

# Whose responsibility?

## Reporting on ethnically motivated crime against Roma in Kosovo – A case study

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## *Introduction*

On Sunday, 2 August 2009, around noon, **Chachipe** received an email from a Roma refugee from Gnjilane, claiming that a violent attack had taken place in his home town, two days before, leaving several people wounded, some of them in a serious condition. **Chachipe** took the information very serious and opened an inquiry in the case.

The following report is an account about this inquiry and of the failure of institutions in Kosovo to properly investigate and report on assaults on Roma. It points out, in particular, at the apparent failure of the international organisations in Kosovo to monitor assaults on members of the Roma minority and to investigate into their possible background. It further demonstrates the consequences of the under-reporting of ethnically motivated attacks on Roma for refugees and asylum-seekers. It concludes with a series of recommendations to local and international organisations and institutions.

## *Initial information*

According to the first information, Kosovo Albanians attacked Roma in the Abdula Preseva neighborhood in Gnjilane. Where no further information were given about the assailants it was said that several had been wounded, with some of them, including a local community leader, Mr Galip Iseni, being in a critical condition. According to **Chachipe's** counts, the incident should have taken place either on 30<sup>th</sup> or 31<sup>st</sup> July.

This information was confirmed later, by another member of the refugee community. He claimed that the incident was linked with property conflicts and the return process. According to him, the assailants were ethnic Albanians who illegally occupied Roma houses in the Mahala and did not want to leave. He further said that the Roma living in the Mahala experienced great fears following the assaults and did not dare to leave their houses after dark. Accordingly, they would even consider to leave Gnjilane.

## *Background*

The Abdula Preseva street is a traditional Roma neighbourhood in Gnjilane. Before the war, it was home to some 2,600 Roma.

At the end of the Kosovo war, the neighbourhood was the scene of severe violence. The Roma fled their houses, which were then looted and destroyed. According to the European Roma Rights Centre (ERRC), some 290 houses out of 360 were destroyed.<sup>1</sup> The houses, which remained empty, were occupied by ethnic Albanians.

In the second volume of its seminal report “Kosovo/a: As seen, as told”, the OSCE writes the following:

“Following the arrival of OSCE in Gnjilane/Gjilan, it appeared that a systematic effort was made to force Roma out of their homes by arson attacks, looting and the destruction of property. This was evident in Gnjilane/Gjilan near “Abdulla Preseva” street, where approximately 90% of

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<sup>1</sup> European Roma Rights Centre (ERRC): [In the Aftermath of Ethnic Cleansing: Continued Persecution of Roma, Ashkalis, Egyptians and Others Perceived as “Gypsies” in Kosovo](#), Memorandum presented at a hearing at the European Parliament on 27 June 2005

Roma houses were burned within a three week period. Since 27<sup>th</sup> June [1999] a total of 135 houses have been burned in Gnjilane/Gjilan, the majority belonged to Roma.”<sup>2</sup>

In the following years, the return of Roma to the Abdula Preseva neighbourhood was rather parsimonious. In March 2004, the Mahala was again attacked.

The same year, the international community launched the “Return to Abdullah Presheva/ Abdula Presevo neighborhood” project, which was later included in the SPARK programme (Sustainable Partnerships for Assistance to Minority Returns to Kosovo).

According to information from community members, many Roma have their houses rebuilt only to sell them for a better price. They are bought by ethnic Albanians from the surrounding villages or from Southern Serbia (Presevo valley, Bujanovac, Medvedja).

According to local Roma, the conflict is between these people and the inhabitants of the Roma Mahala.

### *The investigation*

On 3 August 2009, **Chachipe** sent a first email inquiry to the UNHCR and UNMIK.

On 4 August 2009, **Chachipe** received a first reply from the UNHCR according to which the UNHCR had started to investigate the issue. Following this, **Chachipe** forwarded new information to the UNCHR.

It was only on 10 August 2009, that the UNHCR got back to **Chachipe** with the results of its investigation:<sup>3</sup> Accordingly, a Senior Protection Officer and staff of the UNHCR field office in Gnjilane visited the Abdula Preseva neighborhood, on 4<sup>th</sup> August, and spoke with “some of the victims”. They went also to the deputy mayor and with the municipal communities officer, who “were not aware of the incidents”.

The UNHCR notified the Minister for Communities and Returns, the Deputy Prime Minister, the Prime Minister’s Office for Community Affairs, the Council of Europe, and the UNHCHR about the issue. On 6<sup>th</sup> August 2009, its field office staff in Gnjilane met with the Mayor in the context of its monitoring activities.

Due to the recent reshuffling of UNMIK, **Chachipe’s** mail to UNMIK reached the competent service only one day later, on August 4<sup>th</sup>.

As the Office for Community Support and Facilitation (OCSF, formerly the OCRM) did not reply, **Chachipe** sent another request to the UNMIK spokesperson, on 11<sup>th</sup> August 2009. Two days later, on 13<sup>th</sup> August, the UNMIK spokesperson acknowledged the receipt of **Chachipe’s** inquiry. Few hours later, **Chachipe** was cced a reply from the OCSF to the spokesperson according to which the OCSF did not receive any information about an incident in the Roma Mahala, but “something on Gjilane”.<sup>4</sup>

Included in this mail was a report regarding a meeting between the OCSF field office in Gnjilane and the “Additional Deputy Mayor” of Gnjilane, Mr. Srdjan Jovanović, dated as of 7<sup>th</sup> August

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<sup>2</sup> OSCE: Human Rights in Kosovo: As Seen, As Told. Volume II, 14 June - 31 October 1999: Part II: [Regional Overviews of the Human Rights Situation in Kosovo](#), see p. 27 ff.

