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KOSOVO: PROFILE OF ASYLUM CLAIMS AND COUNTRY CONDITIONS

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Kosovo: Profile of Asylum Claims and Country Conditions for Kosovo Albanians

I. INTRODUCTION

Country Conditions profiles are produced by the Department of State's Office of Country Reports and Asylum Affairs for use by the Executive Office of Immigration Review and the Bureau of Homeland Security in assessing asylum claims. Under 8 C.F.R. §§ 208.11, 1208.11, the Department of State may provide information on country conditions that may be pertinent to the adjudication of asylum claims. The purpose of these profiles is to provide information relating to such conditions; they are not intended to convey a description of all of the circumstances from which legitimate asylum claims may arise.

Profiles are prepared by State Department officers with expertise in the relevant area and are circulated for comment within the Department, including to overseas missions, and to other agencies if appropriate. Adjudicators may also wish to review the applicable chapter of the Department of State's annual Country Reports on Human Rights Practices online at www.state.gov and other publicly available material on conditions in Kosovo.

II. CONTEXT AND OVERVIEW

Kosovo is one of the poorest regions in Europe, and is today continuing to rebuild from a period of conflict in the late 1990s.

After World War II, Kosovo became an autonomous province of Serbia in the Socialist Federal Republic of Yugoslavia. In 1989, Yugoslav leader Slobodan Milosevic eliminated Kosovo's autonomy in favor of direct rule from Belgrade. Large numbers of ethnic Albanian state employees were fired from their jobs and replaced by ethnic Serbs. Kosovo Albanian leaders led a peaceful resistance movement in the early 1990s and established a parallel government. When this movement failed to produce reforms, an armed resistance emerged in 1997 in the form of the Kosovo Liberation Army (KLA, or UÇK). The KLA's main goal was to secure the independence of Kosovo.

In late 1998, Milosevic unleashed a brutal police and military campaign in Kosovo, which included atrocities against civilians. Hundreds of thousands of Kosovo Albanians were displaced from their homes in Kosovo, and Serbian soldiers and police killed thousands. These acts provoked a military response from NATO, which embarked on a 79-day air bombing campaign. In early June 1999, Milosevic capitulated and agreed to withdraw Yugoslav military and police forces from Kosovo. International forces, led by NATO, moved into Kosovo, and since that time, Serbia and Montenegro has had no role in the administering Kosovo's affairs.

While legally part of the former Yugoslavia (Serbia and Montenegro is generally considered its successor), Kosovo is an international protectorate of the United Nations. Under UN Security Council Resolution 1244 of June 10, 1999, the United Nations Interim Administration Mission in Kosovo (UNMIK) oversees all aspects of Kosovo's governance pending resolution of its future status. The senior international official in Kosovo is a Special Representative of the Secretary General (SRSG), who has sweeping legal authority to govern Kosovo.

Resolution 1244 also authorized a NATO-led force (Kosovo Force, or KFOR) to maintain a safe and secure environment in Kosovo. Over the course of 2004, KFOR maintained approximately 17,500 international troops in Kosovo. More than 3,000 U.N. international police (CIVPOL) are responsible for civilian policing duties. Most day-to-day policing functions have now been transferred to the local Kosovo Police Service (KPS), now approximately 7,000 strong, while CIVPOL retains supervisory authority. The 5,000-member Kosovo Protection Corps (KPC) exists as a civilian emergency response organization that incorporated many former KLA combatants. The overwhelming majority of the Kosovo police and emergency forces are made up of ethnic Albanians.

In 2001, local provisional institutions of self government (PISG) were created through Kosovo-wide elections, which resulted in the election of a President, Prime Minister and Assembly. UNMIK regulations bind all public officials, including judges, to respect international human rights law. Municipal elections were last held in October 2002, and Assembly elections were most recently held in October 2004.

