidst these criticisms and investigations, returns minister Slavisa Petkovic resigned shortly before year's end. Aside from successes in Klina/Kline and Istok/Istog, municipalities hired staff and devised municipal return strategies with minimal results. On August 3, Pec/Peja municipality decided not to reconstruct any homes in its territory without a statement from the displaced homeowner indicating readiness and intention to return.

On June 6, the governments of Kosovo and Serbia signed a protocol for cooperation in returning displaced people to Kosovo, including to places other than their primary residence. Discussions on implementation of this agreement continued at year's end.

At the end of December, UNHCR reported that 1,608 members of minority communities returned to Kosovo during the year, including Kosovo Albanians who returned to areas where they are a minority. Overall minority returns since 2000 stood at 16,117 at year's end. A slightly smaller number of Kosovo Serbs returned compared to 2005, when more Roma, Ashkali, Egyptians, and Goranis returned. Kosovo Serbs comprised approximately 31 percent of returnees during the year, compared with 35 percent in 2005. Roma (including Ashkali and Egyptians) continued to return in slightly greater numbers, comprising 54 percent of the overall number of returns. In Mitrovica, Kosovo Serbs in the north of the city and Kosovo Albanians in the south continued to illegally occupy each others' properties, hindering potential returns.

By year's end, the PISG had reconstructed over 97 percent of the homes damaged or destroyed in the March 2004 riots. On December 15, for example, repairs and reconstruction were completed in Svinjare. However, a number of the individuals displaced by the riots still did not return due to both a real and perceived lack of security, unemployment, and residents' complaints about the quality of reconstruction. The prospect for returns varied according to region and ethnic group.

Camp Osterode, a relocation facility in northern Kosovo designed to eventually accommodate approximately 531 Roma, Ashkali, and Egyptian IDPs, opened in March, and 114 households comprising 454 persons moved there from lead-polluted camps during the year. Forty-one households with 172 individuals remained at the polluted Cesmin Lug camp, refusing to move. All persons from

Kablar Barracks and Zitkovac camps moved to Osterode, and all existing structures at those two camps were demolished to prevent movement back to lead-polluted areas. On August 30, the World Health Organization (WHO) began treating relocated Roma, Ashkali, and Egyptian children for lead poisoning at the camp.

In 2005 UNMIK also began a concurrent donor funding campaign to rebuild the original Romani settlement in southern Mitrovica, destroyed in 1999 by Kosovo Albanians. In February, the European Roma Rights Center filed a petition with the European Court of Human Rights (ECHR) in Strasbourg alleging UNMIK violations of Roma rights and requesting immediate action to remove the Roma from the lead-contaminated camps and provide medical treatment. The ECHR subsequently rejected the petition.

Limited funding slowed the return project, but reconstruction of the neighborhood began in May. By year's end, two 12-unit apartment buildings were completed and construction had begun on two more. Another 36 houses (54 housing units) were also nearly complete. The committee for selecting future occupants of the 48 apartments received 93 applications; 31 from Serbia, 27 from Camp Osterode, 18 from Leposaviq/Leposavic municipality, 13 from Montenegro, two from Camp Cesmin Lug, and two from private locations in Mitrovica. The committee selected the occupants. At year's end, the 48 chosen heads of household were waiting to sign a 99-year lease, which was in the process of revision and approval by the UNMIK legal adviser's office.

#### Protection of Refugees

Kosovo is not a signatory to the 1951 Convention relating to the Status of Refugees or its 1967 protocol. However, Kosovo provides asylum and refugee status under an UNMIK regulation on the movement of persons into and out of Kosovo, whose provisions are compatible with the Convention and Protocol. During the year, UNMIK granted refugee status to two persons.

In practice, UNMIK provided protection against *refoulement*, the return of persons to a country where they feared persecution. UNMIK cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

UNMIK regulations and the constitutional framework provide residents with the right to change their government peacefully,

and they exercised this right in practice through periodic elections on the basis of universal suffrage.

Kosovo continued to be administered under the civil authority of UNMIK. UNMIK and its chief administrator, the SRSG, established an international civil administration in 1999 following the NATO military campaign that forced the withdrawal of Serbian forces. In 2001 UNMIK promulgated the constitutional framework for the PISG. Under the constitutional framework, a 120-member Kosovo Assembly selects a president, a prime minister, and other ministers and PISG officials. Kosovo's leaders continued to criticize UNMIK for the slow pace of transfer of powers to the PISG, and UNMIK retained a number of competencies under UN Security Council Resolution 1244, including security and relations with foreign governments. In October 2005, a UN report noted that without clarity on future political status, the PISG was unable to take further steps to improve its effectiveness.

#### Elections and Political Participation

International and domestic observers determined that the October 2004 Kosovo Assembly elections generally reflected the will of the voters, although less than five percent of Kosovo Serbs participated, largely due to Serbian government pressure to boycott. On June 16, the SRSG postponed municipal elections due in November until either June 2007 or six months after the decision on Kosovo's final status, whichever is earlier.

Kosovo has a multiparty system dominated by four Kosovo Albanian parties with several minority parties and coalitions.

Under UNMIK regulations, individuals may nominate themselves as candidates to their parties, which must hold open and transparent internal elections to select candidate lists. Unlike at its 2004 convention, the largest party and senior ruling coalition partner, the LDK, abided by this requirement when it elected a new president at its December 9 party convention. Party affiliation played an important role in access to government services and social and employment opportunities. Traditional social arrangements and clan loyalties also played an important, although unofficial, role in political organizations.

There were numerous reports of politically motivated attacks and threats against Kosovo Albanian political and institutional figures during the year.

In January an unknown person assaulted Ferizaj LDK branch presidency member Ismajl Nazifi, a key witness for Ferizaj Municipal Assembly President Faik Grainca in his lawsuit against former deputy prime minister Adem Salihaj. A KPS investigation continued at year's end.

On July 24, a Kosovo daily newspaper published a threat against the Kosovo negotiating team by the self-proclaimed "Karadaku fighter comrades," warning "that the signing of the current plan on decentralization would be the most fatal signature they have ever given against themselves and the interests of their nation." A KPS investigation continued at year's end.

