



## **THE REPUBLIC OF SERBIA**

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SECURITY COUNCIL MEETING  
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Report of the Secretary-General  
on the United Nations Interim Administration Mission in Kosovo  
(S/2014/558)

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## **STATEMENT**

by

H.E. MR. IVICA DAČIĆ  
FIRST DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS  
OF THE REPUBLIC OF SERBIA

New York, 29 August 2014

Mr. President,  
Distinguished Members of the Security Council,  
Ladies and Gentlemen,

Allow me to greet you and thank you for the attention that you accord to the question of Kosovo and Metohija on a continual basis. I am very pleased to be presented another opportunity to address this esteemed body in connection with the efforts that have been made, under the United Nations auspices, to find a lasting and sustainable solution for the question of Kosovo and Metohija already for fifteen years.

I am convinced that we all shall agree with the assessment that the United Nations Interim Administration Mission in Kosovo (UNMIK) has the key role to play in the creation of conditions for a peaceful coexistence of the residents of Kosovo and Metohija, safe and secure life of all its communities and the respect of their human rights. Serbia cooperates in good faith with the United Nations in Kosovo and Metohija and wishes to further strengthen, enrich and promote this cooperation. We appreciate the efforts invested by Mr. Farid Zarif in the implementation of the UNMIK mandate and the coordination of international civil and security presences. We also appreciate the contributions made by other international organizations – EULEX, KFOR and OMIK, as well as specialized agencies like UNHCR - which, through their missions and under the United Nations auspices and UNSC resolution 1244 (1999), are constituent parts of those presences in Serbia's southern Province.

Mr. President,

The dialogue between Belgrade and Priština, within which the First Agreement of Principles Governing the Normalization of Relations was reached in Brussels on 19 April last year, was initiated with the aim of finding practical solutions to questions which hamper the normal life of the residents of Kosovo and Metohija. Serbia expects the European Union to continue to facilitate this dialogue. We believe that the results achieved by Serbia in the adoption of European values and standards so far, as well as further progress on its European road, are the right context for the creation of a proper living environment for the people in Kosovo and Metohija, too. In this regard, we concur with the assessment presented in the Report of the Secretary-General of the United Nations that the commitment of Belgrade, as well as Priština, to European integrations, coupled with continued active engagement by the European Union, are critical driving forces for the normalization of relations between Belgrade and Priština.

Serbia is firmly committed to the continuation of constructive dialogue with Priština at all levels, as well as to the implementation of all agreements reached so far. It has fulfilled in good faith the obligations derived from the agreements reached in the dialogue. Regrettably, no such assessment could be passed in connection with the Priština side: it has not taken the necessary steps yet to fully implement the agreements reached in Brussels, including the adoption of an amnesty law, the budget and local self-government. Confidence building is not improved by the problems encountered by Serbian officials on their trips to Kosovo and Metohija either; in this reporting period, for instance, Serbian liaison officer Dejan Pavićević was banned from entering the Province on 25 June.

Distinguished Members of the Security Council,

In addition to the consideration of the quarterly reports at Security Council meetings, true insight into the situation in Kosovo and Metohija can be gained only by taking into account the broader picture of the level of integration of Serbian and other non-Albanian populations in the economic and social flows of the Province. The picture reveals the existence of a substantial gap between international standards and the legal framework and the situation in the field, characterized by inter-ethnic incidents, unresolved property

issues and a limited access to services of public institutions to members of non-Albanian communities, as well as their mistrust in the work of those institutions. The situation in Kosovo and Metohija continues to be difficult, Serbs live in constant fear, while unemployment in Serbian communities is at levels higher than ever in the past. These are all obstacles to normalization of relations and inter-ethnic confidence building and a potential threat to stability and security in a broader regional context.