Although no authoritative population figures are currently available, Kosovo is estimated to have approximately 2.2 million inhabitants, with Kosovo Albanians comprising over 90 percent of the population, Kosovo Serbs accounting for approximately 5 percent and other minorities – including Bosniaks, Roma, Ashkali (Albanian-speaking Roma), Gorani, and ethnic Turks – accounting for the remainder. Most of the large numbers of Kosovo Albanian refugees who fled during the period of direct Serb administration have returned to their homes in Kosovo since the end of the war. After the war ended, as many as 200,000 Serbs and other non-Albanian ethnic minorities fled Kosovo and as of 2005, only approximately 12,000 minorities have returned. Many of them remain displaced inside Kosovo, and in Serbia and Montenegro and Macedonia.

During the past five years, widespread violence has periodically occurred in Kosovo. The return of ethnic Albanian refugees in June 1999 was accompanied by a wave of reprisal killings of members of ethnic Serb and Roma minorities. There were also reports of extrajudicial killings by members of the KLA against so-called ethnic Albanian “collaborators” of the Milosevic regime.

In mid-March 2004, widespread violence, targeting primarily Kosovo Serb property and religious sites, erupted throughout the region. Nineteen people (eight of whom were ethnic Serbs) were killed, 954 were injured, large-scale destruction of homes and churches took place, and over 4,100 individuals, mainly minority community members, were forced to flee their homes. Some 350 Kosovo Albanians were also forced from their homes, primarily in the northern (majority-Serb) section of Mitrovica. Rioters also targeted UNMIK facilities and vehicles. Kosovo's small Serb community continues to suffer restricted freedom of movement and sporadic acts of inter-ethnic violence and intimidation. While there were many factors that contributed to the unrest, rising societal frustrations over a lack of independence, high unemployment and continued inter-ethnic tension were likely the primary causes.

III. CLAIMS AND RELEVANT COUNTRY CONDITIONS

A sampling of Kosovo Albanian claims reviewed by this office during the 2003-05 period indicates that a majority of such claims are based on political opinion. The most common Kosovo Albanian asylum claim involves fear of persecution based on membership or participation in the Democratic League of Kosovo (LDK).

A. Claims Based on Political Opinion

1) *Claims by Kosovo Albanians based on Political Opinion*

1989 to June 1999: During the period leading up to and including the killings and mass expulsion of ethnic Albanians from Kosovo in 1998-1999, many Kosovo Albanians present in Kosovo suffered abuse at the hands of the Serb authorities, including mistreatment based on political opinion. From the early 1990s, the majority of Kosovo Albanians supported (now-President) Ibrahim Rugova, who spearheaded the Kosovo Albanian nonviolent resistance movement and eventually sought formal independence from Yugoslavia.

With the establishment of UNMIK in 1999, Serbian *de facto* control within Kosovo ended. There are no formal Serbian institutions/authorities present in Kosovo, although there are Serbian-funded parallel governance structures in some of the majority-Serb municipalities in the north.

Events after June 1999: Although Kosovo Albanians are united in their desire to create an independent state, the legacy of the war continues to affect Kosovo today. After June 1999, many of the former KLA members laid down their weapons and engaged in the political process to further their goals of an independent Kosovo. Two former prominent KLA leaders formed their own political parties; Hashim Thaci formed the Democratic Party of Kosovo (PDK) and Ramush Haradinaj formed the Alliance for the Future of Kosovo (AAK). In the four rounds of elections held since June 1999, the PDK and AAK have competed against President Rugova's Democratic League of Kosovo (LDK). In all four elections, the LDK has garnered the most votes.

In the most recent Kosovo Assembly election in October 2004, the LDK remained the most popular political party in Kosovo, winning approximately 45 percent of the vote, while the PDK won approximately 29 percent and the AAK won approximately 8 percent. The great majority of Kosovo Serbs boycotted the October 2004 Assembly election. In March 2005, Kosovo Prime Minister Ramush Haradinaj resigned and traveled to The Hague after being indicted by the International Criminal Tribunal for Yugoslavia (ICTY). His party remains in the coalition government with the LDK; an AAK party leader, Bajram Kosumi, was selected to replace Mr. Haradinaj. The PDK remains in opposition.

