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Remarks by Mr. Dušan Kozarev,

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Human Dimension Implementation Meeting

Working session 13: Fundamental freedoms II, including freedom of movement

Warsaw, 27 September 2016

Ladies and gentlemen,

My name is Dušan Kozarev. I am the Deputy Director at the Office for Kosovo and Metohija of the Government of the Republic of Serbia. Sitting here exactly a year ago, I underscored some of the central problems encountered by the internally displaced persons from Kosovo and Metohija, and presented in brushstrokes the regional OSCE Initiative on Durable Solutions for Displaced Persons from Kosovo\*<sup>1</sup>.

In the meanwhile, various Technical Working Groups, working within this Initiative, were hard at work developing a comprehensive legal framework, looking to create conditions for the freedom of choosing a sustainable IDP return solution. A range of important measures were adopted in different plans of action. However, it is their implementation that is currently presenting a great challenge.

To be more specific, Point 6 of the Action Plan on property rights of IDPs envisages participation of the Ministry of Return and Communities and of the associations of IDP in the **drafting of the Law on the Kosovo Property Comparison and Verification Agency**. This law, of vital importance for the Serbian community in Kosovo and Metohija and for the IDPs, was drafted without the involvement of representatives of Serbs. Still, the PISG Assembly in Priština adopted it on June 17 2016, following which the deputies from the “Serbian List” (Srpska lista) filed an appeal with the Constitutional Court, citing failure to comply with procedures prescribed by the Constitution in Article 81, which sets forth that the majority of minority deputies must be present when voting on a “law of vital interest to a community”. Priština maintains that this law concerns all citizens and that Article 81 does not apply. However, I wish to underline that law is of essential, vital importance to IDPs, since it governs

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<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence



resolution of the usurped property restitution and reoccupation claims, and over 90% of these claims were filed by the IDPs from Kosovo and Metohija.

In addition, there are literally thousands of cases involving Albanians who registered in the Kosovo cadastre as owners of IDP property, on the basis of fraudulent documents. This practice was extensively described in reports compiled by the OSCE, EULEX, and UNMIK. Not only that, but this legislation does not establish any mechanisms for informing the internally displaced persons about the court proceedings involving their property. We maintain that this law concerns one of the vital issues of the Serbian community in Kosovo and Metohija, and that Article 81 of the Constitution must apply here.

**The Draft Law on the PSIG Kosovo Property Comparison and Verification Agency is an unacceptable and frightening example of an attempt to legalize usurpation of private and commercial property of Serbs and of the Serbian Orthodox Church in Kosovo and Metohija, which the Republic of Serbia and Serbs in Kosovo and Metohija resolutely oppose.**

The above mentioned OSCE Initiative for Durable Solutions for the Displaced from Kosovo adopted measures to ensure sustainable return. However, the Ministry for Return and Communities, critical for their implementation, has been struggling with utter lack of support from the other institutions in Priština.

Mindful of the above, and numerous other obstacles to return, the Office for Kosovo and Metohija launched a project called “**Sunny Valley**”, a returnee settlement located in a safe environment, which we presented at the last year’s ODHIR Human Dimensions Implementation Meetings conference here in Warsaw. However, here too we are faced with persistent obstructions on the part of Priština.



*A model of the Sunny Valley, 2015*

We call for more attention and assistance from the OSCE and other relevant international actors in ensuring that this initiative succeeds in implementing the critically needed measures, producing results and becoming an example of good practice.

We also underscore that Serbian language, although an official language in Kosovo and Metohija, is inconsistently used by judicial authorities in privatization proceedings or in topographic inscriptions. In



addition, since early June 2016, the decision on **seizing of all textbooks in Serbian language** has been in force, which led to the cancelation of the St. Vidus Book Fair in Gračanica in 2016.

The overall situation in Kosovo and Metohija is still characterized by chronic lack of physical and legal security for the Serbs, the returnees and members of other non-majority communities, especially Roma. They are constantly exposed to **numerous assaults** in their homes, outside their homes, on their way to school, in places of assembly and in churchyards during religious feasts. Orthodox cemeteries are desecrated, memorials for the kidnapped and perished civilians destroyed, even the one erected to commemorate the children murdered in 2003 by the Bistrica River in Goraždevac. Yet, the perpetrators remain at large and enjoy impunity.



*Damaged and desecrated Orthodox Christian cemetery, the village of Kruševac*

According to the data available to us, over the past year, there were as many as 70 instances of ethnically motivated attacks. Particularly alarming is a new phenomenon, of attacking the minors of Serbian ethnicity, most often on their way to school, as well as the attempted kidnapping of a boy and a woman.

We especially bring attention to the physical assault perpetrated against a group of Serbian boys in the village of Kusce, Gnjilane municipality. A group of Albanian boys attacked them with metal rods, wooden boards with protruding nails and a knife, inflicting bodily trauma on these minors of Serbian ethnicity.

At the same time, identification and punishing of perpetrators continues to be missing, and in the rare cases where perpetrators do get identified, those are for the most part minors, who are subject to lenient penal policy since such attacks are treated as youthful mischievousness and petty crime. On the other hand, we have an absurd example of the verdict made by the district court in Gnjilane on December 17, 2015, whereby a 75-year old Serbian woman was sentenced to a 50 Euro fine, or spending three days in



jail, for obstructing public order, after she forced out of her backyard the cattle belonging to her Albanian neighbors, and was herself bitten by the same people for doing so! There is a noticeable tendency that significance of ethnically motivated attacks is downplayed, the evident and compelling motive of ethnicity behind them denied and refuted, even though the Parliamentary Assembly of the Council of Europe reported on this clearly pointing to the danger of this situation.

