

**Organization for Security and Co-operation in Europe
MISSION IN KOSOVO**

**The Kosovo Croats of Viti/Vitina Municipality: A
Vulnerable Community**

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EXECUTIVE SUMMARY

The Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE) is concerned about the situation of the small Kosovo Croat community residing in the municipality of Viti/Vitina, in Gjilan/Gnjilane region. The report documents violations of property rights and presents a worrying picture of the precarious socio-economic situation facing this community. It notes issues related to persistent security concerns, a perceived and/or real institutional neglect and a lack of participation in public affairs that have all contributed to a profound sense of isolation amongst this mostly elderly community of Kosovo Croats. The difficult situation of the community requires urgent action from the relevant public institutions, particularly at the municipal level. The OSCE recommends that the municipality takes all necessary steps to strengthen the functionality of relevant mandatory community representation mechanisms, carry out regular outreach to the community, and improve access for the community to essential services such as healthcare and public utilities.

1. INTRODUCTION

The Kosovo Croat community resides in the villages of Letnicë/Letnica, Shashar/Šašare, Vërnavokollë/Vrnavokolo and Vërnez/Vrnez¹ in Viti/Vitina municipality (Gjilan/Gnjilane region), where they constitute approximately 0.05% of the population.² Kosovo Croats also live in the village of Janjevë/Janjevo in Lipjan/Lipljan municipality (Pristinë/Priština region), where they represent approximately 0.29% of the municipal population.³ Out of 4,331 Kosovo Croats registered in Viti/Vitina municipality in the 1991 census⁴, only some 40 remain in 2011. Most Kosovo Croats from Viti/Vitina left Kosovo during the 1990s and the 1999 conflict, fleeing the growing insecurity as well as the lack of economic opportunities.⁵ The vast majority of Kosovo Croats relocated to Croatia, where they were initially accommodated in collective centres and gradually provided with social housing. OSCE is aware of only four Kosovo Croat returns in Letnicë/Letnica since 1999, which has led to municipal institutions and other stakeholders having a passive attitude towards exploring further potential returns.

¹ In order to keep the reference to the geographical locations concise, the villages considered in this report will be referred to as “Letnicë/Letnica area” including villages Letnicë/Letnica, Shashar/Šašare, Vërnavokollë/Vrnavokolo and Vërnez/Vrnez, unless mention of a specific village is rendered necessary by the context. A small number of Kosovo Croats live in the village of Bincë/Binač (Viti/Vitina municipality); they are not included in this report.

² OSCE Report *Kosovo Communities Profiles* (2010), “Community Profile Kosovo Croats”, page 119. <http://www.osce.org/kosovo/75450> (accessed May 4, 2011). Figures are based on estimates provided to OSCE by community representatives and municipal officials.

³ Ibid. Kosovo Croats in Lipjan/Lipljan municipality suffer particularly from lack of socio-economic opportunities, but not more so than other communities in the municipality. The purpose of this report is to highlight the issues facing the Kosovo Croat community in Viti/Vitina municipality, who are particularly vulnerable and marginalised.

⁴ Ibid. The data collected for the 1991 census is contested, as it was boycotted by segments of the population.

⁵ For a more comprehensive analysis of the various issues affecting the Kosovo Croat community please see the *Kosovo Communities Profiles*. Ibid.

The majority of the remaining Kosovo Croat population are elderly, and in the absence of younger family members, rely on social welfare for their subsistence. According to OSCE field monitoring, this vulnerable and isolated community lives in extreme poverty and inadequate housing conditions. Approximately 200 ethnic Albanians from the former Yugoslav Republic of Macedonia occupied the vacated houses of Kosovo Croats during the 2001 conflict in the former Yugoslav Republic of Macedonia, and have remained in occupation since that date. Their arrival led to tensions with the resident Kosovo Croats and to conflicts over the occupancy of agricultural and residential property that the communities have been unable to resolve. The lack of action by competent authorities to protect private property rights or mediate such disputes has led to both a growing perception by the Kosovo Croats of institutional neglect, as well as a worsening of inter-community tensions in the area.

Following an increase of security incidents⁶ affecting the community during the second half of 2010, coupled with continued allegations of neglect made by the community against the municipal authorities, the OSCE intensified its monitoring and advocacy activities in the area with the aim of improving the rights of this Kosovo Croat community.