Violence stemming from longstanding political disputes remains a problem for all major political parties. Since 1999, many key members of the three major Kosovo Albanian political parties (LDK, PDK, and AAK) and those close to them have been targets of violence as a result of their political affiliation. Although united in their desire to end Serbian control of Kosovo in the late-1990s, divisions that surfaced among Kosovo Albanians during the 1998-99 conflict continue to plague Kosovo's political landscape. There have been a handful of high-profile killings of

prominent LDK figures. In 2002, an LDK municipal president (i.e. mayor) was killed by a PDK partisan. In 2004, five former KLA fighters, including Daut Haradinaj, brother of AAK founder Ramush Haradinaj, were convicted of kidnapping and torturing to death four former FARK fighters (members of an LDK-affiliated guerilla group that was a rival to the KLA during the 1998-99 conflict). However, such events are very rare. Generally, people who are lay members of political parties have not been targets of political violence, although the particular political activities or family connections of an individual could make that person a target. The 2004 Assembly elections had very low levels of violence and intimidation.

2) *Claims by Kosovo Serbs, Roma and other Minority Communities based on Political Opinion*

Since June 1999, Kosovo Serbs, Roma, and members of Kosovo's other minority communities have faced discrimination and violence. Although discrimination based upon minority political affiliation cannot be ruled out in all cases, the majority of violence/discrimination against Kosovo's minority communities, particularly the Serbs, is based largely on ethnicity. The majority of Kosovo Serbs favor formal reunification with Serbia, a position that places the Serb community directly at odds with virtually all Kosovo Albanians, who favor independence. Minority representation is guaranteed in the Kosovo Assembly and other provisional institutions of self-governance, although most Kosovo Serbs boycotted the October 2004 Kosovo Assembly election.

In mid-March 2004, Kosovo's minority communities were the targets of widespread riots. Nineteen people, eight of whom were Kosovo Serbs, were killed, 954 were injured, large-scale destruction of property took place, and over 4,100 individuals, most from minority communities were forced to flee their homes.

Many Kosovo Serbs live in ethnic enclaves. Kosovo Serbs have limited freedom of movement, although these restrictions are often self-imposed given prevailing perceptions of insecurity. Kosovo Serbs sometimes travel under protective escort from KFOR or CIVPOL.

B. *Claims Based on Race and Ethnicity*

1) *Claims based on Race and Ethnicity among Kosovo Albanians*

Kosovo Albanians comprise over 90 percent of Kosovo's population of approximately 2.2 million. Kosovo Albanians speak the Gheg dialect of Albanian, similar to that spoken in Northern Albania.

During the period leading up to the 1998-99 conflict, many Kosovo Albanians had legitimate claims of abuse at the hands of the Serb authorities, based on their ethnicity. However, in the five years that the United Nations has governed Kosovo, the nature of the political system has changed fundamentally, and Kosovo Albanians, as the majority group in Kosovo, are no longer under any threat from Belgrade of discrimination based on race or ethnicity. Kosovo Albanians in the north do however experience discrimination because of their ethnicity, particularly in the Northern Mitrovica region, where they are a minority.

2) *Claims based on Race and Ethnicity among Kosovo Serbs, Roma and other Minority Communities*

Kosovo Serbs speak the Serbian language, consider themselves ethnic Slavs, are generally members of the Serbian Orthodox Church, and maintain a distinct cultural identity, although they are physically indistinguishable from Kosovo Albanians. Roma, Bosniaks and Gorani in Kosovo all have distinct cultural identities, but are often associated with Kosovo Serbs due to the fact that all of these groups speak Slavic languages similar to Serbian, and some Kosovo Albanians believe these groups were sympathizers with the Milosevic regime. By contrast, ethnic Turks have found greater acceptance among the Kosovo Albanian majority.

