

Report on the joint OSCE/ODIHR - Council of Europe Field mission on the situation of the Roma in Kosovo, 1999

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Prepared by

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1. From 27 July to 6 August 1999, a joint OSCE/ODIHR-Council of Europe field visit was organised to enquire about the situation of the Roma community in Kosovo. The team was composed of the Chair of the Specialist Group on Roma/Gypsies of the Council of Europe, Mrs Josephine Verspaget, and the Advisor on Roma and Sinti Issues at the OSCE/ODIHR, Mr Nicolae Gheorghe . They were accompanied and assisted during their visit by Mrs Judith Kiers, Democratization Officer at the OSCE Mission in Kosovo.

The number of Roma living in Kosovo before the war is estimated by some Roma refugees from Kosovo and Serbia living in third countries to be around 100-150 000 . It is, however, extremely difficult to assess their exact number as in the 1981 and 1991 censuses many Roma did not declare themselves as "Roma", either because of a feeling of being fully integrated in either the ethnically Albanian or the Serb community or for fear that their registration as "Roma" could prevent their integration within the society and therefore deprive them of their basic rights. In the 1991 census, the number of Roma in Kosovo was around 45 000 .

Kosovo has a mixed Roma population, being composed of groups speaking the Albanian, Romani and Serbian languages. The Albanian Roma (all of them being Muslim) define themselves as Albanians or Muslims. Sometimes they are known as "Haskalija" or "Majup", which is the commonly used and derogatory word for Roma. Others call themselves "Egyptians; this is currently a self-identification in order to escape the derogatory qualification as "Majup". There is also a group of Orthodox Roma, more integrated into the Serbian society, and a small Catholic Romani community. However, despite their different levels of integration, all Roma are treated as second-class citizens by both the Serb and the Albanian side.

The number of Roma still living in Kosovo at the time of the field mission is difficult to assess. A rough preliminary assessment made by the OSCE Kosovo Mission and the UNHCR is of about 10 000 persons for the areas visited by the delegation including the

Internally Displaced Persons (IDP) camps.

This joint mission was organised in response to the alarming testimonies of Roma refugees from Kosovo expressed during the Balkan Roma Peace Conference (Sofia, 18-19 June 1999), the reports of human rights organisations on the violations of human rights of the Roma in Kosovo during and after the war, the information provided by the media about the situation of the Roma in Kosovo and the visit of the Advisor on Roma and Sinti Issues of the OSCE/ODIHR to Roma refugee camps in "the former Yugoslav Republic of Macedonia" from 27 May to 2 June 1999.

The programme of the joint mission is reproduced in the Appendix to the present document.

FINDINGS

It appeared clearly to the participants in the mission that the international community has not been able so far to protect the Roma, especially after the war and the subsequent return of the ethnic Albanians to the places where they lived before the conflict. Many houses belonging to Roma were and are being burned; sometimes even entire Romani neighbourhoods have been burnt, as was the case in the city of Mitrovica. The Roma are frequently threatened and harassed and are victims of violence and allegedly of rape. Some of them were kidnapped by ethnic Albanians, who sometimes wear KLA uniforms. The places where they are imprisoned are often unknown. Roma are generally afraid to leave their houses, neighbourhoods or even the provisional accommodation camps. They are deprived of their freedom of movement as a result of their fear of being harassed, kidnapped or beaten by ethnic Albanians. The testimonies gathered state that acts of violence are committed by ethnic Albanians who do not belong to the same neighbourhoods as the victims, the Roma victims being identified by their skin colour.

2. The mission was appalled by the terrible living conditions in some Internally Displaced Persons camps, such as Obilic and Djakovica. It seemed clear that people cannot continue to live in these conditions and that refugee status in third countries may be the only available option for them. They have no place to return to and their lives are allegedly at risk.

Despite some local variations in the situation of the Roma groups, most of the Roma interviewed by the joint mission expressed their strong wish to leave Kosovo and to seek for asylum in third countries. They cannot see any acceptable future for them in Kosovo and think that there is little or no space for reconciliation after the experiences of the last few months.

Roma have been collectively accused by the ethnic Albanians of collaboration with the Serbs. However, it appeared to the participants in the mission that few Roma seem to have voluntarily joined the Serbs; many of them were manipulated or even forced by the Serbs to provide services. Some Roma and other witnesses provided the mission with evidence of coercion. The Roma in Pristina were, for example, forced to attend pro-Milosevic demonstrations. Others were forced (for example in Orahovac) to do physical

work or provide transportation for the Yugoslav army. Some were arrested in their homes and forcibly enrolled in para-military groups around Pristina. They were used as an instrument to commit atrocities against the ethnic Albanians.