The methodology used for data collection included individual and group interviews with community members, field monitoring, review of court and legal documents supplied by the community in relation to property matters, and interviews with relevant officials from local institutions and international organizations.⁷

The results of this process are illustrated in this report, which examines the current situation of the Kosovo Croat community in Viti/Vitina, and assesses their enjoyment of rights and freedoms in the areas of economic and social rights, participation in public affairs, property rights, and security and freedom of movement.

2. SOCIO-ECONOMIC SITUATION AND ACCESS TO SERVICES

The majority of Kosovo Croats in Letnicë/Letnica area are elderly. Many are widows or widowers, living alone in houses that are in a state of extreme disrepair, often lacking bathroom facilities and kitchens. The living space usually consists of only one room with bed, stove and table, frequently with earthen floor, with the rest of the house either used as a storage space or empty. The yards and surrounding land are often overgrown and in disuse, due to the old age and physical immobility of many residents.

Possibilities for income generation are extremely limited. Of some 40 remaining Kosovo Croats in the area of Letnicë/Letnica, only four persons are fit to work, of whom only two generate sustainable incomes from a family-run restaurant. The other

⁶ Security incidents mainly include verbal and physical harassment, but also include the usurpation of land and intimidation. See Sections 4 and 5 for further elaboration.

⁷ The data for this report was collected by the OSCE intensively between July and October 2010, and interviews with community representatives and officials were conducted between 1–30 October 2010. Additional data was collected through the OSCE's regular monitoring of meetings of municipal bodies and local-level security forums. Information was updated on all issues up to and including July 2011.

two keep cattle and produce dairy and meat products for their own consumption, as they are unable to sell their products outside of the locality due to their limited freedom of movement (as discussed further below). The OSCE also noted two cases of former employees of socially-owned companies who have not been included in the list of those eligible to benefit from the privatization of their company, hence depriving them of an additional source of income⁸. All Kosovo Croats above the age of 65 living in this area qualify for and receive the Kosovo basic pension while some also receive pensions from Serbia and, in one case, from Germany. There are also seven beneficiaries of the Kosovo social welfare assistance scheme.⁹ The community also receives humanitarian assistance from the Serbian Red Cross branch in the nearby Kosovo Serb majority village of Vrbovac/Vërboc (Klokot/Killokot municipality), and from the local Catholic church.

Access to health care services is limited¹⁰ due to the community's limited mobility, absence of adequate public transportation and the long distances to the nearest health facilities (which are in the neighbouring municipality, or further afield depending on the seriousness of the ailment)¹¹. The cost of treatment and medicines poses an additional barrier to the enjoyment of their right to adequate health services. Some of the oldest and most vulnerable members of the community are in need of homecare; however, except for one case, these individuals are being cared for by other members of the community or by the local Catholic church.¹² The latter is currently exploring the possibility of building a nursing home to serve the growing needs of the community, although it lacks the financial means to undertake the project. The Viti/Vitina municipality is aware of the issue, and the Municipal Director for Health and Social Welfare has shared with the OSCE a plan to build an institution in Letnicë/Letnica. However, the Director stated that no municipal budget exists to fund the project and no concrete plans are in place. The only concrete step taken by the

⁸ Both former employees claim that they meet the criteria and, with the assistance of the OSCE, have filed official complaints with the Privatization Agency of Kosovo (PAK). The Privatization Agency of Kosovo is entrusted with the sale, transfer and/or liquidation of socially-owned enterprises and assets. As of the end of July 2011, the complainants had not yet received any reply regarding their official complaints submitted on 30 October 2010.

⁹ The information was provided by the Director of the Centre for Social Welfare in Viti/Vitina, during the interviewing period. See note 7, *supra*.

¹⁰ Equitable access to health care is guaranteed by Article 7.1 of Law No. 03/L-124 Amending the Law on Health, 30 December 2008, which states that "the system of health care should be accessible to [...] all communities" of Kosovo with the main responsibility for ensuring this access falling to the department of health of the relevant municipality. Furthermore, the law states that all are entitled to "the equal distribution of the health care resources based on social and economic equality", while health care shall be provided free of charge for "citizens over 65 years of age" and those with "disabilities".

¹¹ In June 2011 the municipality of Viti/Vitina announced a project to rehabilitate the health clinic in Letnicë/Letnica village. The project will be mainly funded by the Croatian Government with some funds supplied by the municipality and implemented by the United States Agency for International Development (USAID). The project is expected to be completed at the end of 2011.

