

OFFICIAL RROMA PRESENCE IN FORMER YUGOSLAV REPUBLICS

Rroma Foundation, April 2002

I. INTRODUCTION

The current stand of many governments, not least among them the Swiss authorities, is that Rroma refugees from former Yugoslav Republics may, in most cases, safely return home. In Switzerland, minorities from the Kosovo currently still are allowed to remain in Switzerland, but pressure is growing to send them back home, at least in some regions of that province.

However, before returning these refugees to their country or province of origin, one needs to ask whether they actually have the possibility of settling, of finding a job, of leading a normal life. Our surveys and reports have shown that this is far from being the case in Bosnia and Hercegovina, in Kosovo and even in Serbia or Montenegro.

In addition of having lost all of their possessions in the War (especially in Bosnia and in Kosovo), often having had their houses destroyed or simply taken over by either ethnic Albanians in Kosovo, Serbs, Croats or Moslems in Bosnia, a new pattern has emerged by which all official traces of the former presence of Rroma in the region has been obliterated.

II. THE CURRENT SITUATION

To illustrate the pattern to which we have been recently confronted, let us present the case of a family of Peje and of one family of Prizren, both in Kosovo.

These are only two cases among the ones that we have so far investigated in both Kosovo and Bosnia and Hercegovina. We also have several additional ones, with similar results and others that are currently either pending or being investigated.

Both families are currently refugees in Switzerland, and in both cases, required documents in order to be able to marry in Switzerland. In one case, the family (Peje) had copies of their Yugoslav Identity papers issued in Kragujevac while in the other, we only had an attestation of the loss of their house in Prizren (signed by Kosovar authorities) as well as all the data concerning the family, their dates of birth, names etc.

We asked both the UN administration as well as the local authorities about those families and whether it would be possible for them to issue a birth certificate (in both cases) and an attestation that the person was not married (in one case). In both cases, no traces of the families were to be found in the official acts. Other similar cases are known to us both in Kosovo and also in Bosnia

- Hercegovina. In the latter case, this pattern seems to be most common in the current Republika Srpska (Serbian part of Bosnia), for example in the region of Doboje.

We are currently investigating several other cases in the region, but the pattern seems to repeat itself.

III. HOUSING AND PROPERTY

Housing is yet another problematic issue for Roma. In Kosovo, officially buying houses – that is with all relevant property papers - was forbidden for ethnic Albanians from 1989 onward¹. This according to the SFH as well as to the OSCE and UNMIK is leading to a complicated solution whereby it is almost impossible to determine whom property belongs to. The same sources are stating that they are expecting ca. 75'000 processes to straighten property litigation in Kosovo, Serbia and Montenegro.

This measure from the Serbian authorities did also affect Roma. Most Roma in Kosovo owned property, farms and land, a situation that was also found in Bosnia and Hercegovina. During the war itself, many Roma houses were destroyed by Serbs. Following the NATO intervention, Roma were forced to flee. We know of numerous instances whereby Roma families were forced to leave their property under threats of death and give it – sometimes even signing property papers under duress – to Albanians.

Thus, Roma both in Bosnia – to a lesser extent – but mostly in Kosovo have lost their property, land, houses. These houses are by now occupied by the very people that expropriated them or by people to whom these houses were sold in good faith, and more often than not, by former UCK members or their relatives. The same is true in Bosnia, where, in a case we presented in the report on Bosnia, the Serbian authorities are now occupying Roma houses.

The chances for Roma to gain back their property in a process are more than doubtful. First, due to the sheer number of processes that are currently being initiated, they will not see their cases judged for a very long period of time. Second, process against Albanians, when initiated by a minority in Kosovo are not known to be successful, this, in spite of KFOR protection. Intimidation of witnesses or even elimination has shown to be all too present, and, the fact that the “official” Roma existence has been obliterated renders any kind of solution impossible.

¹ See OSCE/UNMIK Property rights in Kosovo, January 2002 and see SFH report “Kosova – Situation der Minderheiten”, April 2002.

We will thus see a situation by which property seized from Rroma is not returned to them and by which the person occupying the land will be given the property rights, a situation already well known in other former Yugoslav republics.

In addition, only a few “enclaves”, totally isolated by the KFOR are deemed by the UNMIK as “safe” for minorities. In these, however, the very same housing issues do arise. Land and houses now officially belong to Albanians, not to the previous owners, the Rroma.

This behaviour is by far not limited to Kosovo and Bosnia. We have cases in Serbia. In one such case, a Rrom owning a flat in South Serbia returned home after his asylum request was denied by Switzerland. He found his flat occupied by Serbian refugees from Kosovo. In spite of his efforts, he could neither prove that he owned the property, and in fact, the authorities granted the property officially to those Serbian refugees. This is unfortunately a common occurrence in Serbia proper whereby an Albanian name and the Moslem religion – or worse, Rroma in addition - are sufficient to guarantee that your rights will not be respected.

IV. A PLACE FOR RROMA

This is not the first time in history that such a behaviour has been observed. It happened in Czechoslovakia after the war where some Holocaust survivors could not find any trace of the existence prior to the war. That it happens in Kosovo and in Bosnia and Hercegovina is not surprising. After all, a lot of property was seized or destroyed, many Rroma fled for their lives. And now, the perpetrators are running the administration. In fact, as in several places in Bosnia², the administration itself or people with strong connections with the government are housed in former Rroma properties.

A returning Rroma refugee will thus be placed in a difficult situation. While his or her former Yugoslav passport may grant him or her the entry in the country, in many cases, he will not have any chances of returning to his original home. Even worse, the administration will not recognise him as a citizen of that country. After all, without a birth certificate, one may have been born in another part of former Yugoslavia.

So, a returning Rrom is de-facto a stateless person within his or her own country. While one can still – albeit difficulty – argue that Kosovo is still a part of Serbia, and as such that the Rroma are allowed to settle freely in other parts of former Yugoslavia, this cannot hold for Bosnia and Hercegovina. Nevertheless, with the creation of the Kosovo Parliament and the embryo of an

² See the Rroma Foundation Report on Bosnia and Hercegovina

administration (partly under UN supervision), this province is de-facto separated from Serbia and enjoys a degree of autonomy if not independence.

The example we have given earlier illustrate that these Rroma have no chances of settling in Serbia proper. First, they are mostly Moslems, with Albanian names and as such already have little chances of being recognised as “refugees” or even be allowed to settle there. Secondly, the lack of documents proving their origins is yet another hurdle and finally, housing is even worse an issue for Rroma in Serbia proper³.

As a recognised country, Rroma returning there are at best accepted in their former home without any chance of being recognised as full citizen – for they lack the formal proof that they were born there, that they held property, that they worked there. They are thus in the situation of refugees within their own country.

³ We refer to various publications on the subject, for example from the Helsinki Watch in Serbia.