

Agreed Note

On talks held in Berlin on 25 and 26 April 2005 on the return of minorities to Kosovo

1. On 25 and 26 April 2005 talks were held in Berlin between a German delegation and representatives of UNMIK on questions relating to the return of minorities to Kosovo. The talks took place in an open and constructive atmosphere.

A list of participants is enclosed in the annex.

2. Both sides discussed the current situation in Kosovo. Recognizing the positive development of the security situation in Kosovo, both sides agreed on further developing and frequently reviewing the return process of minorities to Kosovo beginning with the following commitments.
3. In light of the fact that members of Ashkali and Egyptian communities are presently not considered to be in general need of international protection, UNMIK and the German side agree that, starting in May, Germany will propose up to 300 members of the Ashkali and Egyptian communities from Kosovo per month for forced return. On the understanding and based on past experience that on average approximately only 20 % of those proposed will actually be returned, as of July 2005 the numbers proposed may be extended to up to 500 individuals per month. Subject to the development of the security situation faced by members of these communities, Germany and UNMIK expect that it will no longer be necessary to limit the number of notifications to UNMIK from January 2006 onwards. Individuals of these communities will be returned depending on the results of an individual screening process conducted by UNMIK. The German side shall notify UNMIK of the return of Ashkali and Egyptians 40 days prior to the planned date of return. Unless UNMIK informs the German Liaison Office in Pristina about justified reservations with regard to these planned returns at least 7 days in advance of the planned date of return, the German side may proceed without delay with

the return operation.

4. Furthermore, both sides agree that out of those Ashkali and Egyptians whose return UNMIK had not objected to in the past, but whose return has so far not been possible due to the March 2004 events in Kosovo (so-called return pool), Germany may now notify UNMIK in the 18th calendar week of the intended repatriation of up to 100 persons per flight for the two flights scheduled for May 2005. UNMIK shall apply an accelerated screening procedure to check whether it is still possible for these persons to be returned at this stage. The German side shall notify UNMIK again of the return of the remaining persons from this "return pool" according to the procedure laid down under No. 3.
5. Persons to whose return UNMIK has not expressed any reservations, but who were in fact not returned, may be returned by the German side at a later date on already scheduled regular return flights without a renewed screening process. Based on the expectation that the situation will further stabilize, it is expected that additional flights can be arranged in close consultation with UNMIK after September 2005.
6. In view of the expected improvements of the situation of Roma in Kosovo, UNMIK agrees to the possibility of allowing the return of criminal offenders of the Roma community who have been sentenced to imprisonment for at least 2 years or to several prison sentences amounting to a total of at least 2 years and who are not in need of protection. The German side will initially propose for return up to 40 individuals a month with the aim of returning 20 individuals each in July and in August 2005, depending on the results of the screening process conducted by UNMIK; the number of submissions may be adjusted based on experience in order to enable the German side to increase the number of returns to 30 a month as of September 2005. Both sides aim at increasing the numbers of such returns and at expanding the group of persons to be returned.

The same notification and return procedures apply as laid down under No. 3. When notifying UNMIK of the return of these persons the German side shall inform UNMIK about the reasons for the conviction and the length of the prison

sentence.

7. Both sides evaluated the way in which the German authorities pass on relevant medical information to UNMIK and agreed that further discussions are necessary in order to streamline the process.
8. Both sides plan to meet for their next expert talks in Pristina at the beginning of September 2005.

Done in Berlin on 26 April 2005 in an English version

For the German side

For UNMIK

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Kilian Kleinschmidt