



Helsinki Committee for Human Rights in Serbia

Annual Report 2004.

**Kosovo:
The Status Issue**

In 2004 status of Kosovo was placed on the top of international agenda, for the first time since the arrival of international mission (1999). Completion of negotiations on status of Kosovo should help arrange Serb-Albanian relations on a new basis, as a contribution to the regional stability and creation of the basic framework and conditions for the respect of human rights, minority rights, security, combat against organized crime and economic progress.

Serb side tried to exploit the March violence in Kosovo for imposing its agenda, notably, the separation between the two communities in a lead-up to division of Kosovo. But for such a proposition it however failed to win over the international community. Under strong pressure of official Belgrade Kosovar Serbs throughout 2004 boycotted Kosovo institutions and working groups for technical issues, thus isolating themselves from the process of creation of Kosovo politics, and even issues imposed by Kosovar Serbs themselves, notably-decentralization. Serbs also boycotted the working group for missing persons, thus sending a clear message about their not-so-sincere interest in discovering the truth about missing persons. Chief advocates of the said boycott were the Serb Orthodox Church and Kostunica-headed Democratic Party of Serbia.

After realizing that the boycott of talks with Pristina dead-ended its political credibility, official Belgrade in late 2004 changed its stance, that is, adopted a more realistic tack to Kosovo by attempting to take on a more pro-active role in negotiating process. In the second half of 2004, Kosovo, that is, its status, was once again in the public spotlight. In contrast to previous years, when the Serb perception of status was dominated by the idea of division of Kosovo, the new approach embraced different rhetoric: "more than autonomy, less than independence".

Prime Minister Vojislav Kostunica experienced the change of heart, that is, supplanted his earlier proposal of territorial autonomy for Kosovar Serbs, by "a solution tantamount to the highest-degree autonomy, with links between Belgrade and Pristina within one state whole." According to Kostunica "it would be an atypical state arrangement, but after recent wars and disintegration of former Yugoslavia, other countries were also atypically arranged, notably Bosnia and Herzegovina in which the notion of entities was introduced to explain that Republika Srpska and Federation were not federal or confederal units, but-something else. The Belgrade Agreement put in place an atypical state order, as did the Ohrid one. Hence, along those lines the issue of Kosovo must be resolved".¹

Controversial visit (14 and 15 March 2005) of the Serb President Boris Tadic to Kosovo, that is to Serb enclaves could be also interpreted as an attempt of official Belgrade to get involved anew in the negotiating process and to re-establish contacts with international factors (Tadic was the first Serb President who had talks with Head of UNMIK in Pristina, and not in Belgrade, or other European capital)

Head of UNMIK Soren Jesen-Petersen assessed that Tadic's visit demonstrated that "Kosovo proved that it had a moderate, democratic and open society."² High EU representative Xavier Solana stated in Berlin that Tadic's visit to Kosovo "was a good incentive for re-launching negotiations between Belgrade and Pristina."

¹ *Blic*, 2 March 2005.

² *Beta*, 15 February 2005

On the other hand, Tadic refused to meet with any Albanian political leader (though there were indications of their good-will to meet him), and failed to mention Albanians in his talks with Serbs and in public appearances. Thus he manifested anew his refusal to accept the Albanian side as an equitable partner. Tadic's visit to Kosovo also indicated how the fate of Kosovar Serbs was still linked to Belgrade, and under influence of the capital. That visit also had internal, propaganda message geared towards the nationalistic public opinion and resonated much more than an earlier, rather secret, and internationally unapproved visit of Vojislav Kostunica.

Dusan Batakovic, historian and Kosovo issue adviser to President Tadic said that the process of resolution of status of Kosovo was dramatically accelerating, hence "it is important that Serbia stops boycotting it... it should instead get actively involved in the process and by launching a strong diplomatic and political initiative (...) in negotiations with Pristina find a mainstay for a long-term compromise." He also added that "In Kosovo, barring lesser exceptions, pro-active, strategically well thought-up and fine-tuned Serb policy has not been put in place or pursued for the last 15 years. Now the moment is ripe to put in place a dynamic policy by dint of new, realistic and tenable initiatives."³

Division among Kosovar Serbs was increasingly manifest. But for the first time a political alternative openly ready to resist Belgrade and to try to find solution of the problem of Kosovar Serbs in Pristina, has emerged. Most striking divisions among newly-emerged political forces were over participation in elections and work of Kosovo institutions.

Government of Kosovo which took power after October elections, in a short period of time took some steps towards promotion of status of minorities in Kosovo and demonstrated its readiness to assist in repatriation of displaced persons. Performance of of the Repatriation Ministry shall be gauged by the number of returnees, notably those from collective centres. The first such results could be expected in the first half of 2005 when that policy should be implemented. However both the Serb community and official Belgrade to date have not shown readiness to co-operate in that project.

