



THE REPUBLIC OF SERBIA

**SECURITY COUNCIL MEETING
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**Report of the Secretary-General
on the United Nations Interim Administration Mission in Kosovo
(S/2015/579)**

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S T A T E M E N T

by

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FIRST DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS
OF THE REPUBLIC OF SERBIA**

New York, 21 August 2015

**Madam President,
Distinguished Members of the Security Council,
Ladies and Gentlemen,**

I am honoured to address, also on this occasion, this esteemed body, convened to consider the Report of the Secretary-General of the United Nations on the work of the United Nations Interim Administration Mission in Kosovo (UNMIK) in the period from 16 April to 15 July 2015. I take this opportunity to thank the distinguished Members of the Security Council for the attention they continually accord the question of Kosovo and Metohija which is of priority importance for the Republic of Serbia.

By its proactive engagement and compromise-seeking approach, the Republic of Serbia has made every effort to contribute to the lasting peace, stability and prosperity of the Western Balkans. It is evident that substantive progress has been achieved in the region on the plan of peace-building and democratization. Exceptional results have been made in strengthening regional cooperation and in the process of European integrations to which the Republic of Serbia has rendered an important contribution. Yet, it is necessary that all countries of the region, as well as relevant international actors, invest additional efforts in maintaining and promoting the stability all the more so as it continues to be brittle and in view of the challenges that we continue to face.

An exceptionally important role in this context is played by the United Nations mission in Kosovo and Metohija and I shall repeat also on this occasion that a status-neutral and undiminished presence of UNMIK is of paramount importance for stability and the creation of conditions which should lead to a lasting and sustainable solution for the question of Kosovo and Metohija on the basis of Security Council resolution 1244 (1999). I therefore re-iterate our strong opposition to any downsizing of the Mission and reduction of its activities. Serbia appreciates very much UNMIK's engagement towards creating the basic preconditions for a peaceful life together of the ethnic communities in the Province and security and the respect of the basic human and civil rights of all its inhabitants. Accordingly, we expect UNMIK to continue to implement its mandate under Security Council resolution 1244 (1999), particularly in the areas that are important for the survival and normal and dignified life of the Serbs and other non-Albanian communities.

We appreciate the contribution of other international organizations whose missions, carried out under the auspices of the United Nations, are constituent parts of international civil and military presences in the Serbian southern Province, such as KFOR, EULEX and OMIK.

Bearing in mind that this is his last participation in a meeting of the Security Council on the work of UNMIK in the capacity of Special Representative of the Secretary-General of the United Nations and Head of UNMIK, I express my special gratitude to Mr. Farid Zarif for the efforts he invested in implementing UNMIK's mandate and coordinating international presences notwithstanding persistent

challenges. I take the opportunity to wish him, on behalf of the Government of the Republic of Serbia and in my own name, much success in his new mission.

Madam President,

The Government of the Republic of Serbia has confirmed in practical terms its full commitment to the dialogue conducted with the facilitation of the European Union. We expect that its continuation will solidify the basis for the implementation of the agreements already achieved. Serbia fulfils consistently all its obligations under the agreements reached thus far within the First Agreement on Principles governing the Normalization of Relations, initialled in Brussels in April 2013. I am pleased to note that the formation of the Community of Serbian Municipalities has been singled out among the key issues in the context of the implementation of the Brussels Agreement and that, as historic, the visit of Serbian Prime Minister Aleksandar Vučić to Albania has been recognized as yet another clear indication of our commitment and active engagement in the promotion of the stability and European integration of the region as a whole.

The continuation of the dialogue at a high political level provides the necessary political momentum to the quest for mutually acceptable responses to questions that burden the life of the people of the Province and prevent the exercise of their basic rights. Serbia has approached the dialogue with Priština with a genuine desire to find solutions that will make it possible for all the inhabitants of the Province to normalize their life within the broader process of the integration of the region in the European Union. It is in this context that the participation of the Serbs in the political life of Kosovo and Metohija is also being evolved.

Going forward, in addition to the already mentioned formation of the Community of Serbian Municipalities, the key issues for Serbia in the dialogue with Priština continue to be the issues of internally displaced persons and the position of the Serbian Orthodox Church, as well as property issues.