The joint mission found a general perception among Roma that the United Nations Security Forces in Kosovo (KFOR) has not offered sufficient protection to the Roma and has often been slow to respond appropriately to the problems faced by the Roma. This can be explained by a lack of awareness among the KFOR and the international organisations of the number of Roma in Kosovo and the place they occupy in the society. Nevertheless, Resolution 1244 of the United Nations states in Article 9 that the KFOR has to ensure a secure environment. The delegation noticed that when properly informed about the existence of the Roma and their alarming situation, some KFOR units expressed willingness to protect the Roma better.

The joint mission also explored the regional dimension of the situation of the Roma from Kosovo, as many of them are IDP's in Serbia and Montenegro or took refuge in neighbouring States such as Bosnia and Herzegovina, Albania, Hungary and other countries.

In Serbia, the number of Roma IDP's during and after the war is estimated by Roma representatives to be between 20 000 and 100 000. There is currently a continuous movement of Roma displaced persons between Kosovo and Serbia, especially in border areas such as Mitrovica. According to UNHCR and Roma representatives, there is a potential for large movements of Roma from Serbia to "the former Yugoslav Republic of Macedonia" in the coming weeks.

In "the former Yugoslav Republic of Macedonia", there are currently 548 Roma in the Stenkovac II IDP camp and 1999 in Dare Bombo. About 6 000 Roma from Kosovo are accommodated in Romani families throughout the country with the status of "temporary humanitarian protection". About 3 000 of them are staying in Suto Orizari (Skopje area). Most of the Roma still living in IDP camps wish to be evacuated to third countries outside of the Balkan region.

5 000 to 8 000 currently live as IDP's in a refugee camp near Podgorica, Montenegro, in tents provided by UNHCR .

Large groups of Roma (about 600 to 1 000) have been repeatedly attempting to flee by sea to Italy.

There are about 150 Roma refugees from Kosovo in the refugee camps in Bosnia and Herzegovina, as reported recently by UNHCR Sarajevo.

RECOMMENDATIONS

The KFOR should develop methods to ensure a better protection for the Roma in Kosovo, in accordance with its mandate under Resolution 1244 of the Security Council of the United Nations to establish a secure environment. Such measures could include a more proactive attitude, and the development of good relations with the local Romani communities. Awareness raising training on Roma issues should be provided to KFOR, Civpol and other international actors if deemed appropriate. In general, the OSCE

participating States and the Council of Europe member States should consider seconding persons with expertise in Roma issues, including experts who are themselves of Romani ethnicity, to Kosovo in order to help the international community deal with this issue.

Violence against Roma should be strongly and publicly condemned by the representatives of the international community responsible for peace, reconciliation and reconstruction of Kosovo.

Recent kidnappings and other violations of the human rights of Roma must be investigated and the offenders adequately punished. The concept of "collective guilt" of the Roma should also be addressed. The extent of the alleged involvement of the Roma in the events which took place during the NATO bombing should be thoroughly documented and made public so that cases can be brought before the courts and the Roma who were not involved can return safely to their homes and the reconciliation process initiated.

States should consider recognising Roma from Kosovo in accordance with the 1951 United Nations Convention relating to the Status of Refugees. Moreover, Roma who already fled should not be returned to Kosovo under the present circumstances.

As prospects develop for a safe return to Kosovo, the return of Romani refugees and displaced persons should be carefully monitored by the international governmental and non-governmental organisations present in the field.

The international community in Kosovo and the neighbouring States should ensure proper conditions of accommodation for the Romani internally displaced persons in IDP camps such as Obilic, Zvecan-Mitrovica and Djakovica, especially as winter approaches. In "the former Yugoslav Republic of Macedonia", the Roma living in the Stenkovac II and Dare Bombo camps need urgent attention.

Reconciliation and mediation efforts between the Romani communities in Kosovo and the local ethnic Albanian communities should be carried out by the international organisations, bearing in mind the variations in the situation of the Roma at local level. These efforts should concentrate on the local level. In particular, Roma should be represented within the civil councils to be set up by UNMIK.

The issue of the Roma in Kosovo and neighbouring countries should be considered as an issue for the Stability Pact for South-Eastern Europe and for the reconstruction plans for Kosovo. The international community should also make sure that the Roma in Kosovo will benefit from the reconstruction process on an equal footing with the other groups and that they will be granted the same rights.

A discussion of the situation of the Roma in Kosovo will take place at the OSCE Supplementary Human Dimension Meeting on Roma and Sinti Issues, to be held in Vienna on 6 September 1999, and at the 8th meeting of the Council of Europe Specialist Group on Roma/Gypsies (Sofia, 20-23 September 1999). A plan of action specifically addressing the issue of the Roma in Kosovo should be drawn up on these occasions and implemented by the international community in Kosovo as part of the administration of the province.