Both Serb and Albanian communities in Kosovo are frustrated and fearful. Kosovo analysts Lulzim Peci⁴ says that Albanians fear mostly re-integration of Kosovo into Serbia, cantonization of Kosovo and introduction of the right to veto, which could lead to creation of a dysfunctional state. Serbs are mostly concerned about security issues and loss of national identity. There is much social discontent due to poor economic situation in Kosovo (rate of unemployment is extremely high-about 70%). The latter is a major source of instability and frustration among the young.⁵

Government of Serbia has not made any progress in shedding light on cases of mass graves in Serbia. In the territory of Serbia to date have been exhumed 836 bodies of Kosovar Albanians buried in mass graves, notably, five in Batajnica, two in Petrovo Selo and one in Perucac. By 1 November 2004 the Serb authorities handed to UNMIK 331 identified bodies, and to the US authorities, bodies of three Albanians, US citizens.⁶ There are indications about existence of another 17 mass graves. The Fund for Humanitarian Law has recently made public facts and figures relating to cremation of bodies of Albanians in Mackatica plant.

Responses to the March Violence

Official Belgrade tried to instrumentalize the Serb-targeting March violence by asserting that multi-ethnic Kosovo was not possible, and that Kosovo society was not ready for or capable of democracy and that it was highly instrumentalized. Hence, the official proposal was: separation of the two communities. At the same time developments Serbia-wide, as well as the media coverage of March events, indicated that situation was volatile, and that a new conflict was very possible. However that possibility was thwarted by the presence of international military forces in the region. On the international plane, the March violence met with unanimous condemnation. But, at the same time it brought to the forefront the issue of status of Kosovo. On the other hand, the March violence postponed Belgrade-Pristina dialogue, above all at the level of working groups.

During the March violence Defence Secretary of Serbia and Montenegro Boris Tadic and head of Co-ordinating Centre for Kosovo and Metohija tried to convince the international community to

³ *Danas*, 19 February 2005

⁴ Assessments presented at the Pristina panel discussion organized by the Helsinki Committee.

⁵ Average age in Kosovo is -24.

⁶ Data of the Fund for Humanitarian Law.

greelight deployment of the Serb-Montenegrin army in Kosovo "for the sake of protection of Kosovar Serbs." In explaining that proposal, Tadic then stated: "I am aware that the UN Resolution 1244 and the Military-Technical Agreement do not foresee the army deployment for defence of population, but rather, task it with for protection of cultural monuments, participation in border, de-mining and liasion services and units. I propose that those documents be more flexibly interpreted to enable engagement of our soldiers in defence of our people (...) Since we were not invited to do that, any other form of our involvment or entry, would result in bombardment of Serbia. And all those who continue to fuel such ideas, shall be held directly responsible for security of Serbia and our fellow-nationals in Kosmet".⁷

In his 26 March 2004 parliamentary address Prime Minister Vojislav Kostunica suggested territorial autonomy for Serbs, since "it paves the way for Serb-Albanian cohabitation." He stressed that " a multi-ethnic paradise in Kosovo is not feasible." In sign of solidarity with Kosovar Serbs, a religious procession headed by the highest state officials and SOC clerics was organized through the Belgrade centre on 18 March. Prime Minister thus addressed the procession: "Serbia shall lose its soul, if it loses Kosovo. Serbs faced even greater temptations in the past centuries in Kosovo, but they stayed on (...) a day shall come when we shall return to Kosovo (...) all those expelled in previous years shall be able to return, and the holy Kosovo land shall be again ours."⁸

Similar assessment was voiced also by Boris Tadic: "Idea of multi-ethnic Kosovo is obviously unrealistic... now it is evident that Albanians never truly embraced that objective, for their key goal was in fact stamping out of Kosovar Serbs."⁹

According to the high DPS official, Dusan Prorokovic, Kosovo is "the quick sand into which shall inevitably slide all countries of the Western Balkans". Similar scepticism was voiced by Slobodan Samardzic in his comment that "standards of international community cannot be implemented in Kosovo in 2005." He also stated that "standards cannot be implemented even in the next 30 years" and that "Albanians and their institutions cannto meet such high standards". "I am sure that after 17 March events no serious person contemplates the possibility of independence of Kosovo. (...) International community finally realized that a peceful, multi-ethnic coexistence in Kosmet was not feasible, in view of existence of criminalized society in total disarray, which tends to spill over its problems into pressures on minorities," Samardzic said.¹⁰

On 26 March 2004 the Serb parliament unanimously adopted the *Resolution on Kosovo and Metohija* which assessed March events as "ethnic- cleansing attempt threatening the stability of the whole region." The Serb parliament blamed the international community for the March violence, and underscored that it was necessary "that the UN re-assesses and changes its whole policy in the region." That resolution also spelled out that "pogrom against the Serb population in Kosovo in 17-19 March period resulted from unwillingness of UNMIK and KFOR to comply with their committments stemming from the UN Resolution... the non-compliance caused by the transfer of powers from international administration to interim bodies of Kosovo".¹¹

Some Belgrade politicians stated that they feared impending wave of violence in Kosovo. The year 2004 saw many statements to the effect that "a repeat of 17 March and playing out a similar scenario in South of Serbia were possible." However during his visit to Kosovo, the Serb president Boris Tadic in his secret talks with Serbs stated that there would be no repeat of the March event. ¹² Such "reassuring"statement raise anew doubts about a certain involvement of the Serb security forces in the 17 March event.