Distinguished Members of the Security Council,

As I point out regularly at Security Council meetings on the work of UNMIK, the Republic of Serbia comports itself with full respect and appreciation to Security Council resolution 1244 (1999).

I highlighted on a number of occasions the constructiveness of the Government of the Republic of Serbia vis-à-vis the participation of the Provisional Institutions of Self-Government (PISG) in Kosovo and Metohija in the work of regional fora without prejudging the status. Yet, we are being faced with Priština's efforts and requests to be included in the work of international organizations outside the context of the Agreement on Regional Representation and Cooperation, which are unacceptable for the Republic of Serbia. The latest such examples are Kosovo's attempts to become a member of UNESCO and INTERPOL.

A territory administered by the United Nations under valid and mandatory Security Council resolution 1244 (1999), Kosovo is not and cannot be considered a State as a subject of international law and cannot, *ipso facto*, qualify for admission to organizations like the ones referred to above. In that sense, each and every different attitude to the consideration of the question of Kosovo's membership in these organizations would be tantamount to ignoring, i.e. violating, the legal rules created under the auspices of the United Nations for the purpose of maintaining international peace and security. When and if such time comes, these questions should become the subject-matter of the dialogue between Belgrade and Priština.

Madam President,

The Government of the Republic of Serbia attaches special importance to the quest for a solution to internally displaced persons from Kosovo and Metohija. Creating conditions for their sustainable return is one of the key segments of the process of reconciliation. It is with regret that I have to note also on this occasion that, even sixteen years after the end of the conflict and notwithstanding the years-long presence of the international community, no conditions exist in Kosovo and Metohija for unencumbered and sustainable return of internally displaced persons, which is noted also in regular Reports of the Secretary-General on the work of UNMIK and in UNHCR Reports.

To illustrate my contention and to help understand the magnitude of the obstacles that still hinder the return of the displaced persons to Kosovo and Metohija correctly let me remind you of the data according to which an average of 25 per cent of refugees and displaced persons in the world return home upon completion of conflicts. According to the statistics, the minimum is 12 per cent, while the maximum can amount even to over 50 per cent. Out of more than 220 000 persons who left Kosovo and Metohija since 1999, only 1.9 per cent of them realized sustainable return in the last sixteen years, while about 204 000 persons continue to be displaced in Serbia. Accordingly, the percentage of sustainable returns in the concrete case is below all world standards and averages. And the most recent Report of UNMIK bears out the continuity of the descending trend of returns, while Serbia continues to top the list of European countries by the number of internally displaced persons in protracted displacement.

The necessary conditions for return include appropriate security guarantees as well, such as freedom of movement, an effective mechanism of restitution of property and other appurtenant rights, protection against discrimination, guaranteed access to institutions of the system, documents and justice and support to returnees to regain economic independence. What is also necessary is to prevent obstruction of returns along with full respect for the principle of responsibility of international and local actors engaged in the process.

I therefore call on the United Nations and other representative of the international administration in Kosovo to help overcome problems that make the return of internally displaced persons even more difficult and aggravate their

already distressing situation riddled by constant security incidents, including personal attacks and attacks on property. The situation is further exacerbated by the climate of impunity for crimes committed against Serbs, a reflection of the fact that no legally valid sentence has yet been pronounced against a perpetrator of any of more than 1 000 killings of Serbs carried out since 1999.

The majority of attacks in the reporting period were aimed at the property of returnees and at returnees themselves in the localities of Klina, Peć and Goraždevac, as well as at religious sites. Also, an explosive device was discovered in the vicinity of the Holy Trinity Monastery at Mušutište, municipality of Suva Reka. The incident occurred immediately before a visit of about one hundred internally displaced Serbs who intended to mark a religious feast on the ruins of the monastery.

Proper records on ethnically motivated incidents are still non-existent, just as is proper intervention by the competent PISG authorities. This is yet another indication of how much effort and will still need to be invested in starting up serious and genuine work on reconciliation and ensuring a proper approach to this problem. In that sense, promises do not suffice; what is needed instead are concrete results so that a clear message is sent to those who obstruct the survival and return of the Serbs to Kosovo and Metohija that such activities, harmful to the process of reconciliation, will not be tolerated and to Serbs and other non-Albanians that they may return and exercise their human rights and freedoms freely and without apprehension.