<sup>3</sup> See annex

<sup>4</sup> See annex

2009. According to this report, the Additional Deputy Mayor informed the OCSF about a series of six (6!) recent attacks on Roma by ethnic Albanians during a meeting on 6<sup>th</sup> August. Based on the statement from the Additional Deputy Mayor, the report contains more specific information (one sentence!) only about one of the attack during which “20 Kosovo-Albanian males” allegedly assaulted a Roma men, “leaving him severely injured”.

The report further conveyed the assessment of the Additional Deputy Mayor according to which the security situation remained fragile after these attacks and “could rapidly deteriorate in spite of the long stability in the area” as well as his disappointment regarding the fact that there was “no accurate police report on such incidents.”

This was followed by a comment, which was obviously added by the OCSF in Pristina, according to which “there has been a rise of incidents of assault and injury to Kosovo Roma community during the course of last week”, and that “such incidents were not properly reported by the relevant authorities and there have been no public condemnation of these attacks by the municipal or central authorities.”

On 11 August 2009, **Chachipe** contacted the EULEX spokesperson. He replied that he received a similar request, on the day before, from a German journalist, and that EULEX police was investigating into the issue. Few hours later, he got back to **Chachipe** with a “preliminary response”: Accordingly, EULEX police had “no knowledge of the incident”, and was “extending their search for information in the local community”.<sup>5</sup> He asked **Chachipe** for contacts of members of the local Roma community, in order to facilitate the investigation.

**Chachipe** again pointed out to him that a local community leader, Mr. Galip Iseni, had allegedly been injured during the incident, and that the information, which it had received from the UNHCR, the day before, made it believe that the incident was indeed serious.

Few hours later, the EULEX spokesperson informed **Chachipe** that EULEX found “tracks” of two complaints by Mr. Iseni to the Kosovo Police in relation with a case of theft in his brother’s house and another incident, during which “he had been <pushed> by a Gjilan citizen as he was playing cards in front of his house and asked to leave.” The incidents are said to have taken place on 30 July 2009.

The EULEX spokesman added that there was “no apparent link with a returnee problem”, but that EULEX police was monitoring the case.

Following the advice of the UNHCR, **Chachipe** finally contacted, on 14<sup>th</sup> August 2009, the OSCE, as the last organisation it has contacted. The Human Dimension Officer, whose name had been forwarded to **Chachipe** by the UNHCR, immediately referred **Chachipe** to the spokesperson.

In her reply,<sup>6</sup> the spokesperson explained that the issue had been raised with the OSCE by “the” Roma representative, presumably, Mr. Iseni. Accordingly, he informed the OSCE about an increase of attacks on members of the Roma community. In a bracket, she mentioned 4 Roma assaulted and a case of burglary.

She also referred to police information according to which the police had received reports about one case of theft in a Roma house, which was under investigation, and two (2) cases of physical attacks on Roma, which had been referred to the court.

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<sup>5</sup> See annex

<sup>6</sup> See annex

She added that OSCE, “in its monitoring capacity”, contacted police, which promised to increase its patrols in the area, and that the OSCE would also monitor the court procedures, once the cases had been brought into court.

When **Chachipe** insisted on receiving information about the background of the attacks including on the identity and origin of the persons involved, as well as on the follow-up by the Kosovo and international institutions, all four organisations turned mute:

Neither EULEX, nor UNMIK, got back to **Chachipe** after providing “preliminary information” (EULEX). The UNHCR and the OSCE claimed that they were bound by the “principle of confidentiality or by the limits of their mandate.

### *The Yekhipe report*

On 13 August 2009, **Yekhipe**, the Roma programme of the public broadcaster, RTK, featured an 19-minute report about the incidents in Gnjilane. **Yekhipe** reporters visited the Roma Mahala and interviewed some of the victims including the local community leader, Mr. Galip Iseni, who is at the same time also one of the victims. They also spoke with a senior police officer.

Much in contrast to the representatives of the international organisations, the interviewed, with the exception of the police officer, despite their fears, were very much outspoken about the incidents which occurred in the Abdula Preseva neighbourhood and their eventual “ethnic” background.

### **The perspective of the victims**

The first interviewed is Mr. Galip Iseni, a local community leader, who claims that he was himself attacked by an ethnic Albanian neighbour.

Mr. Iseni admits that there has been an escalation of incidents after a period of relative stability, i.e., where “no major incidents” were reported.

He comments more specifically on two attacks on one and the same day by ethnic Albanians on two Roma youngsters during which the Roma were allegedly beaten up “for no reason” (see below) and, briefly, on the assault on him.

Regarding this assault, he says that he was attacked and beaten up by an Albanian neighbour while playing cards in his backyard. He claims that he did not know the assailant, and was not able to give his name to the police, when the police asked for it.

Regarding the general situation, Mr. Iseni says that the attackers are Kosovo Albanians who are unhappy to see Roma coming to Gnjilane to visit their family. He claims that Kosovo Albanians, who have illegally occupied Roma houses in the Mahala, seek to discourage Roma from returning to Gnjilane, and draws a direct link between the recent incidents and the return project. He says that the UNHCR and the OSCE, who sponsor this project, should also “resolve their [the ethnic Albanian returnees] problems.”

He says that he cannot comment on whether the attacks were spontaneous or organised, as the members of his community would not dare to say who are the perpetrators.

He says that the Roma experience great fear as a consequence of these attacks. He repeats several times, that the Roma are afraid and that they are also afraid to report attacks on them. He explains their attitude pointing out at fears of retaliation: “When police comes to the Mahala, the Albanians gather and they try to find out who called the police and who reported [to them].”<sup>7</sup>

Mr. Iseni expresses disappointment at the fact that the police decided to qualify the attacks on Roma as a mere disturbance of the public order. Even if he does not say so directly, it is very much obvious from his statements, that he believes that these incidents are “ethnically motivated”. “[I]f the Albanians beat up the Serbs and the Roma, these are interethnic incidents,” he says.