While the violence was raging, Head of Co-ordinating Centre, Nebojsa Covic, stated that "We have been cautioning UNMIK and KFOR since October that dangerous actions were in the offing, but they turned a deaf ear to our warnings."¹³ He added that "multi-ethnic Kosovo was not feasible" and "the story about standards met with a total rout." He suggested "separation as the best solution... Now the time is up. It is obvious that cohabitation with wild hordes is not possible."¹⁴

⁷ *Vecernje novosti*, 23 March 2004

⁸ *Vecernje novosti*, 19 March 2004

⁹ *Vecernje novosti*, 23 March 2004

¹⁰ *Vecernje novosti*, 12 May 2004

¹¹ *Blic*, 27 March 2004

¹² From the Helsinki Committee interview with sources in Kosovo

¹³ *Vecernje novosti*, 19 March 2004

¹⁴ *Idem*

President of the parliamentary Security Commission, Milorad Mircic, several days later stated that "the following scenario in South of Serbia shall be played out: after a well-orchestrated media campaign, a number of Shiptari families shall abandon some municipalities in South of Serbia." According to Mircic "in the ensuing attacks on the police forces, Albanian terrorists would score new points."

Borislav Pelevic, leader of the Party of Serb Unity, once led by Zeljko Raznjatovic Arkan, demanded from the government of Serbia, "an urgent deployment of army troops in Kosme". He also announced that the PSU "shall anew send to Kosovo and Metohija its committees for defence and security, in the face of reliable information that terrorists plan to launch new attacks on Serbs and engage in ethnic-cleansing and stage a final showdown.". Pelevic also noted that the whole plan was made on model of operation "Storm"¹⁵.

Head of Co-ordinating Centre for Kosovo and Metohija, Nebojsa Covic, reiterated in late August that in Kosovo "Albanian militants are being trained for armed actions...".¹⁶ He confirmed information previously communicated by Head of Anti-Terrorism and Anti-Organized Crime Directoriat of the Security-Informative Agency, Dragomir Asanin, that "arming of militants and their training in mobile boot camps was under way." Covic said that his Centre had received such intelligence data as early as in June.

A host of similarly-toned statements of Belgrade officials ensued. Deputy President of the Serb Radical Party and head of its MP group, Tomislav Nikolic, stated in mid-December that Kosovar Albanians were preparing for incursions into central Serbia in March 2005.¹⁷ Nikolic said that everything should be done to prevent such a development, and Vojislav Kostunica and Boris Tadic, publicly agreed with his opinion. Nikolic quoted as his source "intelligence gathered by the Serb security services, but also by Western intelligence agencies." He also maintained that both "Tadic and Kostunica had even more pertinent information."¹⁸ In his interview to *Blic*, Nikolic stated that "during my talks with President Tadic, we realized that our stances were nearly identical, that is, that our appraisal of (*security*) situation was nearly identical. As to the future course of action, we shared the same opinion...".¹⁹ Similar information from unidentified sources was run on the same day by other Belgrade dailies, like the large-circulation, *Vecernje novosti*, which disclosed even more details on how "Albanian political and military leaders in South of Serbia, in co-operation with membrs of the Kosovo Protection Corpse intelligence and security services of Kosovo, and paramilitary formation ANA amd former commanders of KLA for quite some time now have been working on elaboration of plans and strategy of actions to be taken in South Serbia with a view to annexing that territory to Kosovo."²⁰ *Glas javnosti* ran a text headlined "ANA si priming for the Third Balkans War". In fact that text was rather an anticipation of attack on Macedonia, due to its focus on "mobilization of KLA veterans... to effect incursions into Macedonia."²¹

Tomislav Nikolic, president of the Serb Radical Party stated that "Shiptari are intensely preparing for terrorist actions in March. Their most likely target are three municipalities in South of Serbia. Our security services are also priming for the defence of our country, and I don't know why they are hiding that fact."²² That statement was ran by a prominent daily, *Danas*.

On the other hand, Defence Secretary of Serbia and Montenegro, Prvoslav Davinic, after his 26 August meeting with the KFOR Commander Holger Kamerhof, stated that after 17 March event situation was stabilized. However representatives of Kosovar Serbs still believed that the Serb police and army would return to Kosovo. Member of Coalition *Povratak* Rada Trajkovic stated that "Belgrade, after the March events and possible, new terrorist-staged assaults on Serbs, would have, in compliance with the Kumanovo Agreement, to assume the obligation to prepare a military-political project of

¹⁵ *Nacional*, 21 April 2004

¹⁶ *Danas*, 25 August 2004

¹⁷ *Blic*, 17 December 2004

¹⁸ *Blic*, 17 December 2004

¹⁹ *Idem*

²⁰ *Idem*

²¹ *Glas javnosti*, 17 December 2004

²² *Nacional*, 14 December 2004

protection of Serbs."²³ Randjel Nojkic said that in case of repeat of 17 March "the only salvation for Serbs is a raid by the Serb army and police."²⁴

In late 2004 Serb tabloids ran an information about formation of the Serb liberating, anti-terrorist movement in Kosovo (SOAM), "whose members, in case of attack of Albanian terrorists and secessionists, shall defend with all means available Serb villages and homes, women and children, monks and nuns, and graves of their ancestors."²⁵ Mikan Velinovic was mentioned as a commander of staff of that movement. He was also one of organizers of protests in Belgrade aimed at convincing Kosovar Serbs to stay away from the elections.²⁶ Velinovic stated that the Movement would "protect KFOR and UNMIK and all other well-intentioned religious and ethnic communities.". According to him SOAM emerged thanks to a unified stance of entire Serb people manifested in their total boycott of elections. According to *Nacional*, "our members shall be in plainclothes, but we shall wear special insignia." Velinovic said that the organization would be soon joined by all important political leaders from Kosovo, and also "economic organizations members from South and Central Serbia". He added that the newly-formed police elite unit *Srpski vitezovi* (Serbian knights) was tasked with an open combat against terrorism."²⁷ In Velinovic's biography ran by *Nacional* it was quoted that he was president of the Wrestlers' Federation of Yugoslavia, and "renowned for his long engagement in Kosovar Serbs-related issues."