Kosovo's minority communities, particularly the Serbs and Roma, continue to experience discrimination and violence because of their ethnicity. In March 2004, Kosovo Serb property and religious sites were the primary targets of three days of widespread rioting, which resulted in several deaths and the subsequent displacement of more than 4,100 people, although members of other minority groups were also targeted.

C. **Claims Based on Religion**

The majority of Kosovo Albanians are Muslim, and a minority are Roman Catholic. Kosovo Serbs are Orthodox Christians. Although some instances of ethnic discrimination or tension may have had religious roots, the continuing basis of political conflict in Kosovo involves ethnic tensions between Kosovo's ethnic Albanian and ethnic Serb populations. Differences between Kosovo Albanian Muslims and Kosovo Albanian Catholics and Protestants have been largely overshadowed by their common ethnic Albanian heritage, although infrequent acts of intimidation by Muslims have been reported. During the March 2004 violence, Kosovo Albanian extremists destroyed or damaged 30 Serbian Orthodox churches and monasteries, while Catholic and protestant churches were largely unaffected.

D. **Claims Based on Membership in a Particular Social Group**

Victims of Trafficking: Kosovo is increasingly serving as a transit point and destination for trafficking in women and girls for the purpose of prostitution. While the majority of women and girls trafficked in Kosovo are from other countries in the region, the internal trafficking of women and girls is also a serious problem.

Victims of trafficking are commonly recruited by friends, relatives or acquaintances, with promises of jobs as waitresses, domestic workers or nannies in Western Europe. Some victims are forcibly abducted. Victims are often poor, uneducated, and come from dysfunctional family backgrounds where domestic violence is commonplace. According to the Center for the Protection of Women (CPWC), some 80 percent of the internally trafficked victims it treated in 2003 were under the age of 18.

Trafficked Kosovar women generally end up in bars, restaurants and clubs, where they are held, often forcibly, as sexual slaves, receiving little or no payment, and servicing as many as 10 to 15

clients each day. Most trafficked women are subjected to other forms of physical and psychological abuse in addition to sexual abuse.

Internally trafficked women and girls who escape or are freed by police are sometimes treated as criminals or prostitutes, rather than as victims of a crime. Since 2000, internally trafficked women have been offered shelter by CPWC and other local NGOs. They are offered counseling, medical and legal advice, and, if they choose to reintegrate with their families, are given assistance. However, given the strong Albanian cultural stigma of shame that trafficked women experience, many are unable to return to their families. Due to the lack of effective witness protection, most victims of trafficking are unwilling to testify against their traffickers/captors, and fear retribution against themselves or their families.

Homosexuals: Kosovo remains a traditional society, and although not prohibited by law, homosexuality is considered strongly taboo and shameful. According to the Kosovo Ombudsperson, "there is no tolerance for homosexuals at all" in Kosovo. In recent years, newspapers and Muslim religious leaders have written and spoken out against homosexuality, often in highly abusive language. There have been reports of attacks against members of Kosovo's gay and lesbian association, as well as job discrimination. Leaders of Kosovo's fledgling gay and lesbian association use pseudonyms when speaking to the media out of fear that they will be subject to violence if their identity is revealed. Violence against homosexuals usually goes unreported, as victims fear that reporting such incidents will expose their homosexuality to their friends and family members. At least one political party – the Islamic-oriented Justice Party – has included a condemnation of homosexuals in its platform.

E. Torture and Other Police Misconduct

Torture is prohibited in Kosovo. However, there are reports that members of CIVPOL, KPS and KPC have, at times, used excessive force or harassed persons. Such incidents have been relatively infrequent, and perpetrators of such abuse have been dismissed from their positions and punished.

IV. OTHER CONSIDERATIONS FOR ADJUDICATORS

High Emigration Rates: There is a large ethnic Albanian Diaspora community living in the United States and Western Europe, including many ethnic Albanians from Kosovo. This community has grown through the late-1990s as greater numbers of Kosovo Albanians fled violence and worsening economic conditions at home.