APPENDIX

PROGRAMME OF THE JOINT MISSION

27 July 1999

17h30 Departure from Skopje

28 July 1999

08h00 Meeting with Ambassador Daan Everts, Head of Mission OSCE and Sandra Mitchell, Director Human Rights Division

08h30 KICC Briefing

10h00 Meeting with Mr Mehmet Arizi and Jakup Krasniqi, at UCK premises

11h00 Mrs Kelmendi member of the Presidency of LDK, at LDK premises

12h30 Lunch with Sandra Mitchell (OSCE Director Human Rights Department) and Volker Turk (UNHCR, Senior Protection Officer)

14h30 Meeting OHCHR, Mrs Mary Wyckoff and Christine Meinderama – OSCE

15h30 Visit of Obilic Roma IDP camp

18h00 Return to Pristina

29 July 1999

Accompanied by Nasser Adici, Roma community leader of the Obilic IDP camp

08h00 Visit of Mogura village; visit of an isolated Roma family (only one left in the village) who are in need of medical aid

09h00 Field visit to Prizren: visiting of the two Roma neighbourhoods in town, meeting with the leaders, visit to Landovica, where the OSCE Human Rights Department has encouraged a dialogue between Roma and the village population

Meeting with Hadzi Zulufi Merdan, Representative for Tusus and Tanasko Raic areas, and other members of the community

Meeting with Lennart Mythback, UNMIK Head of Civil Administration

Landovica: meeting with Ekrem Kryeziu, Roma representative followed by a meeting with Kurtexh Morina, the village secretary (LDK)

Accompanied by OSCE Prizren Human Rights staff

16h30 Return to Pristina

18h00 Arrival Pristina

30 July 1999

08h30 Field visit to Pec and Djakovica: Visit of the OSCE office for briefing, continuation to Djakovica where four groups of Roma can be found: city dwellers, approx. 1,000 in camp on the bridge, in the outskirts Kolonij and in the neighbouring village Skivjan. Some leaders have been identified.

16h00 Return to Pristina

18h00 Arrival Pristina

31 July 1999

09h00 Field visit to Orahovac: visit of the Romas in the isolated Serb/Roma areas of town. Meeting with Roma representative Idris Berisha and a representative of the Djiptions (Egyptians) delegation.

12h00 Discussions with Dutch KFOR contingent. Lieutenant colonel Mr Van Loon.

Meeting with OSCE Prizren staff in Orahovac

In Prizren, meeting with Kujtim Pacaku, report on Radio Roma, Prizren

16h30 Return to Pristina

18h00 Arrival Pristina

1 August 1999

08h00 Field visit to Mitrovica, Zveccan

Conducted extensive talks with the Roma population in the collective centre (a school) about their situation and their future. The first step to be taken was to participate in the town council meeting schedule for the following day.

13h30 Field visit to Urosevac, Dubrava accompanied by Rexhep Bajrami, a provisional leader of the Roma areas in Urosevac town.

Meeting with the community leaders of Dubrava and Rexhep Bajrami

Visit of Roma areas in Urosevac

17h00 Return to Pristina

18h00 Arrival in Pristina

19h00 Debriefing with Volker Turk, Senior Protection Officer UNHCR and Deputy

2 August 1999

07h30 Ms Josephine Verspaget left for Skopje airport

09h00 Informal meeting with Julia Goethe, (acting) OSCE Director of Democratisation

10h00 Discussion with an OSCE Democratisation staff member from Gnjana, on Roma issues in the area.

11h00 Trip to Mitrovica to support the Roma representation in the UNMIK Town Council meeting.

15h00 Meeting with Sandra Mitchell, OSCE Director Human Rights and Claudia Moser, deputy

18h00 Visit of destroyed Roma areas in Pristina

3 August 1999

11h30 Debriefing with OSCE MoH Ambassador Daan Everts, Sandra Mitchell and Julia Goethe

13h00 Working lunch with Julia Goethe

16h30 Meeting with Erick Chevalier, Executive Assistant to Mr Bernard Kuchner, UN Special Representative of the Secretary General, UNMIK

17h00 Presentation by Mr Nicolae Gheorge on the Task force on Minorities, chaired by Mr Dennis MacNamara (UNHCR), Deputy Special Representative of the Secretary General

18h00 Meeting with Mr Dennis MacNamara (UNHCR), Deputy Special Representative of the Secretary General and Volker Turk, Senior Protection Officer (UNHCR)

19h00 Departure to Skopje

4-6 August 1999

Mrs Gheorge stayed in Skopje where he visited Romani refugee camps and Romani representatives.