In parallel with organized protests orchestrated by the Serb Orthodox Church and state officials, in the streets of Serbia a series of incidents targeting minorities, notably Albanians, Goranci, and Askalias, were reported.

UN Secretary General Kofi Annan, in one of his first statements after the March violence, stated that "the ethnically motivated unrest dealt a serious blow to building of democratic, multi-ethnic and stable Kosovo."²⁸ Assembly of Council of Europe, in the wake of March violence, adopted in a summary procedure, *Resolution on Situation in Kosovo* assessing the March events as "a tragic regression of the process of reconciliation... for which the international community is partly responsible." UNMIK, political leaders on both sides, and interim bodies in Kosovo called on all sides to contribute to stabilization of situation. Rapporteur of the political committee Tony Lloyd stated that all displaced persons had to be repatriated. He added that "cantonization of Kosovo was not a solution." The then head of UNMIK Harry Holkery stated that "multi-ethnic Kosovo is not feasible without Serbs and their reintegration into the political processes... hence the importance of implementation of standards for Kosovo." The British lord Russell Johnson urged independence of Kosovo and stated that "the issue of status is of key importance", as well as that "Kosovo should have the right to self-determination."²⁹ In assessing consequences of the March violence, nearly a year later, head of UNMIK, Soren Jesen - Petersen stated that those events could be perceived as a major breakthrough: "On the one hand we are aware that we have too early turned our back on developments in Kosovo, while, on the other hand, it became clear that Kosovo could not forever remain the UN area of operations, in other words were realized that progress must be made in the direction of resolution of Kosovo status."³⁰ From the foregoing stemmed a new tack exacting application of priority standards, relating above all to protection of minorities. If by mid-2005 sufficient progress is made in meeting of those standards, the process leading to the status-related negotiations, would be jump-started."

The Balkans expert of the US Institute for Peace, Daniel Server, stated that angry and frustrated young men without jobs, were the principal participants in the March violence. "In the meantime economic and social circumstances have not changed, and for any improvement in that regard and creation of new jobs, we need-privatization. I think that Belgrade should be more co-operative, for through such a stance it could perhaps contribute to pre-empting of a new wave of violence."³¹

²³ *Politika*, 28 August 2004

²⁴ *Idem*

²⁵ *Balkan*, 10 November 2004

²⁶ *Nacional*, 18 November 2004

²⁷ *Idem*

²⁸ *Politika*, 6 May 2004

²⁹ *Politika*, 30 April 2004

³⁰ *Nin*, 16 December 2004

³¹ *Glas javnosti*, 25 August 2004

Elections and Formation of a New Government

By massive boycott of 23 October parliamentary elections the Serb national community in Kosovo manifested its unwillingness to integrate into the Kosovo society. (Only 0,02 of voters went to the polls. All of them voted for the Serb list for Kosovo and Metohija on whose ticket ran Oliver Ivanovic, and for the Civil Initiative of Slavisa Petkovic). The last Kosovo elections on the other hand manifested that a political alternative was slowly emerging within the fold of the Serb community. That alternative, in the face of pressures piled by the government of Serbia and the Serb Orthodox Church, decided to register its electoral list, and thus for the first time demonstrated its readiness to resolve its problems in Pristina, rather than in Belgrade.

Anti-election campaign was directly orchestrated by Belgrade, and its prime movers were the government of Serbia (notably Democratic Party of Serbia) and the Serb Orthodox Church. Election boycott was backed by the Socialist Party of Serbia and the Serb Radical Party. Though President of Serbia Boris Tadic called on Kosovar Serbs to take part in the elections, his initiative was tardy (it was launched on 5 October, two weeks before the elections) when it was impossible to organize a serious campaign and convince citizens to go to the polls. (On the eve of 2001 elections something similar happened, namely the Serb representatives took the eleventh hour decision to take part in the elections). Tadic's verbal incentive resulted from strong pressures of the international community (numerous interventions of Head of UNMIK, representatives of the Contact Group, etc), and Petersen's warning that "Belgrade's postponement of decision would create technical and political problems regarding its subsequent latching on the process."³²

Having underscored anew security, the rule of law, protection of minorities, and decentralization, as high-priority standards, on which hinged talks on the final status, head of UNMIK tried to get across the following message: "We want Kosovar Serbs to take part in a dialogue in the next 12, 18 months, in a dialogue which would lead us to discussion on standards achieved to date and to the beginning of talks on status. Hence I think that it is clearly in the interest of Kosovo Serbs to be part of that dialogue, as much as it is in the interest of Kosovo provisional institutions and, I think, Belgrade."³³ Foreign Secretaries of EU countries at Maastricht meeting in early September backed the proposal to build parts of the Serb government plans on Kosovo into the UNMIK document on decentralization of local authorities. The foregoing should be also viewed as part of campaign aimed at making official Belgrade convince Serbs to go to the polls. Solana maintained that "efforts are made to fuse two documents into one, which could be acceptable for all."