Even more alarming is the increasingly pronounced element of terrorism, seen in "ISIS" graffiti-spraying and in the operation of radicalized extremists, returnees from the battlefields in the Middle East, but also the young people recruited for ISIS, whose number in so-called Kosovo are the largest in Europe. Increasing radicalization of political climate coupled with deteriorating security situation resulting from the escalated political and religious extremism pose a threat to all inhabitants of Kosovo and Metohija. However, as a rule, it is the returnees in the ethnically mixed environments who are the most vulnerable. This calls for additional measures in increasing the safety of Serbs and other members of non-majority communities, regularly targeted by ethnically motivated attacks.



*ISIS graffiti spray-painted on the walls of Dečani Monastery, 2015*

The sameness of pattern and frequency of attacks on returnees **in the region of Peć have indicated that there is an organized group of extremists whose objective is to prevent return of the Serbs.** This is closely linked to the long-standing issue of usurpation of IDP property, since absence of legal owners creates space for the illegal occupants to continue to occupy the IDP property. It is highly notable that this region scores highest in the number of instances of the above mentioned fraudulent transactions. Another method of deterring return to the Peć region is using the media outlets in Kosovo and Metohija to disseminate information about bringing war crimes indictments against a number of Serbs, who, as a rule, are the IDPs who registered for return. By such actions on the part of Priština institutions, the IDPs are precluded from both appearing at the court hearings on restitution of their property, and from pursuing a return procedure, for fear of being arrested or remanded in custody until a procrastinated legal and court proceedings proves them innocent.

In the past year, the situation in Kosovo and Metohija has been further aggravated by frequent mass demonstrations of the Albanian opposition parties protesting against the establishment of the



Community of Serbian Municipalities, a mechanism envisaged to provide an institutional framework to protect and uphold basic freedoms and rights of Serbs in Kosovo and Metohija. We fear that such a state of affairs could lead to renewed large-scale assaults on Serbs, similar to those in March 2004, only now additionally dangerous due to a large presence of ISIS supporters and other Islamic extremists.



*Anti-Serb protest in the village of Mušutište, triggered by IDP visit, august 2016*

Attempts at aggressive religious discrimination persist, evident in preventing the IDP's from marking Orthodox Christian religious holidays in their places of origin. Repeatedly over the past years, local authorities and citizens of Đakovića have prevented the visiting displaced persons from entering the town's remaining Orthodox Church at Christmas, Easter and All Souls' Day, despite the presence of Kosovo Police. Earlier this year, the displaced celebrated Christmas Day and the Assumption Day of the Mother of God in the presence of large Kosovo Police force. In August 2016, the displaced Serbs from the village of Mušutište wanted to celebrate their village patron saint on the ruins of their local church, but the local Albanians used social platforms to rally their compatriots against the arrival of Serbs. As a result, the protesters blocked the road and did not disperse even after they clash with the Kosovo Police. They waited until the buses arrived, transporting Serbs, among whom also the Serbian ethnicity Minister for Communities and Returns in the PISG in Priština.





*Gathered Albanians prevent celebration of Orthodox Christmass in Đakovica, January 2016*

The widespread practice of desecration of cemeteries and destruction of headstones is blatantly illustrated by the case of the Old Serbian Cemetery in the town of Đakovica, with interred remains of those killed in the World War I, including 12 French war heroes. Today, a court building is erected at this site. This single act of vandalism testifies to utter lack of respect and a desire to destroy all evidence that the Serbian people have been living in these parts throughout the centuries.

We particularly emphasize **institutional attempts to seize the property of the Serbian Orthodox Church in Kosovo and Metohija**. We illustrated such attempts by the court case involving the land of the Dečani monastery in our 2015 address. In the meanwhile, this dispute has been resolved in favor of the monastery, but the pressure of the protesters, mostly members of the Movement "Self-determination", still persist. The "University of Priština" has been engaged in continuous offensive against the Orthodox Christian **Temple of Christ the Savior**, situated in downtown Pristina and owned by the Serbian Orthodox Church. Ever since 1999, the Temple has been a frequent target of attack, while being severely neglected and used as a garbage dump. Priština persistently looks for ways to "re-purpose" the temple, and the media outlets are portraying the land as owned by the university. After such allegations were followed by further media fabrications that the churchyard is a location of a mass grave, the digging of churchyard was organized. It proved the allegations false. Such behavior of the media outlets, but also of the authorities in Priština only further inflames ethnic tensions, while continuously insulting and desecrating the religious sites and feelings of the Serbian community.





*Interior of the Temple of Christ the Saviour in downtown Priština, 2016*

Over the past year, the facilities of the Serbian Orthodox Church in Kosovo and Metohija have continued to be exposed constant vandalism, from ISIS graffiti-spraying to looting and sometimes irreparable property damaging. **Last year we stopped Kosovo's bid at UNESCO membership, and mindful of all the above, as well as Pristina's attempt at fabricating history and restricting the right to identity of Serbs and of the Serbian Orthodox Church, we believe that so-called Kosovo's membership in this organization is unacceptable and dangerous.**



*Irreparably damaged frescos, Church of St. Paraskeva, Klina, July 2015*

Thank you for your time and attention.

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