¹² Article 1 of Law No. 02/L-17 on Social and Family Services, as promulgated by UNMIK Regulation 2005/46, 14 October 2005, foresees the provision of such care to "persons in need", including those of "advanced age" and/or suffering from "physical illness or disability" through the Centres for Social Work. The Director of the Centre for Social Work in Viti/Vitina states that these services are provided to all communities equally, according to the needs of individual residents. Currently, home health care services are provided to one Kosovo Croat family in Vërnavokollë/Vrnakovolo village.

municipality to address this concern is the decision to financially support, on an ad-hoc basis, the case of a bed-ridden Kosovo Croat through his placement in foster care.

The Kosovo Croat community in Letnicë/Letnica area has also faced serious challenges in their access to running water.¹³ The existing pipe system was financed by the community and built more than 30 years ago. In 2007 the regional public utility company, “Hidromorava”, assessed the pipe system and reported that it needed to be fully replaced. Until mid-2011 the municipality had stated that it had no funds to finance the work, however, in July 2011 they announced a project to partially repair the primary water system in Letnicë/Letnica and Shashar/Šašare, which was completed at the end of July 2011. Access to scarce water, for personal use but also for irrigation of arable land, has fuelled tensions between the Kosovo Croat and Kosovo Albanian community. According to the Kosovo Croat representative in Letnicë/Letnica the only public water source in the village was diverted by an ethnic Albanian from the former Yugoslav Republic of Macedonia who had occupied a number of abandoned Kosovo Croat houses and the arable land nearby. He stated that, for many residents, this was the only source of running water in the vicinity. The case was reported to the Kosovo police, but the lack of ownership documents prevalent in the area has made it difficult for them to pursue the case. In the meantime, the Kosovo Croat inhabitants of the village have established their own water pipe in the centre of the village to ensure some level of access to running water. However, Kosovo Croats continue to report lack of access to the water supply. According to the local priest of the Catholic Church and community representatives, this is due to the need for repair of the secondary water supply network, coupled with heavy consumption of water by a recently privatized socially- owned enterprise in the area, which is also connected to the water system.

The situation is similarly precarious in relation to the community’s access to electricity, with prolonged power cuts being common. The lack of electricity, particularly during the winter months, has had a significant negative impact on the welfare of this community of elderly Kosovo Croats. Although the supply of electricity remains the primary competence of the publicly-owned Kosovo Energy Corporation (KEK), the municipal institutions play a role in regulating the planning and supply of electricity, in close co-operation with KEK.¹⁴ Disconnections take place as a consequence of the non-payment of bills. In this regard, the manager of KEK in Viti/Vitina stated that the majority of non-payers in the area are ethnic Albanians from the former Yugoslav Republic of Macedonia occupying vacant Kosovo Croat homes. He further presented to the OSCE a list of 10 Kosovo Croats who paid their bills in October 2010, but also the cases of six Kosovo Croats under the social welfare scheme for which the Ministry for Labour and Social Welfare has not yet subsidized any electricity bills.¹⁵

¹³ Law No. 03/L-040 on Local Self Government, 15 June 2008, states in Article 17.1.f, that the provision and maintenance of public services and utilities, including water supply, is the responsibility of municipal authorities.

¹⁴ See Article 23 of Law No. 03/L-201 on Electricity, 25 October 2010, which states that “every household customer shall enjoy the right to be supplied with electricity”, while Article 16.1.13 of the same law indicates that the “distribution system operator” (in this case KEK) “shall prepare distribution system plans in coordination with municipalities”.

¹⁵ Under a 2009 agreement between the Ministry for Labour and Social Welfare and KEK, households qualifying as ‘social cases’ are eligible for an electricity subsidy by the Ministry, which may be up to 240 Euro a year. However the Ministry has yet to make any payments.

An important aspect of the enjoyment of equitable access to municipal and other services is linked to the ability of the community to communicate with service providers in either of Kosovo's two official languages (Albanian and Serbian), a right guaranteed by law.¹⁶ Kosovo Croats use the Serbian language in their interaction with public authorities and community members have complained to the OSCE that municipal officials have on occasions refused to speak Serbian and/or have failed to provide them with interpretation. Such claims are mainly in relation to the municipal cadastre office, although on one occasion a decision by the public prosecutor to dismiss a case brought by a Kosovo Croat resident from the village of Šašare/Shasarë relating to the damage of the Catholic graveyard in that village was reported by the complainant to have been drafted and delivered only in the Albanian language.¹⁷

Another example of non-compliance with the Law on Use of Languages is that, all official signs within the Viti/Vitina municipal building appear only in the Albanian language instead of showing both official languages as required by law. The head of municipal administration and personnel reported to the OSCE that no official complaints have been received by the municipality¹⁸ and members of non-majority communities receive services in their language of use if requested.¹⁹ Placing bilingual official signs within the municipal building and provision of Serbian speaking staff or interpreters would significantly ease the Kosovo Croat community's access to municipal services and address the community's perception of unequal treatment and institutional neglect.