Correspondence between representatives of the international community and of official Belgrade, as well as other kinds of pressure brought to bear on Belgrade to call on Kosovar Serbs to take part in elections lasted over 2 months. A month before elections in his letter to Petersen President Tadic underscored that the key issue was not participation of Serbs in elections, but rather "creation of civilized conditions for their normal life in Kosovo." In its communique related to Tadic's letter, UNMIK stated that it fully understood Tadic's concern for security situation in Kosovo, but assessed that the letter contained certain elements which tended to gloss over the UNMIK measures. In the communique UNMIK also made it public that at 100 trials 83 persons were sentenced to pay hefty fines and to prison terms to up to 5 years for their involvement in the March violence, while 270 cases were yet to be processed. Communique also read: "two Kosovar Albanians were convicted of murder of a 17-year Dimitrije Popovic on 5 June in Gracanica." UNMIK denied Tadic's claim that in Kosovo since 1999 over 1,500 Serbs were killed. UNMIK indicated that "the exact figure of casualties is 260. 150 persons were killed in June-December 1999, 58 during the year 2000, 25 in 2001, 5 in 2002, 12 in 2003 and 12 since early 2004, including 9 persons killed during the March unrest".³⁴

Low and high clerics of the Serb Orthodox Church, which had a key political role in shaping of Kosovar Serbs stances, used all means available to dissuade Serbs from going to the polls. For example, Patriarch Pavle sent a letter to the Prime Minister and President of Serbia, demanding from them the following: "in the name of God don't call on the rest of persecuted and long-suffering people in Kosovo and Metohija to go to the polls in order to elect bodies of local authorities! For, our recent assembly, after affirming the stance on participation in elections, posed a key question to all those

³² Danas, 31 August 2004, "Petersen: We want peace and security for all citizens"

³³ *Vecernje Novosti*, 18 September 2004

³⁴ *Danas*, 21 September 2004

urging unconditional participation of Serbs in the elections: in which state in the world people who are deprived of elementary security, and basic human rights, including the one to the freedom of movement, and the right to life, can be urged to take part in elections? Is our approval needed for our long-term, or final, ruin?"³⁵ High cleric of Raska - Prizren eparchy Artemije even tried to get the following message across: "Going to the polls would be tantamount to national suicide."³⁶ On the day when President Tadic made his appeal to Kosovar Serbs, high cleric Artemije, in his letter to Tadic, stated that the day of elections could be only likened to 17 March: "Then we experienced pogrom at Albanian hands, and today we are experiencing betrayal at President's hands".³⁷

President of Co-ordinating Centre for Kosovo and Metohija, Nebojsa Covic, called on Serbs to go to the polls because "the people must understand that they are trying to take away our Kosovo." He added that the international community was gauging the process of democratization of Serbia by the process of Kosovo's gaining of independence.³⁸

Randjel Nojkic a candidate of the Serb List for Kosovo and Metohija (member of the Serb Renewal Movement), cautioned a month before elections that it would be fatal for the Serb people, if Belgrade made the eleventh hour decision to call on Kosovar Serbs to go to the polls, for "then electoral lists shall be hastily drawn up and people shall not know who to vote for. That is why Belgrade should make up its mind, for any delay may be fatal for our people in Kosmet."³⁹

Slavisa Petkovic, who even before Belgrade's decision, had submitted to electoral commission the list of MPs named Civil Initiative, played a very positive role. Namely he then said: "We people from Kosovo and Metohija should no longer allow Belgrade to tailor our destiny by its policy (...) We should not longer allow Belgrade parties to order us to choose their party cadres as our representatives in Kosovo and Metohija".⁴⁰

Official Belgrade continued its campaign against participation of Kosovar Serbs in Kosovo institutions, even after elections. Predsednik Tadic, in line with his pre-election stand, stated that Serb MPs should work in parliament for maximum 3 months, under the following conditions: immediate establishment of internationally recognized local Serb authorities in all the Serb majority municipalities, notably, Leposavic, Zubin Potok, Zvecan, Strpce, Novo Brdo, Northern Mitrovica, Gracanica and "other places with the Serb majority which could represent the newly-formed municipalities". In those municipalities Serbs should have the judicial bodies, police, health and educational authorities, their own schools and would be guaranteed ties with Serbia."

MPs of the Serb list for Kosovo and Metohija manifested their dependance on Belgrade when in the post-elections period they asked government of Serbia to advise them on their future, election-related moves. Oliver Ivanovic, member of Social Democratic Party, led by Nebojsa Covic, stated that future moves of his MPs depended entirely on the Belgrade authorities.⁴¹ However, the second leader of Kosovar Serbs, Slavisa Petkovic, accused government of Vojislav Kostunica of repressing Kosovar Serbs and stated that he would not pay heed to Belgrade.⁴²

Ambivalent stance of some moderate leaders of Kosovar Serbs, notably Oliver Ivanovic, on participation in Kosovo political life, resulted in their exclusion from the executive power, decision-making process and internal control over political processes. The message of international community was clear. Head of UNMIK, Soren Jesen Petersen, called on Serbs to join the new parliament for "it is in their interest." He also expressed his wish that "in that way they could play a more active role." At the same time he sent them the following message: "We shall proceed with or without you. We have already taken our decisions."⁴³

Vuk Draskovic was one of rare Belgrade politicians who positively assessed Kosovo institutions. According to him, "they should be the venue of Albanian-Serb reconciliation."⁴⁴

³⁵ *Ogledalo*, 20 September 2004

³⁶ www.b92.net, vidi arhivu za 9. oktobar 2004.