On September 15, a bomb exploded near the Gnjilane/Gjilan apartment of Kosovo Interior Minister Fatmir Rexhepi, destroying his wife's car. An investigation was ongoing at year's end.

In the four months prior to the December LDK party internal elections, there were 10 explosions, most involving politically relevant targets. Property damage was reported, but no injuries. At the December 9 party convention, several people suffered minor injuries during a fight between those supporting President Sejdiu and those supporting Nexhat Daci.

There were 36 women in the 120-seat Kosovo Assembly. Women must occupy every third spot on each political party's candidate list. There were no female members of the eight-member assembly presidency and only one female minister and one female deputy minister. Women represented 28 percent of the elected municipal representatives. In September 2005, 34 female Kosovo Assembly members established an informal women's caucus with an eight-person, multiethnic board.

There were 22 ethnic minority members in the 120-seat Kosovo Assembly, including 10 Kosovo Serbs and 12 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. There were two minority PISG ministers--one Kosovo Serb and one Bosniak--and three minority deputy ministers. The seat of one Serb minister was kept vacant, as the designated Serb party refused to take the position. One Bosniak and one Kosovo Turk held a rotating seat on the Kosovo Assembly presidency; the boycott by one of the Kosovo Serb parties left empty the eight seats set aside for Kosovo Serbs. At year's end, Kosovo Serbs in the largest Kosovo Serb political party had not claimed their set-aside cabinet posts and continued to boycott assembly votes, although they did participate in committees; members of Slavisa Petkovic's Serb Democratic Party of Kosovo

and Metohija took up two of the set-aside seats and led the Ministry of Returns. The constitutional framework requires that the assembly reserve 10 seats for Kosovo Serbs and 10 for members of other ethnic groups, but ethnic minorities were underrepresented at the municipal level where no such provisions govern.

#### Government Corruption and Transparency

There was a widespread public perception of corruption in both the PISG and UNMIK. A lack of effective judicial oversight and general weakness in the rule of law contributed to corruption in the PISG. As part of its mandate, UNMIK continued to adjudicate many sensitive cases related to corruption and interethnic crimes. During the year 24 people were arrested and one convicted on corruption charges.

On February 28, unknown persons assaulted the independent international auditor general, leaving her with cuts and bruises two months after her arrival in Kosovo and only two days after the release of a critical audit on the Pristina municipality. A KPS investigation continued at year's end.

After assuming office in March, Prime Minister Agim Ceku requested that an independent international auditor undertake an audit of every ministry and municipality. By year's end, the auditor general had issued reports on five municipalities and reports on asset management in six ministries, most of which were critical of government administration, fiscal management, and procurement practices. In October following allegations of corruption and pursuant to a search warrant issued by an international judge, the office of the Ministry of Communities and Returns was searched. In November Prime Minister Ceku dismissed Minister Slavisa Petkovic, a Kosovo Serb, and at year's end prosecutors were continuing to review the reports.

On June 24, the KPS Financial and Corruption Crime Investigation Unit in Pristina arrested Ahmet Alishani, senior advisor to the former assembly speaker Nexhat Daci, on suspicion of fraud and bribery. Alishani was released, then re-arrested in November in connection with the audit of the Kosovo Assembly.

During the year Kosovo Assembly President Kole Berisha ordered an audit on management of the assembly under his predecessor, Nexhat Daci. The audit, presented to assembly members on October 6, reported numerous wrongdoings and mismanagement by the assembly administration, misuse of public funds, and procurement

irregularities during Daci's tenure as assembly president. In October Berisha suspended four staff members, and on November 3, the Assembly established an investigation committee on the matter. The committee's investigation was ongoing at year's end. By year's end, three suspects were arrested, including two Assembly officials, and the criminal investigation led by UNMIK's Department of Justice continued. No charges had been brought against Daci himself.

On November 3, an international prosecutor indicted former Director of the Post and Telecommunications of Kosovo Leme Xhema, former divisional manager at Kosovo Trust Agency Roger Reynolds, former director of Norway Invest Mustafa Neziri, and former managing director and chairman of Norway Invest Ronnen Sorensen, in connection with the alleged misuse of \$390,000 (300,000 euros).

On November 29, two finance officers at Dubrava Prison were arrested on charges of abusing their official position and falsifying documents. The two were released on the condition that they not approach witnesses in the case or any employee of the Dubrava Prison finance office. An international staff member who had left the mission was also being investigated. The investigation was ongoing at year's end.

No law provides for access to official UNMIK documents. In 2003 UNMIK promulgated a law on the access to official PISG documents, but the law did not include penalties for failure to comply, and in practice PISG institutions rarely granted access during the year. Institutions failed even to respond to nearly 85 percent (690 of 820) of requests made during the year, according to a Youth Initiative for Human Rights study, and those who did respond most often responded by refusing to provide the requested documents. Furthermore, only six of 318 requests made in the Serbian language were replied to in Serbian as required by law. Although most replies came within the required 15-day window, journalists complained that allowing 15 days effectively meant they could never obtain official documents in time to meet their own publishing deadlines.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. UNMIK,

KFOR, and the PISG were occasionally cooperative and responsive to their views.

Authorities did not provide NGOs access to public documents (see section 3) and prohibited one NGO, which formerly visited prisons to report on conditions, from conducting such visits until late December (see section 1.c.).

NGOs complained about the lack of a tax exemption on some items imported into Kosovo; some religious NGOs reported discrimination based on their religious affiliation.

An Ombudsperson Institution was responsible for investigating allegations of government abuses of international human rights laws. While the Ombudsperson office actively issued intervention letters, reports, and recommendations, its recommendations were not always followed by the PISG, local courts, or the KPS. Cases investigated by the office concerned property rights, abuse of official authority, administrative acts or omissions by public authorities, lack of proper investigations into criminal acts, issues involving the length of court proceedings and the execution of court decisions, employment-related disputes, and impunity. The former deputy Ombudsperson Hilmi Jashari served as acting head of the Ombudsperson Institution during the year, following the end of the international Ombudsperson's mandate in December 2005. In February the Ombudsperson's mandate was changed to exclude UNMIK from its purview; a new Human Rights Advisory Panel within UNMIK was established in April and charged with UNMIK oversight.