3. PARTICIPATION IN PUBLIC AFFAIRS

There is a general lack of participation in public affairs by the Kosovo Croat community in Viti/Vitina municipality, and specifically by the Kosovo Croats in the Letnicë/Letnica area. There is no representation in the legislative or executive branches of the municipality of Viti/Vitina and none of the four members of the community who are of a working age are currently employed in the municipal civil service. The only public forum where the community had participated was in the former Vrbovac/Vërboc Local Public Safety Committee (LPSC).²⁰ However, after the establishment in January 2010 of the new municipality of Klokot/Kllokot, the Kosovo

¹⁶ See Article 7.2 of Law No. 02/L-37 on the Use of Languages, 20 October 2006.

¹⁷ See Provisional Criminal Procedure Code of Kosovo promulgated by UNMIK Regulation No. 2003/26, 6 July 2003 with subsequent amendments. On 22 December 2008, Kosovo promulgated the Law No. 03/L-003 on Amendment and Supplementation of the Kosovo Provisional Code of Criminal Procedure No. 2003/26 which left the code substantially the same as the 2003 law, though a section on guilty plea agreements was added, an Article on the length of police-ordered detention was amended, and the name of the code was changed to Kosovo Code of Criminal Procedure. Articles 15 and 219 of this Code foresee the use of three official languages in court proceedings. The legislation provides that the working languages of the courts are Albanian and Serbian, but in addition translation into English must be provided if it is required for a specific case.

¹⁸ There are a number of methods for making a complaint, including through the Communities Committee, the Municipal Office for Communities and Returns, the Deputy Chairperson for the Municipal Assembly for Communities, or the Language Commission.

¹⁹ Similar complaints regarding the use of languages by Viti/Vitina municipal authorities have also been raised by the Kosovo Serb community residing in the municipality.

²⁰ The LPSCs are forums implemented by UNMIK Regulation No.2005/54, On the Framework and Guiding Principles of the Kosovo Police Service. The purpose of the LPSCs is to address the security needs of local communities and give them a voice in the policing of their community.

Croat villages of Viti/Vitina municipality remained outside of the remit of the LPSC, leading to the removal of the community's representative from the membership of the same in late 2010. At the same time, the Kosovo Croat representative has not been invited to join the LPSC that exists in Viti/Vitina municipality.

The level of Kosovo Croat representation in other public forums is equally low. The Municipal Community Safety Council (MCSC)²¹ continues to lack Kosovo Croat representation. When asked by the OSCE why there was no Kosovo Croat representation on the MCSC, the mayor stated that such an invitation has not been issued due to the difficulties in finding a representative amongst old and sick people. While there is no Kosovo Croat from the Letnicë/Letnica area represented in the Viti/Vitina municipality communities committee²², there is a Kosovo Croat from Bincë/Binac. The municipality believes that the interests of the community are adequately addressed by the current Kosovo Croat member, however, the Kosovo Croats in Letnicë/Letnica area claim that the representative has almost no contact with them and therefore cannot adequately convey their needs and concerns. For instance, at the communities committee meeting held on 20 October 2010, the members discussed a request from the Kosovo Albanian Letnicë/Letnica village leader related to water, electricity and road infrastructure issues claiming to be made on behalf of all the residents of the village. However, the Kosovo Croat community in Letnicë/Letnica claim not to have been consulted about the request prior to that meeting.

The municipal authorities have made very little effort to integrate this community into the municipal structures, and outreach by municipal officials is scarce.²³ In July 2011, the mayor of Viti/Vitina visited Letnice/Letnica village for the inauguration of a water supply project. In June 2011 the director of the health department visited in relation to the implementation of a project to rehabilitate the health clinic. Prior to that, the only recent visit of a municipal high official to Kosovo Croats in Letnicë/Letnica area was during the visit of the Croatian Ambassador in September 2010. However, at no time during any of these visits did the officials meet with representatives of the Kosovo Croat community. Finally, although the municipal office for communities and returns was established in Viti/Vitina on 12 October 2010, it did not become functional until July 2011²⁴, an indication of the lack of political will amongst the current

²¹ The establishment of MCSCs in Kosovo was based on UNMIK Regulation No. 2005/54, which aimed to ensure a greater community involvement in police-municipality interactions at the local level. The MCSCs are a mandatory municipal forum, chaired by the mayor that should include representatives from all communities present in each municipality.