³⁷ Info-bulletin of ERP Kosovo and Metohija 06-10-04

³⁸ *Danas*, 31 August 2004., "Covic: They are taking away our Kosovo"

³⁹ *Politika*, 23 September 2004

⁴⁰ www.b92.net, see archives for 3 October 2004

⁴¹ www.b92.net, see archives for 27 October 2004

⁴² www.b92.net, see archives for 27 October 2004

⁴³ *Glas javnosti*, 5 November 2004

⁴⁴ *Politika*, 23 December 2004

Elections in 2004 were the most important ones to date, since the newly-elected parliament and government were to have a key role in meeting the required standards, after which negotiations on final status of Kosovo would be scheduled.

Prime Minister-designate, Ramus Haradinaj, in his inaugural address stated that the key priority of the government was to meet the required standards: "Our plan which coincides with the will of people is creation of an independent state."⁴⁵ Among priorities of Kosovo government, Haradinaj listed decentralization of power, luring investments, political and economic development and improvement of economic situation. After taking office Haradinaj held a meeting with co-ordinators of working groups for standards implementation. Then it was agreed that each group should shortly submit to him the list of priorities and concrete steps to be immediately taken.

Immediately after its formation, the new government of Kosovo determined indicators of standards-meeting with precise deadlines and prerogatives. The newly formed groups for standards were supposed to submit reports every three weeks. The groups draw up a plan to pass 26 laws within a year, and to make new privatizations contracts. As regarded future dialogue, it was to unfold on three levels: 1. in a civilian dialogue would be included all NGO representatives, vulnerable communities, trade-unions... 2. inter-ethnic dialogue in Kosovo and 3. Pristina - Belgrade dialogue (it was agreed to kick off that dialogue by dint of talks on missing persons). Haradinaj-led government efforts were backed by international officials in Kosovo⁴⁶.

After election of Ramus Haradinaj for Prime Minister of Kosovo, Belgrade, supported by most Belgrade media, stepped up its campaign for the Hague Tribunal indictment against Haradinaj. Nebojsa Covic thus described to *Vecernje Novosti* the post-indictment scenario: "There is always a possibility of foundering of discipline which the Albanian side has to date demonstrated with regard to its national cause... that is, of their protests evolving into violence targeting UNMIK, KFOR and other Serbs. In that case international community would first try to protect its people, and only later the Serbs... thus, Kosovar Serbs, like in the past, shall pay the highest price... In case of repeat of violence many Kosovar Serbs would leave the province, thus due to their dwindled number only talks on independence would become feasible."⁴⁷ According to Covic's scenario, Haradinaj would be probably released to await the start of trial as "a free man", but his further political engagement would be impossible.

Despite strong Belgrade pressures on the Serb community in Kosovo to stay away from the newly-formed Kosovo institutions, head of Civil Initiative "Srbija" (which has two seats in Kosovo Parliament) Slavisa Petkovic accepted the post of Repatriation Minister in the Kosovo government driven by a wish to "work for the benefit of Serbs in Kosmet... and not Belgrade." He was the first Serb politician in Kosovo to oppose the Belgrade policy. Petkovic repeatedly announced in the media that his repatriation project, to be financed with 14.3 million EURO, was afoot. He also said that jobs were ensured for all returnees, and that the first results of his project would be seen in 2005. He added that Prime Haradinaj promised his help: "According to my plan each returnee shall go back to his original place of residence. Thus Serbs shall return to Pristina, Prizren and all other localities."⁴⁸ Petkovic however faced stiff opposition by large part of Kosovar Serbs. Thus one of leaders of Kosovar Serbs, Momcilo Trajkovic, sent the following message to Petkovic: "He should know that he does not have the backing of Kosovar Serbs."⁴⁹ Petkovic's legitimacy was also challenged by the Serb list for Kosovo and Metohija, that is, its 8 MPs in Kosovo parliament. Goran Bogdanovic, member of that coalition, stated that Petkovic did not enjoy the support of Kosovar Serbs and Belgrade.

Political prime movers in Belgrade also denied Petkovic's legitimacy. Head of Co-ordinating Centre for Kosovo, Nebojsa Covic, assessed Petkovic's naming for Minister, as a provocation: "We made it clear that no nominee of theirs shall be recognized as a true Serb representative." Adviser to President of Serbia, Branko Radujko was of similar opinion: "It is up to Belgrade, that is its institutions, to find the way of attaining interests of the Serb community in Kosovo. Such a denouncement depends more on Belgrade than on Slavisa Petkovic".⁵⁰

⁴⁵ *Danas*, 23 December 2004

⁴⁶ Data relating to talks between Haradinaj cabinet members and members of international community in Kosovo.