UNMIK, KFOR, and the PISG generally cooperated with the ICTY. In March 2005 the ICTY indicted then-prime minister Ramush Haradinaj and codefendants Idriz Balaj and Lahi Brahimaj regarding war crimes committed between March and September 1998. In a pretrial conference on October 13, the prosecutor amended the indictment, dropping two counts and adding one. The prosecutor also applied to make further amendments, which the court allowed. At year's end, the final indictment had yet to be submitted or approved.

Societal attitudes occasionally interfered with ICTY investigations. A visit on May 25 by an ICTY criminal defense team to a massacre site in Krusha e Vogel, Prizren municipality, sparked violence by villagers, who claimed they saw two former Serb residents in the convoy. The resulting melee resulted in the injury of over 30 people, including three police officers. The PISG and UNMIK officials criticized the villagers' failure

to respect the rule of law, adding that any future visits would be better coordinated and announced in advance. Two activist groups, the Self-Determination Movement and the National Movement for the Liberation of Kosovo, supported the villagers' actions and criticized UNMIK police.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

UNMIK and PISG regulations specifically prohibit discrimination on the basis of race, gender, ethnic origin, disability, or language; however, violence and discrimination against women, persons with disabilities, and ethnic minorities persisted.

##### Women

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. UNMIK regulations prohibit domestic violence and convictions carry prison terms of six months to five years. When victims did press charges, KPS domestic violence units conducted investigations and transferred cases to prosecutors. According to UNMIK, family loyalties and close-knit communities and the backlog of cases in both civil and criminal courts added to a low rate of prosecution.

The Center for Protection of Women and Children provided assistance to 81 victims of domestic and sexual violence from April through December, including legal services in 44 cases. The Ministry of Justice Victim Advocate and Assistance Unit was involved in 701 domestic violence cases. The judicial system processed 135 protection orders and opened 213 cases, 116 of which resulted in convictions. Sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the male-dominated society contributed to the high level of domestic abuse and low number of reported cases.

There were no governmental agencies dedicated solely to dealing with family violence. Six shelters assisted victims of domestic violence and trafficking, including one run by an international NGO and designed for minors and two that admitted victims of both domestic violence and trafficking. The KPS reported that 66 victims of domestic violence received shelter during the year. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape.

During the year, a 24-hour anonymous hotline for reporting domestic abuse operated in Pristina, Gjilan/Gnjilane, Peje/Pec, Prizren, and Mitrovica. Since 2004 the hotline has assisted 2,573 cases. Victims of domestic violence accounted for 77 percent of the calls and 4 percent of calls were from trafficking victims. The hotline informed callers about their rights, available shelters, and related information.

The KPS training school offered special courses on domestic violence and rape in its curriculum. There were no reports that KPS responded inappropriately to rape or domestic abuse allegations.

UNMIK regulations criminalize rape; however, spousal rape is not specifically addressed. Under the Provisional Criminal Code, rape is punishable by one to 10 years in prison; statutory rape (sexual intercourse with a girl under 14) is punishable by one to five years in prison.

Rape was significantly underreported due to the cultural stigma attached to victims and their families. According to the Ministry of Justice, victim advocates provided services to victims in approximately 82 cases of rape during the year.

The law prohibits prostitution, but prostitution remained prevalent. The UNMIK police trafficking and prostitution investigation unit investigated cases of prostitution and suspected trafficking in persons.

Trafficking in women for the purpose of sexual exploitation was a serious problem (see section 5, Trafficking).

There was no specific law against sexual harassment, which was a common problem. Social awareness of sexual harassment remained low, and few cases were reported.

Women have the same legal rights as men but traditionally have a lower social status, which affected their treatment within the legal system. Despite a lack of legal impediments, relatively few women obtained upper-level management positions in commerce, the KPS, or government. While the number of women with jobs continued to increase, female unemployment remained high at around 70 percent, 10 to 20 percent higher than the rate for men.

Traditional social attitudes toward women resulted in discrimination. In some rural areas, women often had little

ability to make decisions involving their children or to exercise control over property. While women and men have an equal legal right to inherit property, family property customarily passes only to men. Ethnic Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family, while the widow returns to her birth family.

On May 5, the president of the Skenderaj Education Committee recommended that married women should not be allowed to attend secondary school, explaining that since "they are wives," they should take care of their husbands. The municipal assembly unanimously approved the recommendation.

In October KPS arrested four people, including the parents, for attempting to force a 13-year-old girl to marry an already-married, much older man with four children. The girl was removed to a shelter.

To combat discrimination against women, in 2005 UNMIK integrated antidiscrimination, antitrafficking, and human rights coursework into the legal curriculum at the University of Pristina.

#### Children

UNMIK and the PISG were generally committed to the welfare and rights of children.

According to a 2004 UN Children's Fund (UNICEF) report, an estimated 40 percent of the population of Kosovo is under the age of 18, and 33 percent of the population is under 15. Kosovo has a very low rate of preschool attendance, with less than 10 percent of children aged two to five attending. According to the NGO Save the Children, a preschool education law promulgated in March failed to make the preprimary year (for children ages five to six) compulsory or ensure budget allocations to preprimary education. UNMIK regulations require children between the ages of six and 15 to enroll in public school. Primary education is free. UNICEF estimated that 33 percent of the children who enroll in primary school drop out by grade eight and, of those who finish primary school, only 57 percent enroll in secondary education. Some children were forced to leave school early to enter the workforce (see section 6.d.).

According to 2005 statistics, 97.5 percent of Kosovo Albanian and 99 percent of Kosovo Serb children were enrolled in primary

school, while only 77 percent of children between the ages of seven and 14 from non-Serb minority communities (Roma, Ashkali, Egyptian, Turkish, Bosniak, Gorani, and others) were in school. UNICEF reported that the lack of facilities for minority education in parts of Kosovo made it difficult for some IDPs to return to their homes.