²² The communities committees were established as a standing committee of the municipal assemblies by UNMIK Regulation 2007/30 on the Self-Government of Municipalities in Kosovo. The Law No. 03/L-040 on Local Self Government, 15 June 2008, continues to require a communities committee in each municipality of Kosovo. The communities committee are a municipal assembly committee that should have representatives of all communities in the municipality, including those who do not have a seat in the municipal assembly.

²³ Since the OSCE began its intensified monitoring of the Kosovo Croats in Letnicë/Letnica area, there has been an increase in the number of projects and activities by the municipality. For example, the problem of stray dogs roaming on the Kosovo Croats' land was raised by the Kosovo Serb representative and discussed in the MCSC in May 2011; there is a project to rehabilitate the health clinic in Letnicë/Letnica village; and a project to improve the water supply in Letnicë/Letnica and Shashar/Šašare. However, it is not possible to conclude that these actions have yet, or will, improve the situation of the Kosovo Croats in the area.

²⁴ Although functional it cannot be described as fully functioning. The three staff are lacking computers and access to transportation, for instance.

administration to promote the participation of non-majority communities in the municipality.

4. PROPERTY ISSUES

After almost the entire community fled to Croatia during the 1990s, some of their abandoned houses have been gradually occupied, initially by the local Kosovo Albanians and later in 2001, during and after the conflict in the former Yugoslav Republic of Macedonia, by ethnic Albanians from villages in the former Yugoslav Republic of Macedonia. Kosovo Croat community members estimate that out of some 800 Kosovo Croat houses in the Letnicë/Letnica area, around 210 are currently occupied by either Kosovo Albanians or ethnic Albanians originating from the former Yugoslav Republic of Macedonia. The condition of many Kosovo Croat houses, particularly the abandoned ones and those used for keeping cattle is visibly deteriorating, while abandoned properties continue to be the target of looting. Despite an outreach campaign in 2005 and 2006 by the Housing and Property Directorate (HPD),²⁵ supported by the United Nations High Commissioner for Refugees and the OSCE, to try to encourage displaced Kosovo Croats to register and regularize the status of their properties, not a single claim was filed as a result of the meetings. The community feels reluctant to seek repossession of their occupied homes or take any other action to protect their properties, fearing retaliation.²⁶

Aside from the reported occupation of houses, the occupation and/or damage of arable land, orchards and surrounding forests has also negatively impacted upon the freedom of movement and the livelihoods of many Kosovo Croats from the area. Usurpation of arable land for grazing livestock, mainly by ethnic Albanians from the former Yugoslav Republic of Macedonia, has prevented the Kosovo Croat community from using the land for agricultural purposes. On a number of occasions, police intervention has been required when Kosovo Croats have attempted to prevent the grazing of cattle on their land. Since the Kosovo Croat owners do not have updated possession lists for their properties, it is difficult to prove violation of property rights in cases of illegal use or damage. This makes any police intervention difficult and without adequate legal basis. Illegal wood cutting of fruit-producing orchards on Kosovo Croats' land in the area is also widespread and further curtails the economic sustainability of the community. Despite police intervention, damage continues to be inflicted.

²⁵ The HPD was established by UNMIK Regulation No. 1999/23 on the Establishment of the Housing and Property Directorate and the Housing and Property Claims Commission, 15 November 1999, with the mandate to resolve 1999 conflict-related property claims concerning residential objects. In 2006, the HPD was succeeded by the Kosovo Property Agency (KPA) under UNMIK Regulation 2006/10 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property, 4 March 2006, as amended. Hence, the KPA's mandate was extended to cover agricultural and commercial immovable property as well.

²⁶ Stated by community representatives interviewed by OSCE officials during the field research conducted for this report. See note 7, *supra*.