⁴⁷ *Vecernje novosti*, 15 December 2004

⁴⁸ *Balkan*, 25 January 2005

⁴⁹ *Balkan*, 25 January 2005

⁵⁰ *Politika*, 28 January 2005

Standards and Dialogue

In the course of 2004 changes were introduced into the policy "standards before status". In contrast to 2003, when meeting of standards was a key prerequisite for the start of dialogue on final status, in late 2004 a new formula was put in place. It envisaged implementation of *priority* standards, instead of "implementation of standards". Also "*serious progress*" in their implementation was introduced as one of the key prerequisites. (Analysis of implementation of standards should be effected by mid-2005, and if the UN Security Council concluded that the progress was made, negotiations on status of Kosovo would start.) Head of UNMIK Soren Jesen Petersen announced that after formation of government of Kosovo the focus shall be placed on implementation of standards for realization of multi-ethnic Kosovo. His announced priorities were: status and protection of minorities, respect of human rights, security, decentralization, and repatriation of displaced persons. "Standards must be attained, *or a serious progress must be made* (HC italic) by mid-2005, when revision of their implementation is envisaged".⁵¹

Shortly after the March violence (31 March 2004) and visit of Mark Grossman, the US Deputy Foreign Secretary to the region, the plan for implementation of standards was made public. The then head of UNMIK Harry Holkery stated that recent violence "indicated the need for defining a clear policy, making Kosovo a better place for everyone—a stable, safe and prosperous region." That plan spelled out who was responsible for its implementation. Under pressures from Serbia, the list of standards was expanded to include another point—decentralization. But, despite that, the most stiff resistance to the policy of standards was put by Serbs.

However, representatives of the Serb community in Kosovo responded negatively to the plan. President of the Community of Serb Municipalities and a militant Serb, Marko Jaksic, assessed that at play was a hoax and that he expected "the Serb side to foil that obvious hoax."⁵² President of Coordinating Centre for Kosovo, Nebojsa Covic, demanded that the Kosovo Protection Corps be disbanded: "Holkery's and Redzepi's *promotion of the Plan of Implementation of Standards* was sheer play-acting... in fact it paved the way for independence of Kosovo and Metohija".⁵³

Representatives of international community repeatedly tried to convince Serbs to take part in the process of implementation of standards. *Contact group* in April, in Pristina, initiated formation of the *Grupe for support of Kosovo*, tasked with appraisal of standards implementation process every six months. The Group was to be made up of the US, British, French, Italian, German and Russian diplomats.

Representatives of Contact Group recommended to the Serb Coalition *Povratak* to re-join Kosovo Institutions, "for only then the international community could protect the Serb interests". Goran Bogdanovic, the only Serb minister in Kosovo government stated that Kosovo Serbs demanded from the international community "an immediate staging of international conference on Kosmet to discuss the last 5-year period, since deployment of international forces in the territory of Kosovo and Metohija." High US official Cathleen Stevens expressed readiness of her government to discuss the possibility of decentralization and underscored importance of resumption of dialogue on practical issues, interrupted in March.

After the March violence, representatives of the Serb community decided to boycott Kosovo institutions, and stay away from working groups set up in 2003 to discuss key issues related to promotion of political-economic situation in Kosovo. In the course of 2004 Serbs also boycotted the work of groups dealing with the key issues—decentralization and missing persons.

Working group for decentralization met in December 2004, but Serbs boycotted that meeting. In his 8 December letter Petersen invited Prime Minister of Serbia to resume talks on decentralization and security.

Until late 2004, Serb representatives kept turning a deaf ear to all international community appeals related to resumption of dialogue. Head of UNMIK Petersen called on Serbs to take part in working groups in order to achieve immediate results in the process of decentralization, protection and reconstruction of religious institutions.⁵⁴ He also appealed to representatives of the Serb

⁵¹*Danas*, 5 November 2004

⁵²*Politika*, 1 April 2004

⁵³*Danas*, 1 April 2004

⁵⁴*Glas*, 5 November 2004

authorities to resume dialogue on missing persons.⁵⁵ Member of the presidency of the ruling party *G17 plus*, Cedomir Antic, called Vienna talks on electric power problems-senseless.⁵⁶

UNMIK sent a clear message to Belgrade that in the process of decentralization it could play only an advisory role. Representative of the Serb List for Kosovo and Metohija, Dragisa Krstovic, stated that participation of Kosovar Serbs, backed logistically, expertise-wise, and politically by Belgrade, in the *Working Group for Decentralization* was acceptable.

The only breakthrough in Albanian-Serb dialogue, since the March unrest, was made in July, when the *Declaration on Founding the Ministry for Rights of Communities, Human Rights and Repatriation*, was signed. Representatives of coalition "Povratak" and the leading Albanian politicians on 14 July signed that Declaration in the US office in Pristina, after talks organized by the head of that office Marcey Reeves and special EU envoy to Kosovo, Fernando Gentilini. Bajram Redzeqi stated that in 2004 of 10,5 million EURO repatriation budget, only 400,000 Euro were spent, for repatriation projects were slowed down by the March developments.⁵⁷ President of Alliance for Future of Kosovo Ramus Haradinaj at the meeting assessed that "decentralization, repatriation and reconstruction should take place... and with the new ministry they seem more feasible."⁵⁸ According to Haradinaj, the ministry would facilitate the process of repatriation, if the budget geared towards repatriation activities were approved. He called on his Serb colleagues to show their courage, for "in a month or two the election campaign shall start and we should stand by what we had agreed". Oliver Ivanovic, one of the signatories of Declaration, then stated that "Serbs for five years ignored the important role of Albanian leaders in the process of repatriation, and most of them even thought that repatriation should be provided for by the international community." He added: "It is up to us to reach agreement, to make a costly political step, but then the others would continue that process. If there is no repatriation, you, as political leaders, shall be held accountable...".⁵⁹ Special rapporteur of the UN Secretary General tasked to analyze the March unrest in his pertinent report suggested the formation of that Ministry. The Serb National Council of Northern Kosovo condemned the Declaration as "a document undermining the state interests and giving legitimacy to creation of an independent Albanian state."