4 returnee Serbian houses were broken into and looted in the village of Ljevoša in the municipality of Peć in the night between 18 and 19 June. About 20 Serbs returned to the village in 2005 and 2006. This was not the first time that the returning Serbs were intimidated with the aim of being discouraged from returning to their homes. The amelioration of the atmosphere of mistrust is not helped by arbitrary arrests of local Serbs either, such as Jovica Dejanović from Priluzje and Đorđe Bojković from Babin Most near Obilić. I would like to make special mention of the case of Oliver Ivanović, leader of the Civic Initiative *Serbia, Democracy, Justice* remanded into custody last January suspected of participating in alleged crimes committed during 1999 and 2000. Oliver Ivanović continues to be detained, while he was indicted only in mid-August. The Government of Serbia has given guarantees that he will attend the trial, so that the refusal to release him from detention is disrespectful of the Government of Serbia which has contributed so much to the normalization of relations. We demand that Oliver Ivanović be released from detention.

The data on the number of ethnically motivated crimes against members of non-Albanian communities remain incomplete, without explanation, as no investigation of the attacks on Serbs and their property has been successfully brought to an end. The percentage of perpetrators of attacks on members of Serbian and other non-Albanian communities, discovered and tried in the last 15 years, is well-nigh zero. The persons who took part in the ethnically motivated violence in March 2004, the only *pogrom* committed on European soil in the twenty-first century, were tried for offences against public peace and order under the civil procedure.

At the same time, no public records are available on ethnically motivated attacks on members of Serbian and other non-Albanian communities. The scope and type of these attacks are concealed by being catalogued as general crime. The message sent in that way to Serbs and other non-Albanians, in particular the returning ones, is that they are not welcome. The ethnically motivated crime is thus de-personalized, while offences against members of non-Albanian communities are tolerated.

The perpetrators of killings, abductions and attacks on Serbs committed since June of 1999 have not been discovered and tried yet. Serbia has therefore followed attentively the investigation of the EULEX Special Investigative Task Force and its Chief Prosecutor Clint Williamson of the allegations from the Report of Swiss Senator Dick Marty from 2010, adopted in the Parliamentary Assembly of the Council of Europe, entitled *Inhuman treatment of people and illicit trafficking in human organs in Kosovo\**.

First of all, let me recognize the efforts of Chief Prosecutor Williamson and all other members of the Special Investigative Task Force invested in the detailed investigation of the allegations from the Report of Senator Marty regarding the crimes committed against the Serbs, Roma and Albanians of Kosovo and Metohija by the members of the so-called Kosovo Liberation Army (KLA).

We are not surprised by the fact that they faced numerous obstacles during their work, mostly the intimidation of witnesses and the destruction of evidence. It is with appreciation that we accept the conclusion of Chief Prosecutor Williamson that enough evidence has been gathered to indict the KLA leaders responsible for the persecution of Serbs, the Roma and the members of other non-Albanian communities, as well as the Albanians of Kosovo and Metohija. As we understand from the Statement of the Chief Prosecutor, the said campaign of persecution included killings, abductions, enforced disappearances, illegal detentions in camps, both in Kosovo and Metohija and in Albania, sexual violence and other forms of inhuman treatment, such as forced displacement and the destruction of churches and other religious sites.

This resulted in a large-scale ethnic cleansing of the Serbian and Roma populations from parts of Kosovo and Metohija south of the Ibar river. We concur with the assessment that the widespread and systematic nature of these crimes constitute a basis for the prosecution of crimes against humanity and war crimes.

Surely, the Statement of the Chief Prosecutor on the results of the investigation so far is an immense contribution to the establishment of the responsibility of the KLA leaders for the crimes committed against the population, particularly the non-Albanian population, of Kosovo and Metohija. However, justice will be served only if those who committed and ordered the heinous crimes, the KLA commanders who still walk free today, are tried in courts. Serbia therefore expects that a Special Court be established soon (not later than the beginning of 2015) in which it will be possible to indict the leaders of the KLA suspected of, among others, crimes against humanity and war crimes. We are convinced that all countries that respect international law will insist on it.

The wide spread and magnitude of the crimes mentioned in the Statement of the Chief Prosecutor call for a judicial epilogue for only that can bring justice and peace to a great number of victims and their families. In that connection, we address a strong appeal to key factors in the international community to do, for their part, all that is necessary so that a Special Court be established by the beginning of the next year. It must not be allowed, as has been the case in court proceedings so far, that, because of the intimidation of witnesses, responsible individuals be acquitted due to the lack of evidence. All those involved in the intimidation must also be tried.

At the same time, we must join forces to establish the fate of the missing persons. As stated in the Statement of Chief Prosecutor Williamson, not enough has been done in this regard and additional efforts must be made.