The “ethnic background” of the incidents in the Abdula Preseva neighbourhood is further substantiated by the fact that Mr. Iseni repeatedly says, that members of the local Roma community report to him that they are told by ethnic Albanians, that “Roma have no place here, in Kosovo”.

**G.H.: The Roma complain that the Albanians tell them that they fought for this country, and that Roma have no place here, in Kosovo.**

**RTK/Yekhipe: Is there also something of this to it?**

**G. H.: Yes, this is what most of the Roma tell me, and I am just telling you what are their words. They tell me that they [the Albanians] tell them that the Roma have no place here. (unofficial transcription and translation)**

Mr. Iseni complains that the police does not report correctly on the complaints filed by Roma and about the lack of police patrols in the area, especially at night.

**Yekhipe** reporters further interview S.Q., one of the participants in the card game in Mr. Iseni’s courtyard who also reported as one of his witnesses to the police station. According to S.Q., the incident occurred because a neighbour felt offended, when Mr. Iseni shouted at his mother. S.Q. holds, that though Mr. Iseni tried to lift the confusion and asked his neighbour to calm down, the neighbour kicked him into his stomach with his foot, and that the power of the stroke was such that Mr. Iseni fell from his chair. It came to some shoving between the two men, who were separated by S.Q. and other persons.

The second victim, which appears in the **Yekhipe** feature, is S.D., a young Roma man, who claims that he was attacked twice, on the same day, first, by a group of men, then by an individual assailant.

S.D. reports that he went to get playing cards, together with a friend, when he was suddenly surrounded by a group of seven men who used a cord on him and their fists on his friend. He claims, that he knew the perpetrators of the first attack only from sight, as they were gathering next to a nearby newsstand; that some of them are from Gnjilane and others probably from the surrounding villages.

He says that he reported the case to the police, and that the police told him that they would see “what was going to happen”. He also says that he went to the doctor’s.

On the second case, S.D. says that he was on his ways to the local cake shop, with a friend, when he was assaulted by an unnamed individual, who bate him and his friend with a stick which he had taken from his house.

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<sup>7</sup> Galip Iseni, **Yekhipe** interview (unofficial transcript and translation)

S.D. says that he and his friend went to the police, and that he showed them the house from which the attacker came out. He says that he was promised by the police that they would visit this house in the evening, but that he later saw his attacker walking freely in the streets.

According to another young Roma, S.R., the attacks are organised and coordinated. He says, that they are moved by an ethnic Albanian man who stirs up young Albanians, below the age of legal responsibility, in order to avoid himself punishment. He believes that this man came from a village. He claims that young Roma are constantly attacked and insulted, when going out in the street.

His statements are supported by the statements of an unnamed Roma woman She says that it is impossible for Roma to go out without being physically or verbally abused by young Kosovo Albanians. She claims, that these problems started with the arrival of ethnic Albanians in the Mahala.

S.Q., who was also a victim of the attacks, says that the Roma came to the conclusion that they would be better leave Gnjilane, if these attacks continued: “To tell you the truth: The Albanians have suddenly started to harass us, and all of us, who live, agreed that if this continues, we’ll hand the keys of our house to the municipality and we will leave Gnjilane, because, in addition to the fact that we don’t have jobs, and that there is poverty all over, they do not leave us in peace,” he says.

**Yekhipe** also spoke with the chair of the Committee for Communities in Gnjilane who draws a line between the recent incidents with the arrival, in the Mahala, of ethnic Albanians who bought Roma houses. He says that it is now up to the Prosecutor to find out whether the attacks were ethnically motivated, and that it would be necessary to wait until September to see some activities.

### **The perspective of the police**

In the interview with the **Yekhipe** reporters, Basri Kastrati, a senior officer with the KPS, confirms that the police received a report regarding an assault, in the morning of the 28<sup>th</sup> July 2009, by an ethnic Albanian, whose name he would not disclose, on S.D..

He says that the case was first qualified as a simple disturbance of the public order, but that, it was requalified into a penal offence, the next day, after S.D. produced a medical certificate. He explains that there was some kind of “misunderstanding and confusion”, which he seems to relate to the fact that S.D., did not to go immediately to the doctor’s for a medical check-up, which does not seem to entirely coincide with S.D.’s saying.

Commenting on the case, Mr. Kastrati says that he cannot qualify the case as ethnically motivated, if the persons involved “have some open bills in relation with fuel crime [trafficking activities].” He adds that the assailant claimed that he does not have anything “against the Roma in the Mahala”.

Regarding the assault on Mr. Iseni, Mr. Kastrati explains that the attack occurred, when Mr. Iseni played cards in the street, and that the attacker told him “in a loud voice”, that he cannot play cards in the street, because this is baring the road to him. According to Mr. Kastrati, Mr. Iseni’s neighbour “lost control” and hit him. He says that the police referred the case to the public prosecutor, and that proceedings have been launched over a disturbance of public order.

Mr. Kastrati also briefly reports about an attack on S.R., which is referred to as “the third case”. He qualifies this case as a “conflict between neighbours” and says that it was transferred to the prosecutor’s office.

### *Inconsistencies and other shortcomings*

On the basis of the feature broadcasted by **Yekhipe**, **Chachipe** established that there were at least six “security incidents” involving members of the Roma community in the Abdula Preseva street in Gnjilane, in the last weeks of July.

28.07.2009

On this day, S.D. was allegedly attacked twice, first by a group of seven people, then, by an individual armed with a stick. All the assailants are claimed to be of Kosovo Albanian ethnicity.

30.07.2009

On this day, Mr. Galip Iseni, was attacked by a neighbour, which he claims he did not know before. The man is presumably of Kosovo Albanian origin.

31.07.2009

On this day, a Roma family was attacked. As a result of this attack, S.R. was injured and had to be taken to the ambulance where he received four threats to his head.