According to UNICEF, while 52 percent of all children who completed primary education continued to secondary school, only 43 percent of female students continued. The rate of secondary school completion was also lower for Kosovo Albanian girls than for Kosovo Albanian boys or Kosovo Serb girls.

UNMIK regulations require equal conditions for school children and provide the right to native-language public education through secondary level for minority students. Schools teaching in Serbian, Bosnian, and Turkish operated during the year. Both Kosovo Serb and Kosovo Albanian children attended schools with inadequate facilities that lacked basic equipment. A few schools housed both Kosovo Serb and Kosovo Albanian pupils, who studied different curricula and rotated class schedules.

Romani, Ashkali, and Egyptian children attended mixed schools with Kosovo Albanian children but reportedly faced intimidation in some majority Albanian areas. Romani children tended to be disadvantaged by poverty, leading many to start work both at home and in the streets at an early age to contribute to family income. Romani children were also disadvantaged by having to learn another language to attend school since many spoke Romani at home. Some Bosniak children in predominantly Bosniak areas were occasionally able to obtain primary education in their language, but those few outside such areas received instruction in the Albanian language.

The government provided medical care, and boys and girls had equal access to it. However, the medical care available was generally of a low standard.

A study by UNICEF and the Ministry of Education on the prevalence of violence in schools found that violence against children was condoned. Corporal punishment was an accepted practice in homes and schools. Those who lived far from school reported that they were afraid to travel the distance because of the threat of peer violence. Children reported that persons close to them were perpetrators of violence; that boys were more at risk of physical violence; and girls were more at risk of verbal abuse. Of children ages six to 11, 75 percent perceived

the street as the most violent place, 27 percent said the school was the scene of violent events, and 12 percent mentioned the home. Thirty-seven percent of older children considered violence against children in schools to be a widespread phenomenon.

High unemployment and family dislocation resulted in abandonment of newborns. The Ministry of Labor and Social Welfare reported that 1,200 children were either orphaned or abandoned since the end of the 1999 conflict, although the abandonment rate was decreasing, and only 56 children were abandoned between January and October. The children were housed in various residential placements including extended family care, foster care, and community-based homes. However, because domestic adoptions and foster family programs did not keep pace with the rate of abandonment, authorities sometimes housed infants and children in group homes with few caregivers. Children with disabilities were often hidden away without proper care, particularly in rural areas.

During the year the Ministry of Labor and Social Welfare operated 31 social welfare centers that assisted 1,188 orphans, 1,695 delinquent children, 66 abused children, 66 abandoned children, and 388 children with behavioral problems. The ministry also managed foster homes and coordinated with NGOs to place children in temporary shelters. According to the Center for Social Work, 19 abandoned disabled children, ranging from three to 18 years of age, were living in two government-funded community homes under 24-hour care.

Child marriage was reported to occur, especially among the ethnic Romani, Ashkali, Egyptian, and Albanian communities, although UNMIK did not compile statistics on the problem.

Children were trafficked for the purpose of sexual exploitation (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d.).

#### Trafficking in Persons

UNMIK regulations criminalize trafficking in persons; however, trafficking of women and children remained a serious problem.

Kosovo was a source, transit, and destination point for trafficked persons, and internal trafficking was a growing problem. Victims were women and children trafficked internally or from Eastern Europe, the Balkans, and the former Soviet Union

into Kosovo, primarily for sexual exploitation but also for domestic servitude or forced labor in bars and restaurants. Victims were also trafficked through Kosovo to Macedonia, Albania, and countries in Western Europe. During the year, 24 of the 64 persons who were identified as victims of trafficking were repatriated or returned to their community.

According to the KPS and the International Organization for Migration (IOM), trafficking in persons was an increasing problem, and the majority of victims were trafficked from Moldova. IOM records indicate that Moldovan females accounted for 43 percent of trafficking victims, followed by females from Romania (17 percent), Kosovo (16 percent), Ukraine (11 percent), Albania (6 percent), Bulgaria (5 percent) and other countries (3 percent). The KPS reported similar statistics, but their records indicated that 31 percent of the victims were from Kosovo and trafficked internally, putting internally trafficked victims just behind Moldovan victims. The KPS also reported great difficulty in identifying trafficking victims due to their reluctance to come forward and report the crimes to the police. Cultural taboos and the threat of social discrimination caused most internally trafficked victims to remain silent about their experiences. Another difficulty was the inability of the KPS to recruit Kosovo Serb officers for the antitrafficking unit, preventing undercover operations from taking place in northern Kosovo and in Kosovo Serb enclaves.

Trafficking victims worked primarily in the sex industry, mostly in brothels and nightclubs but increasingly in private residences. None reported that they were aware they would be working in the sex industry when they left their homes. Trafficking victims reported that they were regularly subjected to beatings and rape, denied access to health care, and had their travel and identity documents confiscated. Victims were often found in poor health and psychological condition.

UNMIK reported that traffickers often worked as part of a coordinated effort between Kosovo Serb and Kosovo Albanian organized crime elements, and some women were trafficked from or through Serbia into Kosovo. Bar and brothel owners purchased victims from organized crime rings.

Methods of trafficking increased in sophistication. In reaction to an aggressive eradication campaign by local and international authorities, traffickers shifted the commercial sex trade out of public bars and clubs and into private homes, where operations

were more difficult to detect. Traffickers increasingly used financial incentives to encourage victims to refuse assistance.

The IOM reported that, of the 538 mainly international victims it has assisted since 1999, 73 percent fell prey to traffickers after accepting a bogus job offer abroad, 4.1 percent claimed to have been kidnapped, and 3.7 percent were promised marriage. In 83 percent of cases, recruiting was through personal common contacts; the recruiter was an acquaintance of the victim in 29 percent of the cases and a friend or family friend in approximately 15 percent. Recruiters were most often female.