As it has done in the past, Serbia will do its utmost so that additional evidence be provided for organ trafficking. It is necessary that other countries, too, make efforts in order to make it possible for organ trafficking evidence to find its way to the Special Court.

Since the beginning of the work of the Special Court depends in part on the decisions that ought to be brought in Priština, we call on all political actors in Kosovo and Metohija to bear in mind that their conscientious work will be a linchpin to the service of justice for the crimes that have been committed.

Mr. President,

It is with concern that we have followed the trial of the so-called Drenica Group, initiated last May before the Basic Court in Kosovska Mitrovica for reasons stated in the Report before us. 3 out of 7 indicted members of the former KLA managed to run away from the institution in which they were being given medical treatment. EULEX assessed the results of the internal investigation in this case as bad and without information of key importance.

I would like to point to another question mentioned in the Report, related to the adoption of the Law on the Amendments of the Laws on the Mandate of the European Rule-of-Law Mission in Kosovo. This Law changes the composition of the chambers of courts that try both criminal and civil cases which fall within the EULEX competency in that the number of judges of the Provisional Institutions of Self-Government (PISG) is always greater than the number of EULEX judges.

I make special mention of this because of the cases that continue to be tried in the Special Chamber of the Supreme Court of Kosovo in connection with the Kosovo Privatization Agency and the cases before appellate panels related to the decisions of the Kosovo Property Claims Commission in which mostly Serbs and other non-Albanians are aggrieved parties.

Bearing in mind the importance of the implementation of the EULEX mandate, in particular the part related to proper investigation, trial and enforcement of sentences for war crimes, terrorism, organized crime, corruption, inter-ethnic crime, financial-economic fraud and other grievous offences, the question of the readiness of the PISG judicial organs to carry out impartially, conscientiously and professionally the tasks entrusted them is very pertinent indeed. I make special mention of this because the Kosovo\* 2013 Progress Report of the European Commission highlights the need for improved enforcement of decisions regarding human rights violations and many unresolved property cases related exactly to the damage compensation and inter-ethnic disputes which are unjustifiably delayed.

This reminds us of the importance of continued oversight and assessment of the work of the PISG judicial and other organs and the adequate appraisal of their readiness to take over the executive competencies that EULEX currently holds, as provided for by the EULEX reconfiguration decision of last June. I would like to remind the distinguished Members of the Security Council, the body that adopted UNSC resolution 1244 (1999) by which it was decided to establish UNMIK with the Special Representative of the Secretary-General of the United Nations at its head, that the competencies held by the Special Representative may be transferred to the PISG only with his authorization. The fact that these competencies were entrusted to EULEX does not diminish the powers and responsibility of the Special Representative of the Secretary-General of the United Nations.

Mr. President,

The incidents around the bridge in Kosovska Mitrovica last June reminded us of the distance to reconciliation that the communities in Kosovo and Metohija still have to traverse. The removal of the barricades on the northern side of the bridge over the Ibar river was an act of good will of the local Serbian population. Unlike this act, the reaction of their Albanian fellow-residents was not done in good faith and only added to the deepening of intolerance.

One of the reasons why Serbia insists on the unreduced presence and engagement of the United Nations mission in Kosovo and Metohija is precisely the volatility of the situation in the Province. The trust that Serbian and other non-Albanian communities have in the mission of the United Nations as guarantor of their survival in it is of paramount importance.

In this context, we must not allow that the role entrusted to the United Nations mission, the guarantor and the basis for the activities of all other international missions in Kosovo and Metohija as well, be weakened. It is with concern that we look at attempts to marginalize UNMIK, i.e. to reduce its size, both in the number of substantive international personnel and in its activities in the field. We hope that, even though reduced as against the one of the last year, the budget of UNMIK, adopted last June, will not negatively affect the realization of concrete tasks of the mission, including the verification of the number of returnees and internally displaced persons (IDPs) and the protection of minority communities.