“Before these incidents”

According to **Yekhipe** there were two other attacks, before these incidents, which were not reported to the police. One of these incidents allegedly took place in the Elez Agushi street, in the city centre, where a Roma family was attacked. Another incident took place in the Mahala, where a young Roma man was attacked who was visiting his mother in Kosovo.

The number coincides with the information which was provided by the Additional Deputy Mayor to UNMIK, but **Chachipe** cannot exclude that there were more attacks and that some of these attacks remained unknown as the victims are afraid to speak.

### **Ignorance**

Given that these incidents are said to have taken place already in July, it appears most surprising that the international organisations, which were contacted by **Chachipe** between the 4<sup>th</sup> and 11<sup>th</sup> August, appeared to have no knowledge of them.

In an apparent follow-up to the information provided by **Chachipe**, the UNHCR dispatches a senior protection officer together with some staff members of its field office in Gnjilane on the spot, on 4<sup>th</sup> August.

UNMIK (OCSF) claims to have heard about the incidents during a meeting with the additional deputy mayor, Mr. Jovanovic, on 6<sup>th</sup> August.

OSCE says that it was informed “by” the representative of the Roma community, presumably, Mr. Iseni, during a meeting.

Despite the fact that the UNHCR claims to have informed the international organisations, EULEX ignores still ignored about the incidents, when contacted on 11<sup>th</sup> August.

## Numbers

Even after making their own inquiries, it appears that the information of the international organisations about these incidents remained rather incomplete, or they simply did not want to share their information with **Chachipe**.

The UNHCR, which visited the Abdula Preseva neighbourhood and spoke with “some of the victims”, was not ready to provide any information about the number of assaults and related casualties.

UNMIK did not provide any assessment of its own. Its HQ essentially forwarded a copy of the OCSF field report, related to the meeting with the “additional deputy mayor” of Gnjilane, where he mentions six incidents, assorted with a comment by the OCSF according to which there has been “a rise of incidents of assaults and injury to the Kosovo Roma community” and criticizing the absence of a proper reporting of the attacks “by the relevant authorities” and of their public condemnation by the Kosovo authorities.

Similar to UNMIK, the OSCE did not produce an independent report about the incidents, but essentially reported the words of the Roma community leader, Mr. Iseni, according to which there had been “an increased number of attacks”. In a bracket, the OSCE spokesperson lists four members of the Roma community being assaulted, with no information about the number of assaults, and one case of theft.

In addition, the OSCE spokesperson also provides police information according to which the police received reports about one case of theft in a Roma house and two cases of physical assault.

In a “preliminary report”, EULEX essentially reports about two complaints, filed by Mr. Iseni to the KPS, one referring to a theft in his brother’s house, and another, referring to an attack on him by his neighbour.

**Chachipe** did not contact the Kosovo Police, but gathers from the **Yekhipe** feature that the Kosovo police received three reports about assaults on members of the Roma community. From the OSCE and EULEX report it gathers that the police received a fourth report regarding a case of burglary in a Roma house. The OSCE mentions only two police reports relating to physical assaults.

## Timing

With the exception of the EULEX report, none of the reports by the international organisations provides a date, when the attacks presumably took place.

## Background of the attacks

Most of the organisations contacted by **Chachipe**, ignored **Chachipe**’s question regarding the background of the attacks, and only UNMIK confirmed an increase of attacks on Roma, without specifying whether this statement refers only to Gnjilane or Kosovo, in general, and without trying to provide an explanation about the possible motives of the attacks.

The OSCE and the UNHCR evaded the question by referring either to their limited mandate (monitoring) or “the principle of confidentiality”.

Depending on the type of incidents which is reported, the different replies leave an entirely different picture on what might be the reason for the incidents:

UNMIK seems to give some credits to the statements of the Additional Deputy Mayor of Gnjilane, who expressed concerns over the security situation of Roma in the Abdula Preseva neighbourhood as UNMIK confirms an increase of attacks on Roma.

Referring to its meetings with “some of the victims” and later information of the relevant local (Kosovo) and international institutions and organisations, the UNHCR report conveys the feeling that the incident or incidents were rather serious, but does not provide any further details about this issue.

Even if the OSCE provides some information about the number of the victims, which are said to be four, and of the type of incidents reported by a Roma representative and the police, its report is even less specific, because it leaves entirely open whom to give credit to. The information provided by the Roma representative, summarised as “4 Roma community members assaulted, 1 Roma house broken in), contrasts with police information according to which the police received reports about “1 case of theft” and “2 cases of physical harassment of Roma”.

The OSCE spokesperson refused to comment on the discrepancy between the reports provided to the OSCE by the Roma representative and the reports which were allegedly received by the police.

After verifying the information provided by **Chachipe**, EULEX reports about two complaints of the Roma representative, Mr. Galip Iseni, to the police, one referring to a case of theft in his brother’s house and one related to him being “<pushed> by a Gjilan citizen as he was playing cards in front of his house and asked to leave.”

The EULEX spokesperson specifies that there is “no apparent link with a returnee problem”, but that “EULEX police will – and is already – monitoring the case.”

EULEX did not provide any further information to **Chachipe**.

On the basis of the statements made by Mr. Basri Kastrati, officer with the Kosovo Police, the two first “incidents”, i.e., the assault on S.D. by an unnamed assailant and the assault on Mr. Iseni by a neighbour, were immediately qualified as a simple disturbance of the public order. There is no information about the second or first attack on S.D.. Strangely enough, it is not mentioned that S.D. was accompanied by a friend in the two cases, as he claims and that one of these attacks involved seven persons/assailants. The information as to why one of the attacks on S.D. was later requalified into a penal offence, is most confusing.