Under the Provisional Criminal Code, trafficking is punishable by two to 20 years' imprisonment. Engaging or attempting to engage in trafficking is punishable by two to 12 years' imprisonment, or up to 15 years if the victim is a minor; organizing a group to engage in trafficking is punishable by five to 20 years' imprisonment; facilitating trafficking through negligence is punishable by six months' to five years' imprisonment. A client engaging in sex with a trafficking victim may be sentenced for up to five years, while sex with a trafficked minor carries penalties of up to 10 years' imprisonment. Voluntary prostitution is punished as a minor offense; prostitutes can be punished, but not clients, unless the police can prove that a client knowingly used the services of a trafficking victim. Prostitution constitutes grounds for deportation.

UNMIK and the KPS Section for Investigations of Trafficking in Human Beings worked together on trafficking until May, when the trafficking competency was transferred to the KPS. During the year UNMIK and KPS conducted 157 surveillances and 90 operations, including 38 undercover operations. They also checked 1,303 premises suspected of being used for trafficking in persons and prostitution and closed 22 business establishments used for trafficking. During the year UNMIK and KPS arrested 36 people for trafficking, 21 for pimping, 12 for prostitution, and 28 on trafficking-related charges such as illegal weapons possession and counterfeiting. They also identified 64 trafficking victims, 51 of whom received needed assistance, including safe accommodation, counseling, and professional training for return and social reintegration. At least one shelter provided medical care pursuant to its agreements with health care providers. The prosecutor's office filed 15 cases of trafficking in persons; 29 additional cases from previous years remained open. Fourteen of these 44 cases were completed, resulting in 12 convictions of 18 defendants.

Factors that contributed to a low number of prosecutions included the increasing sophistication of organized crime efforts to avoid direct links between the victims and senior crime figures, the lack of a witness protection program (although means were employed to provide anonymity during trial testimony), reluctance of victims to cooperate with authorities, inadequate training for judicial personnel, and failure of police to adapt to new techniques employed by traffickers.

UNMIK regulations provide a defense for trafficking victims against criminal charges of prostitution and illegal border crossing. In the past, local judges sometimes incorrectly sentenced trafficking victims to prison or wrongly issued deportation orders against women convicted of prostitution or lack of documents. Unlike in previous years, there were no reports of these practices occurring during the year.

UNMIK, the KPS, the border police, the OSCE, the Office of Good Governance, prosecutors, judges, and the ministries of health, education, public services, and labor and social welfare shared responsibility for combating trafficking. NGOs and international organizations, particularly the IOM, handled protection and prevention-related antitrafficking activities. The PISG, in cooperation with NGOs, international organizations, and foreign governments, continued to implement the Kosovo Action Plan to Combat Trafficking in Human Beings, which was launched in May 2005. Activities included a prevention campaign during part of the year, as well as the launch of an antitrafficking Web site and campaigns against trafficking in children and young girls. Authorities also initiated a network of young human rights and antitrafficking "ambassadors." After receiving training, these "ambassadors" began touring Kosovo and hosting debates on human rights and trafficking issues.

The IOM assisted 54 victims of trafficking during the year, 30 of whom were from Kosovo. More than half of the victims from Kosovo were minors (17 cases), and 29 were internally trafficked. The current reporting period was the first year in which IOM assisted more local than foreign trafficking victims. Of the victims from outside Kosovo that the IOM has assisted since 1999, over 50 percent were from Moldova, 20 percent from Romania, 13 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, Serbia, Montenegro, Slovakia, and Nigeria. The majority of these victims were between the ages of 18 and 24 years. IOM figures indicated that 77 percent of Kosovo victims were internally trafficked, while approximately 10 percent were

trafficked to Macedonia, and 5 percent each to Albania and Italy.

The overall number of trafficking cases involving minors increased from 2005. While none of the foreign victims of trafficking IOM assisted during the year were minors, about 57 percent of the local victims IOM assisted were minors. Children and young girls from rural areas made up 54 percent of trafficking victims. Children and young girls from backgrounds with a high level of poverty, unemployment, and illiteracy were particularly at risk of being trafficked. The IOM reported that 11 percent of local victims were not enrolled in school; 35 percent had only finished primary school (fifth grade); 47 percent had finished elementary school (ninth grade); 6 percent had completed secondary education (high school); and 1 percent had gone to university.

There was anecdotal evidence during the year that a complex set of financial relationships and kinship ties existed between political leaders and organized crime networks that had financial interests in trafficking. Unlike in previous years, there were no reports that the same lawyer represented an accused trafficker as well as the victim.

In May the antitrafficking competency was transferred from UNMIK Police to the KPS. The number of bar/restaurant checks increased dramatically following the KPS assumption of authority, and the number of premises closed increased slightly.

There were a number of arrests and police actions against traffickers during the year. For example, in August Kosovo daily Koha Ditore reported the killing of a trafficking victim who had been arrested in a Gnjilane/Gjilan motel and deported to Albania on June 26. According to the KPS, the woman did not admit to being a trafficking victim and was deported because she had entered Kosovo illegally. The Albanian interior ministry reported that the victim's boyfriend, Urim Jahja, killed her in her apartment in the Albanian village of Shengjin on August 22 because of an alleged debt. The Albanian investigation revealed that the victim was deceived by another Albanian woman who found her a dishwashing job in Tirana and later moved her to a cafe in Kosovo. The woman kept the victim's wages, which she justified as repayment for finding her the job. She also refused to allow the victim to contact her mother for three to four months. Jahja later committed suicide.

On October 5, KPS officers raided a nightclub in suburban Pristina and arrested five local men and two Moldovan women on suspicion of trafficking. Police recovered six other Moldovan women as possible trafficking victims. The following day, the KPS ordered the six women arrested for hiding the act of human trafficking and recruiting other females for prostitution in cooperation with the nightclub's owners and workers. According to the KPS, the prosecutors later dropped the charges and released the women, who have since gone back to work at the nightclub. One of the men was released a month later due to a lack of evidence. Of the four men awaiting trial on trafficking charges, two remained in pretrial detention at year's end.

On October 9, KPS arrested two Kosovo Albanian males on the Pristina-Urosevac/Ferizaj road for trafficking two female Kosovo Albanian minors. KPS later arrested and detained four women in connection with the crime. A warrant was issued for the arrest of a third man, who was believed to be outside of Kosovo. Trials of those arrested were underway in the Pristina District Court at year's end.