Mr. President,

The Government of the Republic of Serbia is fully committed to the normalization of relations with Priština, which it confirmed by the call it addressed to the Serbs with residence registered in Kosovo and Metohija to participate in the early general elections on 8 June. Regrettably, in their attempt to exercise their voting rights, the persons of Serbian nationality, in particular the IDPs, encountered numerous obstacles all over again, from a questionable legal interpretation of electoral provisions to the recognition of the right to be entered into voters' lists. Overall 30 000 IDPs, 26 000 of them from the central parts of Serbia, sent their voting applications to the Central Election Commission. Out of 26 000 applications, less than a half were accepted, while the rejected ones were directed to appellate procedure. The Central Election Commission

adopted 200 out of 9 000 appeals. The number of Serbs with the right to vote diminished in comparison with their number at the local elections in November 2013.

The fact that as many as 20 000 deceased persons were inscribed on the voters' lists and that even after the removal of their names the number of registered voters continues to be greater than the overall number of the population of Kosovo and Metohija is indicative all by itself.

The new General Elections Law was being discussed in Parliament at the time of the calling of the early elections and was not adopted. Absent a new Elections Law, the Central Election Commission decided to invoke the provisions of the Constitutional Amendments from 2012 with negative consequences for the number of mandates of the Serbian community. Specifically, the Civic Initiative *Serbian List* was thus left short of 6 additional parliamentary seats.

Some provisions of the Draft General Elections Law downgrade outright the rights of the members of minority communities in Kosovo and Metohija. I believe that we all can agree that the situation of accepting dialogue and the participation of the members of the Serbian community in the work of provincial institutions with the scope of their rights being reduced cannot be politically justified.

Distinguished Members of the Security Council,

In the municipalities with a Serbian majority in the northern part of the Province conditions have been fulfilled for the establishment of the Community of Serbian Municipalities, as provided for by the Brussels Agreement. We expect Priština to complete the post-electoral processes in the foreseeable future in order to make it possible to establish the Community, i. e. to adopt a legal framework necessary for the implementation of its competencies. This would be a true indicator of the commitment of the Priština side to the implementation of the agreements that have been reached and would contribute to the strengthening of confidence in provincial institutions and represent an important step in the direction of achieving progress in the mutual dialogue.

Distinguished Members of the Security Council,

Let me make special mention of the situation of the IDPs, the solutions of which depends by and large on the actions of the political actors in Priština. Last June, United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons Chaloka Beyani presented a report to the Human Rights Council on his visit to Serbia last October. The Special Rapporteur called on the authorities in Priština to invest efforts in ensuring effective implementation of the legal solutions and step up political will to find a lasting solution for the IDPs. Also, he pointed to an urgent need to solve the property issues.

The creation of real conditions for the return of the IDPs to their homes is one of the key factors for the process of reconciliation.

The return of the IDPs to Kosovo and Metohija is obstructed by administrative impediments up to the point within which the administration in Priština can continue to formally espouse democracy and multi-ethnicity. In practice, instead of facilitating, the required documents and procedures constitute insurmountable obstacles for any, let alone sustainable, return. In this way, implicit pressure is being brought to bear on the IDPs to integrate into local communities outside Kosovo and Metohija, the end result of which being a forced change of the demographic picture of the Province.

The Republic of Serbia is the country with the largest number of IDPs in Europe: 230 000, 18 000 of them in Kosovo and Metohija. In our estimation between 2 000 and 4 000 IDPs realized sustainable return to Kosovo and Metohija. The low level of returns is caused preponderantly by the lack of the basic

conditions for return and normal life, which is confirmed also by the Reports of the Secretary-General of the United Nations to the Security Council. According to the Report before us, the UNHCR registered as few as 49 voluntary individual returns of the members of non-Albanian communities in the period from April to June 2014.

This is taking place in the presence of the international civil administration one of whose main responsibilities under UNSC resolution 1244 (1999) is to assure safe and unimpeded return of all refugees and internally displaced persons.

The creation of conditions for Serbian and other non-Albanian populations to enjoy the fundamental human rights and the rights belonging to them as non-majority populations would surely contribute to the improvement of the general atmosphere for the return of the IDPs.