4.1. Property Registration

One of the main obstacles for resolving the property concerns of the Kosovo Croats in Letnicë/Letnica area is the lack of property titles. For the elderly Kosovo Croat community it remains daunting to undertake the often complex legal and administrative procedures. Many of the ownership documents of some of the current residents of the villages in the area of Letnicë/Letnica are dated from the 1970s and 1980s and remain under the name of the deceased parents or grandparents of the current occupants, while no inheritance procedures have been initiated. The director of the cadastre office in Viti/Vitina confirmed to the OSCE that the majority of property ownerships in Letnicë/Letnica area are not updated in the cadastral records.²⁷ The director reported that no Kosovo Croats from Letnicë/Letnica area have requested to register their properties and he advised the community to submit requests for registration of their properties to the Viti/Vitina cadastre office, pledging his support and assistance. Following this pledge, the OSCE advised community members to approach the office and begin the process of regularizing their property situation. After attempts to do so, Kosovo Croats reported to the OSCE the unhelpful attitude of some cadastre officials, including instances where their claims were verbally rejected on the spot without adequate explanations. According to community representatives, a cadastre official allegedly tore up property documents in front of an elderly Kosovo Croat claiming that they were invalid. The information related to the alleged incident quickly spread amongst the community, further discouraging them from approaching the office and attempting to register their property. A final and fundamental barrier to the registration of Kosovo Croat properties in the area remains the cost of such a process, which may amount to over 100 Euro if geometric measurement is required. Some community members gave up on the process when the authorities requested this amount, due to their inability to cover the cost.

4.2. Property Administration

Activities of the HPD and, later of the Kosovo Property Agency (KPA), to address the problem of illegal occupation of Kosovo Croat property in the area have brought only limited benefit to the community. In early 2000, the HPD conducted an assessment of properties in Letnicë/Letnica, Shashar/Šašare and Vrnaokolo/Vranikollë villages,²⁸ and out of some 800 abandoned houses took only some 150 under their administration, of which only a few were assessed habitable and were included in the

²⁷ For instance, in October 2009 the local authorities issued a decision to demolish a Kosovo Croat home in Letnicë/Letnica village, due to an alleged usurpation of publicly-owned land. The Viti/Vitina municipal department of inspection ordered the Kosovo Croat to voluntarily free the land. The home owner filed a complaint to the Kosovo Cadastral Agency, which upheld the original decision. Consequently, in order to prevent the demolition of the house, the home owner requested the Municipal Court to issue an interim measure. The court ordered the municipality to halt the demolition. It appears that the municipality relied on incomplete cadastral records, thus not recognizing the Kosovo Croat's possession list dated from the 1990s. The home owner subsequently filed a claim with the Supreme Court for the annulment of the aforementioned decision of the Kosovo Cadastral Agency, which is still pending. The case has not increased the community's trust in the local institutions, or eased their frustration in relation to property matters.

²⁸ According to a representative of the KPA regional office in Gjilan/Gnjilane, Vrnaokolo/Vranikollë and Vërnez/Vrnez are villages physically connected and the HPD may have considered them as one village; however, it is unclear as to why there was no assessment in Vërnez/Vrnez.

rental scheme.²⁹ The remaining abandoned and occupied houses in the three villages fell outside of the mandate of the HDP, due to the fact that they had been vacated before the 1999 conflict. Despite categorization as uninhabitable, some of the 150 houses under the administration of HPD have been gradually occupied. The HPD, and later the KPA, have tolerated this occupation based on the socio-economic vulnerability of some of the occupants. There is also a general argument that until the rightful owners file a repossession claim, the occupants are preserving the properties which would otherwise likely fall into disrepair. However, in some cases KPA has taken proceedings against illegal occupiers. In 2008 and 2009 the KPA referred three cases for prosecution against tenants living in Kosovo Croat houses who illegally re-occupied the property after having been evicted for failure to pay the rent. In one case the occupant was fined 150 Euro and allowed to continue residing in the property, in the second case the trial had been pending until August 2011 and in the third case the trial is still pending. Not setting an immediate trial date is in violation of the law.³⁰

In March 2009, the KPA conducted an assessment on the habitability and potential for renting of the 156 houses under its administration. As a result 137 properties were categorized as uninhabitable or unfit for rental and subsequently removed from the KPA's administration. Additionally, in co-operation with the cadastre office in Viti/Vitina, the KPA located property owners for 17 houses out of which 13 had already been sold by those owners. Two houses under KPA administration are apparently in the process of being sold, whilst the KPA did not provide information for the status of one of the houses. The information provided by KPA shows that a number of Kosovo Croats formerly from the Letnicë/Letnica area are now choosing to sell their homes, which suggests that they have no intention to return.

5. SECURITY AND FREEDOM OF MOVEMENT

The security situation of the Kosovo Croats residing in Gjilan/Gnjilane region has remained complex and fragile since the 1999 conflict, with a perceived feeling of insecurity common amongst the community. Security incidents between the alleged illegal occupants of homes and arable land and the Kosovo Croats trying to prevent these usurpations have required police intervention. However, as Kosovo Croats remain unable to prove the illegal occupation, the police respond to these cases solely as disturbances of the public peace and order, therefore reinforcing the feeling of institutional neglect prevalent amongst the community.