No information is given as to what happened with the “third case”, an attack on S.R. by a 22 year-old ethnic Albanians, during which S.R. suffered light injuries at his head necessitating 4 threads (according to **Yekhipe**), but the police officer refers to a conflict between neighbours, a statement which he also repeats regarding the assault on M. Iseni, whereas he alleges that the attack on S.D. is actually based in a conflict between black marketers, which automatically disqualifies S.D. as a victim.

The different statements made by the victims of the assaults and their witnesses, who were interviewed by **Yekhipe** leave, however, little doubts about the existence of serious interethnic tensions in the Abdula Preseva streets and the intention of ethnic Albanians living in this area to chase away the Roma.

### ***Comments***

**Chachipe** requests to the international organisations related to the following

- the background of the incidents;
- the origin and identity of the persons involved;
- the institutional follow-up.

An answer to these questions could not be provided by any of the organisations contacted.

Of all the organisations contacted, not a single one said that it was informed about the incidents in Gnjilane.

Even though the UNHCR presumably informed most of the local and international organisations following its field visit on 4 August 2009, the EULEX HQs and the EULEX police claimed that they were not aware of the incidents, when contacted by Chachipe, on 11<sup>th</sup> August.

Only UNHCR claimed to have sent a team on the spot.

**Chachipe** is particularly worried about the fact that EULEX police does not seem to have any regular contacts with members of the Roma community. Such contacts would be crucial in order to increase the confidence of the Roma, given their mistrust towards the Kosovo Police.

This leads to the conclusion that information related to physical and verbal assaults on Roma which might be ethnically motivated do not reach the international organisations and their headquarters in Pristina, or that they are simply not communicated to third parties.

The OSCE's involvement in the "Abdullah Presheva Return Project", makes it, for instance, very much unlikely that the OSCE which is generally considered as "the eyes and the ears of the mission" was unaware of the tensions in the Abdula Preseva neighbourhood.

When making its inquiry, **Chachipe** did not expect to be given the names of the culprits, but expected to receive some more general information as to the date or dates when the incident or incidents took place, the number of people involved and their ethnic origin as well as any other information which would allow some conclusions regarding the nature of the conflict.

These information were not provided to **Chachipe** by any of the organisations contacted.

From the reactions and feedback received from international organisations while investigating the incidents in the Roma Mahala in Gnjilane, **Chachipe** concludes that it is the Kosovo police, and not the international organisations, whose role is crucial in reporting on ethnically motivated crime against Roma in Kosovo.

However, it appears from the above, that these incidents are either not reported to the police or not considered as ethnically motivated by the police.

Indeed:

- Out of six incidents, which have allegedly taken place, only three were reported to the police.
- Two cases are immediately qualified as a mere disturbance of the public order, whereas nothing is said about the third case, and a senior police officer qualifies two cases neighbourhood conflicts and alleges that another case might be linked to conflicts surrounding the trafficking of fuel.

In the **Yekhipe** report, the community representative claims that Roma are afraid to report to the police out of fear of retaliation and that any descent by the police in the Mahala is followed by investigations on the side of ethnic Albanians on who reported to the police.

In 2006, the European Roma Rights Centre stated in its submission to the Human Rights Committee:

“In general, the ethnic cleansing of the RAE remains totally unremedied, with the result that RAE are afraid to report incidents of violence because they have plausible reasons to believe they will not be protected against retaliation.”<sup>8</sup>

UNMIK recognised the disproportion between the number of reported and real cases. Accordingly, “underreporting of interethnic incidents persisted as a consequence of the KPS policy of assigning low priority to them and persistent mistrust between minorities with the Kosovo Albanian majority.”<sup>9</sup>

It also seems that incidents of ethnically motivated violence and abuse against Roma are rarely brought before court. One year ago, the Humanitarian Law Centre (HLC) in Pristina released a “Trials for ethnically motivated crimes and war crimes in Kosovo”. This report, which documents 21 cases, which were brought to court, in 2007, does not include any single case where Roma appear as a victim.<sup>10</sup>

Non surprisingly, thus, **Chachipe** has not been able to find any case of “ethnically motivated violence” or security incident with an “ethnic background” in the recent reports of the UN Secretary General to the UN Security Council, which seem to be essentially based on Police reports. **Chachipe** verified all reports between now and January 2006.

If the ethnicity of the victims of these incidents was disclosed, these were are, at all time, either Kosovo Albanians or Kosovo Serbs. On 25 January 2006, the SRSG writes, for instance in his report: “The increase in serious security incidents, including of incidents that may have targeted Kosovo Serbs for ethnic reasons, is a further cause for concern.”<sup>11</sup>

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<sup>8</sup> This was already pointed out at by the ERRC who in 2006 wrote in its submission to the Human Rights Committee of the UN: (ERRC: [Written Comments of the European Roma Rights Centre Concerning Kosovo For Consideration by the United Nations Human Rights Committee On the Occasion of Review of the Country Report of Task Forces on UNMIK](#), 20 February 2006)

<sup>9</sup> Quoted according to: US Department of State/Bureau of Democracy, Human Rights, and Labor: 2008 Country Reports on Human Rights Practices: [2008 Human Rights Report: Kosovo](#), February 25, 2009

<sup>10</sup> Humanitarian Law Centre: [Trials for ethnically motivated crimes and war crimes in Kosovo](#), Report for 2007, Pristina

<sup>11</sup> UN SC: Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/2006/45, 26 January 2006

**Chadhip** found nevertheless a report about an incident with an “ethnic background” in a weekly report of the UNMIK field offices from June 2006.<sup>12</sup> Accordingly, Roma left Zitinje, in the Gnjilane municipality, following death threats against them. Even though, KPS went allegedly on the spot and arrested a person, the alleged author of the threats, this incident was not reported in the next report to the Security Council, which mentioned essentially to assaults against Serbs and on Serbian/Orthodox monasteries and grave sites.<sup>13</sup>

### *Consequences*

The under-reporting or not-reporting of ethnically motivated attacks against Roma, which was also credited in the recent report of the Council of Europe Commissioner for Human Rights,<sup>14</sup> has tremendously negative consequences, first, for the Roma community in Kosovo, who are forced to live in an unstable security environment without receiving adequate protection, and second, for refugees and asylum seekers.