International and local NGOs were the main source of assistance to trafficking victims. Local NGOs, such as the Center for Protection of Victims and Prevention of Trafficking in Humans and the Center for Protection of Women and Children, operated shelters that provided medical care and psychological counseling services to trafficking victims in cooperation with UNMIK, the OSCE, and the IOM. The NGO Hope and Homes for Children operated a shelter for child victims of trafficking, and the Ministry of Labor and Social Welfare, in cooperation with UNMIK and the OSCE, ran a semi-independent group housing unit for minors who were victims of trafficking and domestic violence. Some domestic violence shelters, such as Liria in Gnjilane/Gjilan, offered short-term shelter and referral services to low security risk victims. A Ministry of Justice-run interim facility also provided temporary shelter to victims while they considered whether to be repatriated or to testify against traffickers. Police often referred suspected trafficking victims to the IOM through OSCE regional officers.

#### Persons with Disabilities

Several UNMIK regulations prohibit discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, there was considerable discrimination in practice, and

the rights of persons with disabilities were not a PISG priority.

According to the local disability rights NGO HandiKos, the laws relating to persons with disabilities were not adequately implemented. As a result, children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient health and social services. There were no special legal protections for children with disabilities, as the Council on Economy and Finances claimed that it did not have sufficient funding to support such programs. There was no law defining the status of persons with disabilities, nor was there provision for their training or employment. There were no guardianship laws with appropriate due process protections, and the regulations did not recognize the placement of individuals with mental disabilities in institutions as a legal issue separate from the issue of involuntary treatment. The law mandates access to official buildings; however, it was not enforced in practice.

According to the NGO Mental Disability Rights International (MDRI), patients with mental disabilities continued to be detained in isolated conditions with no legal basis, since there is no law to regulate the process of committing persons to psychiatric or social care facilities or to protect rights within institutions. On occasion individuals in need of mental health treatment were convicted of fabricated or petty crimes and sent to prisons that lacked resources for adequate treatment.

On April 26, the prime minister established the National Council on Disabled People (NCDP) as an advisory organization to government authorities and the Kosovo Assembly. The NCDP has two co-chairs: the prime minister and NGO HandiKos director Halit Ferizi. During the year they established an NCDP secretariat to draft legal instruments, but by year's end the NCDP had not yet become fully operational.

By year's end, neither UNMIK nor the PISG had filed criminal charges or taken other legal action in response to a 2002 report by MDRI that found extensive evidence of physical abuse, sexual assault, neglect, and arbitrary detention by staff and patients in mental health care facilities at the Shtimje Institute, the Pristina Elderly Home, and the Pristina University Hospital.

The ministries of education, health, social welfare, and public services were responsible for protecting the rights of persons with disabilities.

According to the WHO, there were an estimated 14,000 persons with mental disabilities. In December 2004 MDRI reported that institutional care of persons with mental disabilities left them isolated, arbitrarily detained, and vulnerable to physical violence and sexual abuse (see section 1.c.). In 2005 the PISG expanded options for independent living by such persons and spent \$157,000 to \$262,000 (120,000 to 200,000 euros) each on 14 integration homes endorsed by MDRI. According to a September draft WHO report, there were not enough facilities to provide care for persons with mental disabilities, and employment opportunities for persons with mental disabilities were limited. The CDHRF reported that prisoners with mental disabilities were often kept in prison facilities because of a lack of available mental health treatment.

#### National/Racial/Ethnic Minorities

Official and societal discrimination persisted against Kosovo's ethnic Serb, Roma, Ashkali, and Egyptian communities with respect to employment, social services, language use, freedom of movement, the right to return, and other basic rights, although reports of such discrimination declined compared to 2005. Members of the Bosniak and Gorani communities also complained of discrimination. During the year violence and other crimes directed at minorities and their property lessened but remained a problem. Minority employment in the PISG continued to be low and was generally confined to lower levels of the government; members of minorities occupied 11 percent of government jobs despite a PISG target of more than 16 percent.

As of October, 61 cases of interethnic crime were reported; 51 involved Serbs as victims or suspects. At year's end, 24 cases remained under investigation by police and 37 cases were referred to the courts. According to UNMIK, incidents targeting minorities were generally underreported due to distrust of the KPS and the legal system, much of which stemmed from the low rate of successful criminal investigations, prosecutions, and convictions.

Violence against Kosovo Serbs was usually investigated by the international police unit, a unit composed of UN international police officers within the KPS that reports directly to the police commissioner, who is also an international staff member.

There were multiple reports of violence against Kosovo Serbs during the year. For example, on March 28, two Kosovo Albanian youths stabbed a Kosovo Serb youth near the main bridge in northern Mitrovica. Two people were arrested, but charges were later dropped when the victim declined to press charges. The international police unit investigation continued at year's end.

On June 8, unknown persons fired gunshots at the homes of Kosovo Serb returnees in Llug village in Istok/Istog. The Kosovo Albanian mayor condemned the incident and the Kosovo Albanian deputy mayor visited the families. The KPS arrested one person, and the case was in progress in at year's end.

On August 26, 16-year-old Kosovo Albanian male "AD" reportedly threw an explosive device at the entrance of the Dolce Vita Cafe in northern Mitrovica, injuring nine people (including seven Kosovo Serbs, one Bosniak and one British national). AD was arrested, arraigned, and provisionally released due to a medical condition. The international prosecutor filed an indictment in the case on December 15, and AD remained under house arrest at year's end.

On December 8, KPS and media reported an explosion on the Frenku Bridge in Mahiliq village, in Vucitrn/Vushtrri municipality. The explosion damaged railroad tracks, disrupting rail traffic on a line frequently used by Kosovo Serbs, who claimed that it was one of the safest ways for them to travel between Serb enclaves south of the Ibar and Serb majority areas in northern Kosovo. No injuries were reported.