Distinguished Members of the Security Council,

As I did in my last statement to this esteemed body, it is with concern that I warn that the desecration of the Serbian monasteries is continued, which is one of the ways of intimidating the remaining Orthodox population in the Province. The latest example was the attack on the Orthodox church of St. Petka in the returnee village of Drsnik.

One of the characteristics of the Serbian heritage in Kosovo and Metohija is its connection to living history. Its existence testifies to the age-long presence of the Serbian people in Kosovo and Metohija. I would like to point also on this occasion to the drastic discrepancy between the verbal pronouncements and real attitude of Priština to the question of the protection of the Serbian cultural heritage. Practical examples are best proof. Since June 1999, 236 churches, monasteries and other sites owned by the Serbian Orthodox Church, as well as cultural-historical monuments, have been targets of attacks. As many as 61 of them have the status of cultural monuments, while 18 are of exceptional importance for Serbia. Let me mention only a few: the Church of the Virgin Hodegetria from 1315, Church of St. Nicholas from 1331, Church of St. Saviour from 1348 and the Monastery and Hermitage of St. Peter Koriški from the beginning of the thirteenth century. 174 religious sites and 33 cultural-historical monuments have been pillaged and destroyed in Kosovo and Metohija, while more than 10 000 icons and ecclesiastical-

artistic and liturgical items have been stolen. 5 261 tombstones on 256 Serbian Orthodox graveyards have been destroyed or damaged and not a single whole tombstone stands on more than 50 of the graveyards. This was testified also by former Secretary-General Koffi Annan who said in one of his statements at the time that „...the deliberate targeting of [...] religious sites, such as churches, cemeteries and monasteris, is shameful and inexcusable.“ The attacks on the Serbian heritage are in that sense tantamount to attacks on the identity of the Serbs and affect directly their feeling of acceptance in local communities. Part and parcel of attempts to alter historical facts, they are aimed at marginalizing and eliminating the presence of Serbs and Serbia in the history of Kosovo and Metohija.

This is evinced also by the Draft Law on cultural heritage which is in the process of being adopted in the Kosovo Parliament and which denies the private ownership of churches and monasteries to the Serbian Orthodox Church and provides that they, as well as all other heritage in the territory of Kosovo and Metohija, are the cultural heritage owned by the “State of Kosovo”.

You will agree with me that those who aspire to UNESCO membership should confirm, not only in words, but also in deeds, the commitment to the purposes and principles enshrined in the Constitution of UNESCO, the provisions of which are poles apart from the deliberate, systematic vandalizing of cultural and historic monuments of their fellow citizens aimed at removing the traces of the age-long existence of a people in a territory, as well as the failure to punish the perpetrators of these acts of vandalism unworthy of the twenty-first century. Attached to my Statement are images of the destroyed Serbian cultural heritage.

We condemn each and every desecration of religious sites of whichever faith. However, Madam President, the desecration and destruction of the cultural and religious heritage in the Middle East by ISIL is met with worldwide outcry and condemned as terrorism, whereas those who desecrate and destroy the Serbian cultural heritage in Kosovo and Metohija seek membership in UNESCO with a pat on the shoulders as an act of reward.

This is absolutely unacceptable for the Republic of Serbia. After all, the Security Council resolution 1244 (1999) continues to be the only valid legal framework regulating the question of Kosovo and Metohija. If it weren't so, Madam President, why would we be convening the meetings of this venerable body?

If displaced Serbs cannot visit religious sites freely and safely and celebrate religious holidays in a dignified manner, the sincerity of the encouragement and calls of the Kosovo institutions to displaced Serbs to return are very much in doubt, just as is the existence of capacities to provide safety and security to all people in Kosovo, particularly at the local level.

Madam President,
Distinguished Members of the Security Council,

Creating conditions for the Serbian and other non-Albanian population to enjoy the basic human rights without discrimination would surely contribute to the improvement of the overall atmosphere for the return of internally displaced persons.

We express regret, also on this occasion, at the closure, without consultations with the Republic of Serbia, of the Office of the United Nations High Commissioner for Human Rights in Priština. Taken allegedly for financial reasons, such a decision is far from being justified by the human rights situation in Kosovo and Metohija.