Roma asylum seekers from Kosovo are often at odds to document the threats they might be exposed to when returning to Kosovo. In a decision on the asylum applications of a Kosovo Roma, from 10<sup>th</sup> April 2008, the Swedish Migration Board, for instance, says:

“As regards to the security situation of the Roma... it can be said that it has improved to a level [to make it] comparable to the level that existed before the war. In recent years, there were very few cases of serious crimes with an ethnic background against Roma.”<sup>15</sup>

And:

“The reported country information show also that the security situation in [place of residence of the applicant omitted] is relatively stable, and that no acts of ethnic violence against Roma have been reported from there, in recent years.”<sup>16</sup>

The same argument has also contributed, over the years, to the erosion of the position of the UNHCR on the continued need for international protection of Roma from Kosovo, as host country governments simply started to deport Roma to Kosovo.

Since Kosovo’s declaration of independence, several governments, including Germany, Switzerland, and, just recently, Austria, have negotiated bilateral readmission agreements with the Kosovo authorities. The agreement or statement of principles which was reached between Kosovo and the German Federal governments, in March or April 2009, allows Germany to deport a determined number of persons to Kosovo, provided their Kosovo origin, and regardless their ethnic background. Since May 2009, several Roma individuals and families have already been deported back to Kosovo on the basis of this agreement.

For the Swiss authorities Kosovo is a safe country. In October 2008, the Swiss Migration Board (BMF) announced that the security situation of ethnic minorities in Kosovo had improved since

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<sup>12</sup> UNMIK Field Operations Unit Returns Section: Consolidated Report on Communities and Returns, [Weekly Report 12 – 16 June 2006](#)

<sup>13</sup> UN SC: Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, 1 September 2006, S/2006/707

<sup>14</sup> [Report of the Council of Europe Commissioner for Human Rights’ Special Mission to Kosovo 23 – 27 March 2009](#), Strasbourg, 2 July 2009 (CommDH(2009)23)

<sup>15</sup> Migrationsverket: Beslut, 2008-04-10

<sup>16</sup> Migrationsverket: Beslut, 2008-04-10

the independence which would also justify a “policy change”.<sup>17</sup> Soon after Kosovo’s declaration of independence, Switzerland started negotiations for the conclusion of a bilateral readmission agreement with the Kosovo authorities. According to the Kosovo ambassador in Switzerland, these negotiations are about to be concluded.<sup>18</sup>

In May 2009, the Swedish Migration Board presented a new country assessment on Kosovo in which it concludes that Roma, contrary to Kosovo Serbs, are no longer under threat of becoming victims of ethnically motivated violence:

“Whether in the southern enclaves of Kosovo, or in the Serb-dominated North, there is no evidence today, that Roma are more likely than any other groups to become victims of ethnically motivated violence. (...) The few cases of ethnically motivated crime directed against Roma consists almost exclusively of acts of harassment (graffiti, slander, etc.), but not of physical violence.” (translation by **Chachipe**)<sup>19</sup>

In June 2009, the Austrian government followed the proposal of the Minister of Home Affairs, Maria Fekter, and included Kosovo in a list of safe third countries with the consequence that persons from Kosovo, including members of ethnic minorities, have hardly any chance to gain asylum in Austria. Following this decision, the Austrian government initiated negotiations with the Kosovo authorities with view to conclude a bilateral readmission agreement. In a radio feature, the Austrian Ambassador in Pristina, Walter Maria Stojan, defended his country against the criticism that it would ignore the security risks faced by Roma, saying that persecution would need to be proven in an individual case assessment.<sup>20</sup>

It is very much likely that bilateral negotiations are also ongoing or underway with other countries, and that the EU will consider a general readmission agreement in exchange for which Kosovo could be granted a facilitation of its visa regime with the EU.

### *The conflict in Gnjilane*

**Chachipe** is not in a position to make a comprehensive investigation into this conflict, neither is it its role to do so. Based on the above information, **Chachipe** nevertheless believes that the conflict in the Abdula Preseva neighbourhood in Gnjilane, the Roma Mahala, is more than just a neighbourhood conflict.

From a random research, via the internet, **Chachipe** found that this neighbourhood has indeed a history of conflicts between ethnic Albanians and their Roma neighbours which might be linked to the way the return process is managed.

The HLC claims the following:

“During previous years, hand grenades were thrown at returnees’ houses or their houses were mined. Not only houses of Serbs, but other returnees are broken into and their furniture is stolen, e.g. the Roma in the Avdulah Preseva/Avdullah Presheva settlement in Gjilan/Gnjilane KPS has not resolved most of the cases of theft and assault.”

and:

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<sup>17</sup> [Bund will Roma und Muslime wegweisen](#), *Schweizer Fernsehen/Tagesschau*, 11 Oktober 2008

<sup>18</sup> [Rückübernahmeabkommen Schweiz – Kosovo](#), *St. Gallen on-line*, 23 July 2009

<sup>19</sup> Migrationsverket: [Landprofil Kosovo](#), Stockholm, 29 May 2009, p. 17

<sup>20</sup> [Fekter: "Überrascht, wie viele heim wollen"](#), *ORF, Morgenjournal*, 14 August 2009, 7:00 a.m.