During the year there were no developments in the following cases: the February 2005 bombing of Kosovo Serb leader Oliver Ivanovic's official vehicle; the July 2005 incident in which an unidentified person threw a hand grenade into the Zubin Potok offices of Slavisa Petkovic's Serbian Democratic Party for Kosovo and Metohija, the only Kosovo Serb party that participated in Kosovo institutions; and the September 2005 incident in which four Kosovo Serb youths were shot (and two subsequently died) while driving in Strpce/Shterpce. International police unit investigations continued at year's end.

There were cases of Kosovo Albanians destroying private property belonging to Kosovo Serbs; some cases of violence against Serbs may have been attempts to force them to sell their property. An UNMIK regulation prevents the wholesale buy-out of many Kosovo

Serb communities in an effort to prevent the intimidation of minority property owners in certain areas; however, it was rarely enforced. There were reports that Kosovo Serbs had difficulty accessing their property, which was sometimes occupied or used by Kosovo Albanians. In some cases, Kosovo Serb property was reportedly sold by persons falsely claiming to be their attorneys and presenting forged documents in court; in situations where the rightful owners did not live in Kosovo, such fraud went undiscovered for months.

On June 6, in response to several unsolved crimes against Kosovo Serbs, Kosovo Serb National Council leader Marko Jaksic told media that the northern municipalities of Zvecan, Mitrovica, Zubin Potok, and Leposavic/Leposaviq had unanimously decided to suspend their relations with PISG. The crimes included the May 6 incident wherein Serbian Orthodox priest Srdjan Stankovic was shot at while driving in his car (he was not injured), for which UNMIK police suspect a 29-year-old Serb member of KPS; the May 11 wounding of Jovan Milosevic and Jablan Jevtic during an armed robbery gas station burglary in north Mitrovica; and the June 1 killing of Kosovo Serb Miljan Veskovic in Zvecan. Despite subsequent evidence, arrests, and clear statements by UNMIK and KPS officials that these crimes were not ethnically motivated, these three northern municipalities had not resumed relations with the PISG by year's end.

UNMIK police analyzed 1,408 Kosovo Serb convoys escorted by the KPS from January to early May. There were six incidents of stone throwing at the convoys, and police made five arrests in those cases.

There were new developments in the cases of several persons detained on suspicion of organizing or leading the March 2004 riots. In March 2005 the investigation of Vucitrn/Vushtrri KLA war veterans association chairman Salih Salihu was discontinued due to insufficient evidence. In March 2005 KPC reserve commander Naser Shatri was convicted of participation in a crowd that committed violence and given a six-month suspended sentence. In April 2005 Pec/Peja KLA war veterans association chairman Nexhmi Lajci was convicted of unauthorized ownership, control, and possession or use of weapons and fined \$393 (300 euros). The investigation of Gnjilane/Gjilan KLA war veterans association chairman Shaqir Shaqiri remained ongoing at year's end.

In August the KPS arrested five Kosovo Albanians from the Kosovo Polje/Fushe Kosove and Obilic/Obiliq municipalities, charging

them with organizing and participating in the March 2004 riots. On August 25, the court sentenced the men to 30 days' detention, and the investigation continued. The five were also accused of burning several buildings during the riots.

On November 27, the trial began in the case of Esmir Hamza and "AK" in connection with arsons in Prizren during the March 2004 riots. The two Kosovo Albanian defendants were allegedly members of the mob and were charged with inciting inter-ethnic hatred and causing damage to property. The trial panel was composed of two international judges and one local judge. The defendants were not in custody, and the trial was ongoing at year's end.

On December 14, police arrested Zlyhaje Avdullahu, a.k.a. "Kiki," for crimes committed in Kosovo Polje/Fushe Kosova during the March 2004 riots. Avdullahu was allegedly part of a Kosovo Albanian mob that broke into, looted, and burned Kosovo Serb homes and attacked Kosovo Serbs in Kosovo Polje/Fushe Kosova. On December 17, an international judge conducted a pretrial detention hearing against the defendant, authorizing her detention through the end of the year.

As of October, the PISG had reconstructed more than 97 percent (871 of 897) of the houses damaged or destroyed in March 2004, and church reconstruction was ongoing (see section 2.c.). According to the Ministry of Culture, of the 26 houses not yet reconstructed, 23 remained unfinished due to security concerns in north Mitrovica, and the owners of the other three refused to have their homes reconstructed. On May 11, following complaints about the quality of the reconstruction, the government established a five-member complaint review commission, but no decisions had been made as of October.

There were reports of politically motivated violence against non-Serb minorities during the year. On August 22, a small group of Kosovo Albanians assaulted former resident and Kosovo Montenegrin IDP Vuko Danilovic in front of several IDP children he had accompanied back to Kosovo so they could participate in a multiethnic summer camp at Decani Monastery. The KPS later arrested a Kosovo Albanian youth, but he was released when the victim could not identify him. The KPS investigation continued at year's end.

On October 2, the home of a Gorani representative of Belgrade's Coordination Center for Kosovo and Metohija was seriously damaged by a bomb blast. KPS arrested one person and the investigation continued at year's end.

Roma lived in dire poverty, and anti-Roma bias was a hallmark of Kosovo society. In 1999 Kosovo Albanians, viewing Roma as Serb collaborators, burned the Romani settlement in southern Mitrovica. As a result the settlement's approximately 8,000 former residents continued to live in camps for displaced persons in northern Mitrovica. During the year most of the Romani IDPs living in lead-contaminated camps were moved to alternative facilities and were being treated for lead poisoning (see section 2.d.).

Roma were subject to pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for survival. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in the homes they occupied prior to the 1999 conflict in Vucitrn/Vushtrri, security concerns remained.

Bosniak leaders complained that thousands of their community members had left Kosovo because of discrimination and the lack of economic opportunities.

The PISG and UNMIK took some steps during the year to improve conditions for ethnic minorities. In September the Kosovo Assembly passed a language law, making Serbian the second official language in Kosovo and setting a 5 percent threshold for making a language spoken by an ethnic minority official in a municipality. The law provides that Turkish will continue to be the third official language in Prizren regardless of the percentage of the Turkish population in the municipality.