²⁹ Among other tasks, the KPA (previously HPD) supervises the rental of abandoned property, managing a rental scheme for properties under its administration. This scheme makes it possible for the displaced property right holder to receive a fixed income from the property by authorizing the KPA to rent it out until s/he decides to utilize the property in any other way. Section 1.1(b) of the UNMIK Regulation No. 1999/23 on the Establishment of the Housing and Property Directorate and the Housing and Property Claims Commission, 15 November 1999. The rental scheme only became fully functional in 2006.

³⁰ According to Article 466(2) of the Kosovo Code of Criminal Procedure, once the summary indictment is served on the defendant, "the judge shall [...] schedule the main trial immediately". In the two pending cases the main trial has not yet been scheduled in one of the cases. In the other it was pending until a date was set for 16 August 2011. However it has again been postponed due to the failure of the defendant to appear in court.

The Kosovo Croats living in Letnicë/Letnica generally feel free to move within the village, whereas those residing in Shashar/Šašare, Vrnavokolo/Vërnavokollë, and Vrnez/Vërnez claim to have been targets of several incidents of physical and verbal harassment that have curtailed their freedom of movement within their villages. However, the community rarely ventures into Kosovo Albanian-majority areas. For example, many Kosovo Croat residents interviewed in October 2010 stated that they do not dare go alone to the two Catholic graveyards in village Shashar/Šašare, which have suffered damages on several occasions by unknown perpetrators. Another obstacle to the freedom of movement reported by the community is the large number of dogs belonging to shepherding Kosovo Albanians and ethnic Albanians from the former Yugoslav Republic of Macedonia, which often roam into Kosovo Croat-inhabited areas. Fear of attacks by these dogs often prevents Kosovo Croat community members from accessing their arable land and orchards.

Significant security incidents in 2010 included a physical assault on a Kosovo Croat by an ethnic Albanian from the former Yugoslav Republic of Macedonia in Shashar/Šašare on 30 June 2010. The police apprehended the suspect, who was released after consultations with the prosecutor and the case was addressed to Viti/Vitina Municipal Court. He was subsequently found guilty by the court of causing bodily injury and served a one month sentence. The aforementioned Kosovo Croat and his spouse have allegedly been targets of attacks by the same individual in 2009 and in January 2010. He is illegally occupying an abandoned Kosovo Croat property in the vicinity of the family and has since been illegally cultivating their land and using it for cattle grazing.

Kosovo Croat residents interviewed for this report stated that incidents of harassment, intimidation and occasional physical attacks against their community occur continually, undermining the freedom of movement and security of the community. They also report that many of the incidents involve the illegal occupants of Kosovo Croat property. However, most incidents of verbal and physical harassment remain unreported to the police, as the Kosovo Croat community claim to be afraid of potential retaliation by the perpetrators. Kosovo police officials in the region admit to being aware of the problems in the Kosovo Croat-inhabited areas of the municipality, however, this has not led to an improvement in the situation. The Kosovo Croat community has also expressed dissatisfaction with the number and frequency of patrols in the areas they inhabit, especially during the hours of darkness.

The repeated desecration of the two local Kosovo Croat Catholic graveyards in the village Shashar/Šašare has had a tangible impact on the security perceptions of the community. The latest case was reported on 16 June 2010, when a Kosovo Croat resident of the village alerted the police to the damage inflicted to all the windows of the graveyard chapel and several of the tombstones. Although the perpetrators remain at large, the municipal response to the incident was positive. Following a visit to the site, the mayor committed municipal funds to fix the damage and fence the graveyard. According to Kosovo Croat community members, another type of incident, illegal woodcutting accompanied by the discharge of firearms, occurs frequently during the

night. The community perceives these incidents as intimidation, while praising recent measures adopted by the Kosovo police to put an end to the practice.³¹

The perceived lack of security and freedom of movement by the Kosovo Croat community in Letnicë/Letnica area is further compounded by the fact that there are no Kosovo Croats employed in the Kosovo police in Viti/Vitina station.³² Municipal officials have not issued public condemnations or implemented outreach activities to the affected community following reported security incidents. Furthermore, the absence of a Kosovo Croat representative on the Viti/Vitina MCSC, as discussed in Section 3 above, continues to undermine the ability of the community to address their security concerns directly to the relevant stakeholders. This may explain why following the attack in Shashar/Šašare on 30 June 2010, no mention of the incident took place during the Viti/Vitina MCSC meeting held two weeks later.