“Empty houses have been robbed and KPS has not resolved a single case of robbery. Still, Roma returnees believe that they have freedom of movement in the municipality. Also, they believe that they are discriminated against by the municipal institutions because they can never finish any administrative affairs when they go to the municipal institutions. Some Roma were banned from attending meetings of the municipal workgroups for returns.”<sup>21</sup>

Another, earlier report by the ERRC comes to the same conclusion:

“Roma from Abdullah Presheva also reported thefts of building material for the reconstruction of Romani houses. In at least one instance, the investigation into alleged thefts conducted by the Kosovo Police Service (KPS) has reportedly been biased. According to the testimony of Seburan Ramadani to the ERRC, on an unspecified date in March-April 2005, he reported to the KPS some thefts of building material and equipment for his house. (...) When he reported the thefts to the police, he was allegedly accused of having committed the thefts himself and was told that he might be brought to court. According to his testimony, there is a pending investigation against him for theft.”<sup>22</sup>

The eventual ethnic background of this conflict and the intention, from the side of Kosovo Albanian residents of the Mahala and Albanians from the surrounding areas, to chase away the Roma, becomes apparent from the following statements:

“The Roma complain that the Albanians tell them that they fought for this country, and that Roma have no place here, in Kosovo.”

“Albanians came to the Mahala. As I was told, they attacked the kids for no reason, hit them for no reason, and, as I have already said, they have beaten one boy, this morning. We went to the police, and the police came here to investigate, but in the evening he was beaten again by others ... ”

“Whenever the police comes to the Mahala, the Albanians gather and try to find out who called the police and who reported [to them].”

“Suddenly, they were out there. They spit on us. We did not say anything. After we went out, they were in front and behind us. They hit me with a cord, and my friend with their fists. When we came home, we went to the police and reported the case.”

“We were on our way to go home, when the attacker went into his house and took a pole. We started to run, but he caught up with us, and he hit us with the pole. We went to the police to report [the case]. The police came to our house. ... We showed the police the house from where the attacker came. They told us that they would visit this house in the evening. I saw the same guy walking freely in the streets. Nobody arrested him.”

“... we will leave Gnjilane, because, in addition to the fact that we do not have a job, and that there is poverty everywhere, they do not leave us in peace.”

“... there is a guy ... who moves these attacks against us, so that Albanian youth attack us according to his instructions, because he cannot do so, because he is adult and can be criminally prosecuted and go to prison.”

“... they tell us all these things. ... They are constantly fighting with us.”

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<sup>21</sup> Humanitarian Law Centre: [Ethnic Communities in Kosovo in 2007 and 2008](#), Pristina

<sup>22</sup> European Roma Rights Centre (ERRC): [In the Aftermath of Ethnic Cleansing: Continued Persecution of Roma, Ashkalis, Egyptians and Others Perceived as “Gypsies” in Kosovo](#), Memorandum presented at a hearing at the European Parliament on 27 June 2005

“...you cannot go out because of them, some of them shouts on you, some of them spit on you, others curse on you.”

These statements, which were made by members of the Roma community in Gnjilane, during **Yekhipe** feature, should be reason for the international organisations in charge to conduct a proper investigation into the background of the interethnic tensions and assaults on Roma. Similar investigations should also be conducted in other places in Kosovo of alleged conflicts.

**Chachipe** is very much concerned about the fact that the Roma in Gnjilane do not seem to receive any support from the side of the state institutions and that the recent incidents involving members of the Roma community were not publicly condemned.

**Chachipe** is also concerned as it appears that the Roma in the Mahala have no confidence in the police ability to conduct investigations in an unbiased manner and to guarantee their safety. In this context, **Chachipe** hints at a report by the Humanitarian Law Centre (HLC) in Pristina from which it goes out that the Abdula Preseva neighborhood has a history of unresolved cases of attacks against members of minority communities and theft.

In the view of all these elements, **Chachipe** is very much at odds to understand and accept the seeming passivity which was brought forward to it by representatives of the international community when **Chachipe** made its inquiry.

**Chachipe** is not at all surprised to hear that Roma from Gnjilane are considering to leave their town, but believes that the international community has a political and moral duty to prevent a new exodus of the Kosovo Roma.

## Recommendations

To the Kosovo authorities:

- To condemn the recent attacks on members of the Roma community in Gnjilane and to issue a clear statement that ethnically motivated violence against members of Kosovo's non-Albanian population will not be tolerated;
- To make sure the investigations in these attacks are conducted swiftly and in an unbiased way and that allegations of an ethnic background are properly analysed;
- To make sure that the Roma have access to police and to justice, and that racist attacks against them are followed by proper investigations and that the perpetrators of such attacks are brought to Justice.

To the representatives of the international organisations in Kosovo:

- To conduct an independent monitoring of the situation in the Abdula Preseva neighborhood in Gnjilane and, more generally, to investigate and report alleged criminal attacks and human rights violations against Roma;
- To conduct an independent monitoring of the activities of the Kosovo police and judiciary and to counsel and advice the Kosovo authorities on the establishment of an efficient and independent police and justice system;
- To resolve issues surrounding the alleged illegal occupation of Roma houses by ethnic Albanians in the Abdula Preseva neighbourhood in Gnjilane and problems related to the return process;

- To support Kosovo's ethnic minorities, in particular Roma, and make sure that their individual and collective rights are respected;
- To recruit and train members of the Roma community, in order to enhance their capacity to raise their concerns with the relevant institutions and obtain a solution to their problems.

To the civil society organisations:

- To monitor the human rights situation in Kosovo and to pay particular attention to the situation of the Roma community as the most vulnerable ethnic community in Kosovo;
- To assist the victims of human rights violations and "interethnic" or racist violation to bring their case before justice.

To donor organisations:

- To fund legal assistance programmes and awareness raising activities aimed to inform Roma about their rights and to fund independent monitoring activities related to human rights violations and racist abuse against Roma.

To the governments of the host countries:

- To refrain from deporting Roma to Kosovo as long as the security situation in Kosovo remains fragile and no proper protection of Roma is assured;
- To put pressure on the Kosovo authorities to properly implement human and minority rights and to guarantee that every citizen of Kosovo has unbiased access to police and to justice;
- To grant Kosovo Roma refugees who have been staying in their country for a longer period and children who are born in their country a permanent residence status and to facilitate their integration;
- To analyse all new and incoming cases, including of people whose asylum application has been rejected in other countries, in the light of the recent situation in Kosovo and eventual risks for the security of the applicants.