#### Other Societal Abuses and Discrimination

The law prohibits discrimination based on sexual orientation; however, the law was not applied during the year.

Traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many reporting threats to their personal safety. The print media previously reinforced these attitudes by publishing without retraction negative articles about homosexuality that characterized gays and lesbians as mentally ill and prone to sexually assaulting children. Individual homosexuals also reported job discrimination. At least one political party, the Islamic-

oriented Justice Party, included a condemnation of homosexuality in its political platform.

In December 2005 local media reported that KPS officers and a treating physician verbally abused and mistreated two young gay men after an unknown assailant had attacked them with a knife near Pristina. The KPS briefly suspended two officers without pay pending investigation. The officers subsequently received minor reprimands and were reinstated. In January, police commissioner Kai Vittrup transferred KPS spokesperson Refki Morina out of the KPS press office following the December incident, after Morina stated, incorrectly, that homosexuality was punishable under the criminal code.

On January 6, an unknown person attacked two members of the Center for Social Emancipation, an advocacy group for the gay community. Upon learning they were homosexual, the KPS reportedly treated the victims as criminals and failed to arrest the perpetrator. KPS took the victims to the Pristina University Hospital, where the treating doctor reportedly called them "sick people."

On March 25, a group of seven men physically assaulted and verbally abused a 30-year-old man for being a homosexual. Although he reported the incident to the KPS, which in turn submitted it to the Serious Crimes Unit, the victim ultimately decided to drop the charges due to pressure from the main attacker's family. The district court prosecutor continued with the prosecution, and the court eventually convicted two perpetrators and sentenced them to six months in prison.

On March 28 in Pristina, unknown persons severely beat two men whom they observed engaging in homosexual sex. One of the men later died at the hospital of his injuries. The Center for Social Emancipation, a local NGO promoting lesbian, gay, bisexual, and transgender rights, criticized police for treating the case as a robbery rather than as a hate crime. An investigation was continuing at year's end.

On September 26, Ferid Agani, a psychiatrist and Kosovo Assembly member from the Justice Party, wrote an article in a local newspaper in which he referred to homosexuality as a "serious psychiatric disorder" that went against "human nature." Two local human rights organizations, the Youth Initiative for Human Rights and the Center for Social Emancipation, called on Agani and the newspaper to issue a public apology; neither did so.

## Section 6 Worker Rights

### a. Right of Association

UNMIK regulations allow workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice.

The only significant union, the Association of Independent Trade Unions of Kosovo (BSPK), claimed over 120,000 members; only 50,000 of its members (approximately 10 percent of the workforce) were employed. UNMIK regulations prohibit antiunion discrimination; however, some union officials reported discrimination in practice. The BSPK reported that only a small number of companies respected the regulation preventing antiunion discrimination and claimed that worker rights were abused in every sector, including international organizations, where staff did not have security insurance or pensions.

### b. The Right to Organize and Bargain Collectively

UNMIK regulations allow unions to conduct their activities without interference, and UNMIK protected this right in practice. UNMIK regulations also provide for the right to organize and bargain collectively without interference, and the government did not restrict this right in practice; however, collective bargaining took place on only one occasion. UNMIK regulations do not recognize the right to strike; however, strikes were not prohibited in practice, and strikes occurred during the year.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

UNMIK regulations prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

### d. Prohibition of Child Labor and Minimum Age for Employment

UNMIK regulations and policies prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor; however, UNMIK and the PISG rarely challenged these practices when they occurred.

UNMIK regulations set the minimum age for employment at age 16 and at age 18 for any work likely to jeopardize the health, safety, or morals of a young person, but they permit children to work at age 15, provided it is not harmful or prejudicial to school attendance.

In villages and farming communities, younger children typically worked to assist their families. Urban children often worked in a variety of unofficial retail jobs, such as washing car windows or selling newspapers, cigarettes, and phone cards on the street; the numbers of such children grew relative to 2005, although statistics were not kept by either UNMIK or the PISG. According to the Ministry of Labor and Social Welfare, the PISG still lacked plans to tackle this common form of informal child labor. Some children were also engaged in physical labor, such as transporting goods. The CDHRF reported observing serious labor violations during the year, including child labor.

Trafficking of children was also a serious problem, primarily for sexual exploitation (see section 5).

The Ministry for Labor and Social Welfare, in cooperation with UNMIK, coordinated child protection policies, and the ministry's department of social welfare had responsibility for ensuring the protection of children; however, the ministry acted in an advisory rather than enforcement role, and conducted very few inspections during the year.

e. Acceptable Work Conditions

Although UNMIK regulations provide for a minimum wage, one has not been adopted. While many international agencies and NGOs paid adequate wages, the average full-time monthly public sector wage of \$198 (151 euros) and the average private sector wage of \$272 (208 euros) were inadequate to provide a decent standard of living for a worker and family. Public sector salaries remained subject to an IMF-ordered freeze and had not risen since 2003.

UNMIK regulations provide for a standard 40-hour work week; require rest periods; limit the number of regular hours worked to 12 hours per day, overtime to 20 hours per week and 40 hours per month; require payment of a premium for overtime work; and prohibit excessive compulsory overtime. Employers often failed to implement these regulations due to the high underemployment and unemployment in Kosovo.

The CDHRF reported observing serious labor violations during the year, including lack of a standard work week and compulsory and unpaid overtime; employees did not report such violations due to fear of reprisals. According to CDHRF, many private sector employees worked long hours as at-will employees without employment contracts, regular pay, or pension contributions paid on their behalf. Employees reported being fired without cause and in violation of existing laws and being denied holidays. CDHRF reported that sexual abuse occurred on the job but went unreported due to fear of expulsion and/or physical retaliation. According to CDHRF, workers in the public sector commonly faced similar mistreatment.

A labor inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing labor standards. However, the inspectorate primarily advised employers, and although four fines were issued during the year for violation of the standards, they were not paid pending litigation.

The labor inspectorate was responsible for enforcing health and safety standards but lacked trained staff and did not do so effectively. The law does not permit employees to remove themselves from dangerous workplaces without jeopardizing their continued employment.