Madam President,

A co-sponsor of Security Council resolution 2178 (2014), the Republic of Serbia has taken all available means to suppress the financing and organizing of terrorism and the ever more widespread phenomenon of recruitment of foreign fighters who join armed terrorist organizations in the Middle East, such as the Islamic State. We expect the international missions in Kosovo and the local PISG to make a contribution, within their powers, to this struggle of global importance.

Distinguished Members of the Security Council,

In the context of the priority importance that the Government of the Republic of Serbia attaches to the solution of property issues in Kosovo and Metohija, I would like to draw attention to the privatization processes conducted by the Privatization Agency of Kosovo. UNMIK, too, once assessed that the process is contrary to Security Council resolution 1244 (1999) since the Agency had not been established under the laws in force in Kosovo and Metohija in accordance with this resolution.

It is evident in this regard that public and socially-owned companies are being privatized in Serbian majority communities, leading us to the conclusion that the basic motivation of these privatizations, the ethnic connotation of which is very transparent indeed, is the destruction of economic resources exactly in the Serbian communities which is incompatible with democratic achievements and European standards.

I am convinced that we all are well aware of the importance of the respect of ownership rights whether on private or public property. Discontinuation of the sale and the liquidation of companies which are most important for the economic development of the Serbs in Kosovo and Metohija are among the key criteria for the creation of conditions for sustainable returns. In that sense, it is necessary to ensure that all activities related to the privatization in Kosovo and Metohija be returned within the valid legal frameworks.

We are deeply concerned over the Draft Law on the Kosovo Property Comparison and Verification Agency which is under consideration in the Parliament of Kosovo and is in outright contravention of the 2011 Technical Agreement on

Cadastre. It creates conditions for the legalization of the property expropriated unlawfully from the Serbs, whereby enormous and irreparable damage would be created to the Serbian community in the Province. It is exactly with this in mind that we requested that the procedure of the adoption of the said Law be stopped and that the Technical Agreement on Cadastre, providing for the establishment of a body consisting of representatives of Belgrade, Priština and the European Union to carry out the comparison of cadastral documentation, begin to be implemented.

Distinguished Members of the Security Council,

The current situation in the Province bears out our assessment that the conditions have not been fulfilled for the transfer of competencies in the rule of law sector to the provincial PISG. The fact that these competencies have been entrusted to EULEX does not diminish the authority and responsibility of the Special Representative of the Secretary-General of the United Nations.

I expect that, within its powers, EULEX will continue to fulfil its executive competencies in the rule of law sector bearing in mind the realistic appraisal of the situation in Kosovo in this area.

Serbia stressed on a number of occasions the need for monitoring continually, and ensuring objective criteria for the appraisal of, the work of the provincial institutions by the relevant missions deployed in Kosovo and Metohija under the auspices of the United Nations. In its Kosovo's Progress Report 2014, the European Commission notes that much remains to be done with regard to the functioning and accountability of the judiciary in Kosovo and Metohija. Likewise, strong concerns are expressed also in the resolution of the European Parliament on the European integration process of Kosovo of March 2015 regarding the independence, accountability, impartiality and efficiency of judges and prosecutors and the overall performance of the rule of law sector. The resolution goes on to say that the implementation of legislation on the protection of ethnic minorities and their cultural rights remains a challenge in Kosovo and underscores the continuing need for serious efforts with regard to adapting legislation in order to include provisions on the right of ethnic minorities with a view to preventing their direct and indirect discrimination.

I share the concern expressed in the Report before us about the capacity of the Kosovo judiciary to handle socially sensitive issues. Highly illustrative in this context is the case related to the ownership rights concerning land within and outside the Visoki Dečani Monastery mentioned in the Report in this regard. It provides, at the same time, telling evidence of the attitude of the PISG in Kosovo towards the Serbian cultural and Christian heritage which has been, on countless previous occasions, the target of orchestrated vandal attacks of destruction, pillage, burning and desecration. All along, no perpetrator of these heinous acts, undeserving of the Europe of the twenty-first century, has been properly tried in court. What we are faced with now are somewhat different, but more perfidious methods. The goal, though, remains the same: erase the traces of the centuries-

long existence of the Serbs and Serbia in Kosovo and Metohija. The new methodology is evinced by the said case related to the property of the Dečani Monastery, the jewel not only of the Serbian, but also of the European and world cultural heritage which, alongside with Gračanica, the Church of Our Lady of Ljeviš and the Patriarchate of Peć, has been included on the UNESCO World Heritage List in Danger. The decision of the Appellate Panel of the Special Chamber of the Kosovo Supreme Court setting aside, notwithstanding the dissent of two international judges on the Panel, the judgment brought in 2012 in favour of the Dečani Monastery by a mixed Trial Panel presided over by a EULEX judge is an attack on the Dečani monastic fraternity since the agricultural land of key importance for the self-sustenance of the Monastery and its security is involved.