To the media and journalist:

- To carefully follow up on cases of alleged violence and abuse against members of ethnic communities in Kosovo and to avoid any reporting which might stir up hatred against minorities.

18 August 2009

## Annex

### EULEX

From: Christophe Lamfalussy <Christophe.Lamfalussy@eulex-kosovo.eu>  
To: "**Chachipe**.info@gmail.com" <**Chachipe**.info@gmail.com>

Date: 11 August 2009 18:23  
Subject: RE: Incident in Giljane

Dear [deleted],

We have found tracks of two complaints by Mr Galjip Iseni to the Kosovo Police. The complaints refer to two incidents that happened in Gjilan/Gnjilane on July 30 this year.

The first one is about a theft at the house of Mr Iseni's brother, on Avdullah Presheva street. No assessment has been made of what had been stolen since his brother is living in Serbia.

The second one happened later in the day. Mr Iseni complained that he had been <pushed> by a Gjilan citizen as he was playing cards in front of his house and asked to leave.

There is no apparent link with a returnee problem, but EULEX police will – and is already – monitoring the case.

Best regards,

Christophe Lamfalussy

Head of PPIO/Senior Spokesperson  
EULEX Kosovo

### OSCE

----- Forwarded message -----

From: **Edita Bucaj** <Edita.Bucaj@osce.org>  
Date: 2009/8/14  
Subject: Re: Fwd: Incident in the Abdula Preseva street in Giljane  
To: romano **Chachipe** <**Chachipe**.info@gmail.com>

Dear [deleted],

The Roma community representative in Gjilan/Gnjilane has raised this issue with us in a meeting just recently.

According to him, there is an increased number of attacks on this community in Gjilan/Gnjilane area (4 Roma community members assaulted, 1 Roma house broken into).

Police says that it has received 1 case of Roma house theft (which is under investigation), and 2 cases of physical harassment of Roma (which have been referred to the court).

In its monitoring capacity, the OSCE has contacted police, who have pledged to increase patrols in the area. We will also monitor the court proceedings once trials have been initiated, and report on them in our regular court reports.

The OSCE has regular contacts with community representatives through our Communities Teams in the field, but we have not witnessed any incidents or conducted any investigation. We will continue to monitor the situation while police investigates these cases, and the courts start conducting the trials.

best regards,

Edita

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Edita Buçaj  
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OSCE Mission in Kosovo  
Tel: +381 38 240 100 Ext.1118  
Mob: +377 44 500 151

## UNHCR

From: [deleted] <[deleted]@unhcr.org>  
To: romano Chachipe <Chachipe.info@gmail.com>

cc: [deleted] <[deleted]@unhcr.org>,  
[deleted] <[deleted]@unhcr.org>

Date: 10 August 2009 16:40  
Subject: Re: Incident in Gnjilane

Dear [deleted],

Thank you very much for additional information. Kindly note that we have given immediate and due attention to these incidents. The UNHCR Snr. Protection Officer and the UNHCR FO Gjilan/Gnjilane staff have visited A. Presheva neighbourhood in Gjilan/Gnjilane and met with some of the victims of these incidents on 04/08/2009. The same day UNHCR team met with the deputy Mayor and the Municipal Communities Officer whom were not aware of these incidents.

The issue was also brought by UNHCR to the attention of the Minister for Communities and Returns, Deputy Prime Minister, Prime Minister's Office for Community Affairs, Council of Europe and UNHCHR.

Our UNHCR colleagues from FO Gjilan/Gnjilane are closely monitoring the situation and following up on this matter. In that regard they have met and discussed the matter with the Mayor of Gjilan/Gnjilane on 06/08/2009.

Best regards,  
[deleted]

## UNMIK

From: [deleted] <[jusup@unmikonline.org](mailto:jusup@unmikonline.org)>

Date: 2009/8/13

Subject: Re: Fw: Incident in Giljane

To: Russell Geekie <[geekie@unmikonline.org](mailto:geekie@unmikonline.org)>

Cc: [Chachipe.info@gmail.com](mailto:Chachipe.info@gmail.com), Shahzad Bangash <[bangash@unmikonline.org](mailto:bangash@unmikonline.org)>

Dear Russell,

Thought I responded to this, or I might have mistaken it for another request. OCSF didn't get any report on the alleged incident in Roma Mahalla but we got something on Gjlane and was reported on 7 August (see below). Let me talk to our partners in Mitro and get back to you on Mahalla.

### OCSF Field Report

#### Security of Kosovo-Roma community in Gjilan/Gnjilane Municipality remains fragile

In a meeting with UNMIK on 6 August, the Additional Deputy Mayor of Gjilan/Gjlane Municipality, Srdjan Jovanović, informed that the security situation of the Roma community in the Abdullah Presheva neighbourhood in Gjilan/Gjlane town remains fragile after six recent attacks on the Kosovo-Roma by the Kosovo-Albanians. He stated that in one of the incidents a Kosovo-Roma was attacked by 20 Kosovo-Albanian males, which left him severely injured. According to Jovanović, the situation along the Abdullah Presheva neighbourhood could rapidly deteriorate in spite of the long stability in the area. He also expressed disappointment that there is no accurate police report on such incidents. Jovanović called on the Kosovo Police to exercise neutrality and also on the international community to be more active in monitoring and engaging with the parties in this regard.

Comment: It may be noted that there has been a rise of incidents of assault and injury to the Kosovo Roma community during the course of last week.

However, such incidents were not properly reported by the relevant authorities and there have been no public condemnation of these attacks by the municipal or central authorities.

Philip Bob Jusu

Political Affairs Officer

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