The programmes to strengthen confidence devised by UNMIK and other missions active in Kosovo and Metohija are, no doubt, useful in the process of reconciliation among communities, yet they cannot be enough. To create a sustainable atmosphere of tolerance, the political will and comprehensive approach of the PISG in Priština are needed. The assumption being, with the support of competent international organizations. We expect Priština to take seriously into consideration the recommendations contained in the assessment of the implementation, at the municipal level, of the Law on the Use of Languages from 2007 published by the OSCE last June. The conclusion of the OSCE is that the Law is implemented partially because of the lack of political will and the absence of full understanding of the obligation that has been made.

In the Kosovo\* 2013 Progress Report of the European Commission special mention is made, *inter alia*, of the problem of continued attacks on the religious heritage, particularly of the Serbian Orthodox Church and graveyards. The Report also points to the unsatisfactory implementation of the Anti-discrimination Law, numerous unresolved property cases before the courts related to damage compensation and inter-ethnic disputes. It also highlights the problem of sustainable return and re-integration that continues to deteriorate due to persistent incidents directed against returnees, their property, religious and cultural heritage and the lack of proper economic opportunities.

Property rights, not only of returnees, are impossible to exercise and protect in Kosovo and Metohija. No measures are being taken in cases of forged purchase and sale agreements of the real estate legally owned by Serbs. Only one report has been published on this problem: the OMIK Report on fraudulent transactions in the region of Peć from 2009, the only systematized and detailed review of the violation of the property rights of Serbs, admittedly in one region alone. The statistical reviews of court decisions and cases conceal the real picture of the existence of a large number of decisions that strike out the damaged property claims filed by Serbs. This is an enormous problem, apparently ethnically motivated, considering that the damaged property belongs exclusively to Serbs.

I would be remiss if I did not notice that the Report speaks only about the number of cases closed. It relates only to the decisions made by the Kosovo Property Agency, but not to decisions enforced, whereby the latter ones would, in practical terms, reflect the number of owners gaining possession of their properties. This is only one reason which affected and continues to affect the very process of IDP returns to Kosovo and Metohija in more ways than one.

A big problem continues to be the privatization carried out by the Kosovo Privatization Agency, previously Kosovo Trust Agency, which runs counter to the International and European Human Rights Conventions. It continues to privatize public and socially-owned companies in Serbian communities. The sale of the companies to persons of Albanian nationality leads to the loss of economic resources in Serbian communities and affects additionally the exodus of the Serbian population.

The latest in the series of these events took place on 9 June when the officials of the Kosovo Privatization Agency entered the *FDK Lola* plant at Štrpce, took over documentation, keys and seals, put in their own security and banned Serbian workers and management from entering the plant premises.

Similarly, hotel *Junior* which the Kosovo Privatization Agency decided to liquidate houses a collective accommodation centre for 85 IDPs who, if the said hotel was to be privatized, would be subject to further displacement.

Mr. President,

I would like to point out once again that one of the most important priorities of the Republic of Serbia is to find a lasting solution for the question of Kosovo and Metohija through negotiations and dialogue with the PISG in Priština, with the recognition of the legitimate interests of the Albanian, Serbian and other populations of Kosovo and Metohija and full respect for the mandate of the United Nations derived from UNSC resolution 1244 (1999).

Serbia is open to dialogue for the purpose of finding a comprehensive solution to the question of Kosovo and Metohija, first and foremost in the interest of its own citizens. Let us not forget that behind all our speeches, reports and statements are people whose only desire is to have normal conditions for the life of their families, who want to work, to educate their children, to provide them a happy childhood and a safe and secure future and to enjoy all the rights belonging to them according to European standards towards which our entire region aspires. This is nothing less or nothing more from what we want for ourselves. Our reports on the situation in Kosovo and Metohija therefore must not be transformed into numbers. As we consider each and every situation report on the Province, we should ask ourselves how much we have helped the local population live better. I am not sure that conditions have concurred for the diminution of the interest of the Security Council in this topic. This is confirmed, regrettably, also by the incident that took place yesterday in the Ground Safety Zone in which Stevan Sindelić, a member of the Serbian Gendarmerie, was killed.

Great progress has been made, but we are far from being close to our goal. The Republic of Serbia is ready to do everything in its power to contribute, as a responsible United Nations Member State and not only as an interested party, to the improvement of the situation in the Province. Serbia is also ready to invest maximum effort in further stabilizing and normalizing the situation for peace is its most important interest.

Thank you for your attention and understanding.