Bearing all this in mind, it was with concern that we received information that EULEX prepare to transfer the cases and the accompanying documentation processed by EULEX prosecutors and judges to the PISG, i.e. the local judiciary. About 500 cases are involved, about 300 of them related to war crimes, out of which 270 have been taken over from UNMIK. The Government of the Republic of Serbia expresses its concern at the intention to transfer the cases related to war crimes in the territory of Kosovo to the local judiciary since all of them belong to the exclusive competence of EULEX even after the amendment of the PISG regulations on the mandate of the EU Mission relating to the rule of law in the Province. In point of fact, it is provided that EULEX prosecutors continue to process the cases in respect of which they decided to launch an investigation prior to 15 April 2014, as well as the cases allocated to EULEX prosecutors before this date which include the cases of war crimes that EULEX took over from the UNMIK judiciary. If EULEX does proceed and transfer the cases to the institutions in Priština, in particular the sensitive cases of the investigation of the war crimes committed in the territory of Kosovo, the consequences for the processing of the war crimes committed by the KLA against the Serbs, non-Albanians and Albanians, marked 'Serbian collaborators' during the armed conflicts of 1998 and 1999 would be unforeseeable.

Since it is expected that a Specialist Court will be established soon to try the war crimes committed by the KLA in the territory of Kosovo and Metohija, and it is being established precisely for the incapacity of the local Kosovo judiciary to investigate and try the perpetrators of war crimes from the ranks of the KLA, let me point out that the transfer of the war crimes cases to the local judiciary by EULEX runs counter to the activities of the international community aimed at establishing the Specialist Court. If the said cases were to be transferred to the local judiciary, there is reason to believe that much of material evidence and many witnesses would be removed or intimidated, which would make the work of the future Specialist Court for war crimes much more difficult. Politically motivated arrests and long trials, as well as the different yardsticks of the local judiciary should not be disregarded, either. One example of which I already spoke at the previous meetings of the Security Council is the case of Oliver Ivanović, the leader of the *Civil Initiative "Serbia, Democracy, Justice"*, who was detained at the end of January 2014 and continues in detention regardless of the guarantees and calls of the Government of

Serbia that he be granted bail. In an effort to win this right, Oliver Ivanović has been on hunger strike for days now.

Madam President,
Distinguished Members of the Security Council,

Serbia is committed to the process of reconciliation and, in that context, it is crucially important to ascertain the fate of missing persons. To that end, Serbian experts and expert teams cooperate with UNMIK and EULEX and with the competent agencies in Kosovo.

The process of mutual reconciliation cannot be complete without trying in court the former members of the KLA, suspected of committing war crimes and crimes against humanity, persecution of Serbs, Roma and other non-Albanians, as well as their political adversaries among Kosovo and Metohija Albanians. We attach special importance to trying the cases based on the findings of the Special Investigative Task Force of the European Union set up to conduct an investigation of inhuman treatment of people and illegal trafficking in human organs in Kosovo.

Madam President,
Distinguished Members of the Security Council,

In conclusion, let me re-iterate my conviction that a lasting and sustainable solution for the question of Kosovo and Metohija could be reached only through dialogue, with full respect for the legitimate interests of the entire population of Kosovo and Metohija on the basis of Security Council resolution 1244 (1999) on which we are working with dedication and commitment. In our endeavour to achieve such a solution, it is necessary to achieve mutual reconciliation. This will certainly be helped by the adoption of European standards and values on our region's road to the European Union. We expect the European Union to continue to facilitate our dialogue with Priština, while, for its part, the Government of the Republic of Serbia will, no doubt, continue its active engagement in the implementation of the Brussels agreements, in the interest of peace, stability and the economic development of the region.

Thank you for attention.