Finally, an additional factor contributing to the perception of isolation and negatively affecting the security perceptions of the Kosovo Croat community is the very limited access to telecommunication services. There are no landline telephones in the areas inhabited by the Kosovo Croats. Most community members cannot afford a mobile phone, and there is only a weak signal from one Kosovo mobile phone operator for those who can afford. This makes it very difficult for people to report incidents to the police, or to request assistance when needed.

6. CONCLUSION

The findings of this report document the situation of the Kosovo Croat community in the municipality of Viti/Vitina, a situation characterized by precarious socio-economic conditions, the presence of complex and unresolved property rights issues, persistent security concerns, a perceived and/or real institutional neglect and a lack of participation in public affairs that has contributed to a marked sense of isolation amongst the community. The extreme vulnerability of the community of elderly Kosovo Croats in Viti/Vitina municipality requires urgent action by the local authorities to ensure equitable access to municipal and public services and utilities.

The long-standing property issues affecting the community, including lack of adequate property titles, outdated municipal cadastral records, and illegal occupation of homes and arable land, continue to undermine their enjoyment of property rights. Due to the complexity, sensitivity, and volume of the outstanding property issues, the elderly Kosovo Croats in the municipality lack the capacity to tackle them without assistance. Many in the community are in need of property-related legal and administrative assistance, including in the identification of property rights-holders and the registration of their property rights in the cadastral database, and also require legal advice and court representation when cases are processed.

The security concerns of the community remain one of the main obstacles for their effective participation in public life. Although the unreported nature of many of the

³¹ The Kosovo police operational plan involves the confiscation of both fire wood and transportation means when stopping an alleged illegal woodcutter, a measure which is only applied in this area.

³² Although some Kosovo Croats from Janjevë/Janjevo (Prishtinë/Priština region) serve as officers in other parts of Kosovo.

security incidents affecting the community makes any factual assessment by the OSCE challenging, the fear amongst this vulnerable and isolated community has a tangible impact upon their freedom of movement and enjoyment of rights and freedoms.

The cycle of institutional neglect, perceived and actual isolation, lack of participation and further neglect can only be broken by prompt and effective intervention by the local authorities to reassure the community and address their concerns. The municipal authorities should take responsibility for the welfare of the Kosovo Croat community in Viti/Vitina municipality and create the conditions for sustainable solutions to their immediate concerns.

7. RECOMMENDATIONS

To the municipality of Viti/Vitina:

- Ensure that the interests of the Kosovo Croat community are adequately represented in the executive and legislative branches of the municipality.
- Ensure the establishment, functionality and compliance of all relevant mandatory mechanisms, including the municipal office for communities and returns, the municipal community safety council and the communities committee in order to protect and promote the rights of communities, and include representation of the Kosovo Croat community in those bodies.
- Carry out regular outreach activities to the community, through the municipal office for communities and returns to increase trust in local institutions.
- Guarantee equitable access to municipal services, including access to health care and home care services, and public utilities and include the Kosovo Croat-inhabited areas in future infrastructure projects to provide adequate access to water for all inhabitants of the villages.
- Uphold language compliance by all municipal officials when dealing with non-majority communities, including the Kosovo Croats. Place bi-lingual signs in all public offices and ensure access to Serbian-speaking staff or interpreters where necessary.
- Facilitate sustainable solutions to the communities' displacement, including the organization of go-and-see and go-and-inform visits, through the municipal office for communities and returns.
- Promote sustainable solutions to the community's property issues by offering legal and administrative support to those wishing to regularize and/or claim their property rights, and by waving or significantly lowering the required administrative fees for those Kosovo Croats unable to pay.
- Respond to security incidents by issuing statements of condemnation and conducting outreach to affected individuals, as well as implementing initiatives to promote dialogue between the Kosovo Croats and other communities in the municipality.

To the Viti/Vitina Centre for Social Work:

- Conduct an urgent and comprehensive assessment of the needs of the community and develop a plan to provide home care and other types of assistance as required.

To the Kosovo police:

- Increase the number of patrols in the area and implement specific outreach activities to the Kosovo Croat community.
- Assess the suitability of establishing a sub-station in Letnicë/Letnica to cover the four Kosovo Croat inhabited villages.
- Consider the re-deployment of Kosovo Croat police officers to the area to re-assure the community.
- Encourage representation by the Kosovo Croat community within the existing Local Public Safety Committee in Viti/Vitina municipality.