Demographics: Despite some improvement, economic conditions in Kosovo remain extremely difficult. Among the general population, unemployment rates are estimated to be as high as 55 percent. Over half of Kosovo's population is under the age of 25, and the unemployment rate among persons between 15 and 24 is over 63 percent. Among women between 15 and 24, the rate of unemployment is 74 percent. According to a UNDP poll in November 2004, almost 70 percent of Kosovo's population was "unsatisfied" or "very unsatisfied" with Kosovo's economic situation.

APPENDIX 1. Index of Acronyms and Personalities

Commonly Used Acronyms

AAK	Alliance for the Future of Kosovo, led by led by former KLA commander Ramush Haradinaj.
CIVPOL	United Nations International Police; contingent of police officers from around the world performing police functions in Kosovo.
FARK	Armed Forces of the Republic of Kosovo; Kosovo Albanian guerrilla group, fought Serbian forces during 1998-99, and was a rival to the KLA. Many of its members were/are affiliated with the LDK.
KLA	Kosovo Liberation Army; former armed group that fought guerilla war against Serb authorities in late-1990s
KPC	Kosovo Protection Corps; a civilian emergency response organization that incorporated many former KLA fighters
KPS	Kosovo Police Service; multi-ethnic local police force
LDK	Democratic League of Kosovo, led by President Ibrahim Rugova. Party led nonviolent resistance movement of early and mid-1990s under Serb rule. (Sometimes referred to by English initials, DLK.)
OSCE	Organization for Security and Cooperation in Europe; organization is part of UNMIK governing structure in Kosovo.
PDK	Democratic Party of Kosovo, led by Hashim Thaci, former leader of the KLA. Party popularly identified with more militant resistance to Serb oppression during the 1990s. (Sometimes referred to by English initials, DPK.)
UÇK	Albanian initials of Kosovo Liberation Army (KLA).
UNMIK	United Nations Interim Administrative Mission in Kosovo; international civilian presence in Kosovo since June 1999.

Personalities

Hashim Thaci	Former leader of Kosovo Liberation Army (KLA); head of Democratic Party of Kosovo (PDK).
Ibrahim Rugova	President of Kosovo, leader of Democratic League of Kosovo (LDK)
Ramush Haradinaj	Former Prime Minister of Kosovo, resigned in March 2005 after being indicted for war crimes by the ICTY; former KLA commander; leader of Alliance for the Future of Kosovo (AAK).
Slobodan Milosevic	Leader of Yugoslavia until his removal in 2000; presently on trial at The Hague for genocide and crimes against humanity.

APPENDIX 2. Place Names/Spellings

On international maps of Kosovo, place names generally appear in Serbian. However, ethnic Albanian asylum applicants often tend to refer to places by their Albanian names. The following chart lists both the Serbian name and Albanian name of towns and municipalities in Kosovo, complete with diacritics:

Albanian Place Name	Serbian Place Name
Kosovë (or Kosova)	Kosovo (or Kosovo i Metohija)
Prishtinë (or Prishtina)	Priština
Deçan	Dečani
Dragash	Dragaš
Ferizaj	Uroševac
Fushë Kosovë	Kosovo Polje
Gjakovë	Đakovica (or Djakovica)
Gjilan	Gnjilane
Glogovc	Glogovac
Istog	Istok
Kaçanik	Kačanik
Kamenicë	Kamenica
Klinë	Klina
Leposaviq	Leposavić
Lipjan	Lipljan
Malishevë	Mališevo
Mitrovicë	Mitrovica
Novobërdë	Novo Brdo
Obiliq	Obilić
Pejë	Peć
Podujevë	Podujevo
Prizren	Prizren
Rahovec	Orahovac
Shtëmë	Štimlje
Shtërpçë	Štrpce
Skenderaj	Srbica
Suharekë	Suva Reke
Viti	Vitina
Vushtrri	Vučitrn
Zubin Potok	Zubin Potok
Zveçan	Zvečan