Status of Kosovo: Serbs' Perception

The Serb perception of final status of Kosovo is dominated by the idea of Kosovo within Serbia, divided into the two entities, Albanian and Serb one, each with a high level of autonomy. But that concept fails to clearly indicate if such a division based on an ethnical principle, as a final solution, is only postponed for some time, notably because of the international community's resistance to such scenario.

Since Kosovo must be viewed in the regional context, of major importance is the fact that all Kosovo's neighbours either favour its independence or are not against it. Serbia is the only country in the region which opposes Kosovo's independence. Prime Minister Vojislav Kostunica, who in early 2004 demanded territorial autonomy for Serbs (set as an objective in the plan of the government of Serbia), a year later spoke more about the formula of "a high degree of autonomy and not independence of Kosovo." Division of Kosovo is today directly mentioned by the most influential ideologue of the Serb political scene, Dobrica Cosic. Leaders of party *G17 plus*, member of the governing coalition, also contemplate the concept of division of Kosovo as a final solution.

Serbs in North Kosovo, where there are strongholds of parallel structures, and those in Central Kosovo, are divided over that issue. In contrast to Serbs in Kosovska Mitrovica, those in Central Kosovo are not interested in resolving their status through the process of division. MP of the Serb list for Kosovo and Metohija (the Serb Renewal Movement), Randjel Nojkic, stated that the majority of Serbs (in central Serbia) do not want division, for it would pre-empt return of Serbs to some parts of Kosovo.⁶⁰ Parliament of Serbia on 20 April 2004, unanimously adopted the Plan for Political Solution of Situation in Kosovo and Metohija., proposed by Kostunica-led government. The starting point of

⁵⁵ *Idem*

⁵⁶ *Glas*, 15 December 2004

⁵⁷ *Danas*, 21 July 2004

⁵⁸ *Danas*, 18 July 2004

⁵⁹ *Danas*, 18 July 2004

⁶⁰ Speech by Randjel Nojkic during the Helsinki Committee panel discussion on national communities in Kosovo, see report: www.helsinki.org.yu

that plan is that Kosovo is part of Serbia, but in further text its division into entities, on model of the Bosnian solution-which brought about the end of war and in fact recognized results of ethnic-cleansing-is envisaged.⁶¹ That plan is critical of the 1974 Constitution under which Kosovo had the highest degree autonomy from 1974 to 1989. The government's plan also indicates that "the recent territorial organization of the province was based on the *wrong* assumption that realization of the provincial autonomy under the 1974 constitutional arrangement was a rational and just solution of ethnic relations between the two dominant communities-Albanian and Serb.". (Plan for resolution of the current situation in Kosovo and Metohija, Chapter II, point 2.1.)

The thesis was also espoused that independence of the province would "cause large-scale destabilization of the whole region, in view of a possible change of borders in Serbia and in the State Union of Serbia and Montenegro.". (Plan for resolution of the current situation in Kosovo and Metohija, Chapter II, point 2.1.) The Plan also envisages "territorial organization of the province enabling territorial autonomy of the Serb and other communities interested in such an autonomy." The document furthermore maintains that "territorial autonomy is not tantamount to division of province, or a proxy for it."

Future autonomous areas would consist of municipalities, parts of municipalities and settlements, in which before the 1999 banishment, Serbs constituted the majority population. *Thos territories would encompass agricultural land and other land and estates owned by Serbs before the 1999 war.*" (Plan for resolution of the current situation in Kosovo and Metohija, Chapter II, point 2.2.). In view of the fact that the majority of the Serb expellees had lived in city centres (Pristina, Pec, Gnjilane, Prizren, Urosevac, Istok, Lipljan, southern part of Kosovske Mitrovice) and that their return to those cities is not feasible in the foreseeable future, a just compensation (*compensatio lusatum*) must be effected. In other words, Serbs should be granted the right to parts of territories naturally connecting the Serb majority settlements, in which they had not constituted the majority, but to which population driven out during the ethnic-cleansing campaign, would be returning or is returning. If that condition is met, then the future areas with territorial autonomy should have regional characteristics; their geographic and natural features, economic and agricultural resources, existing and potential transport, power generation, utilities and other infrastructure and other necessary elements should represent rounded territorial wholes in which life is possible and development for repatriation of refugees is sustainable. " (Plan for the resolution of the current situation in Kosovo and Metohija, Chapter II, point 2.2.) "Territorial interconnectedness of autonomous areas is not a necessary condition of their existence and development, but rather-a desirable one. "On security grounds and freedom of movement ones... when determining "territorial wholes" into account should be taken those areas "leaning on the rest of Central Serbia". According to the Plan, territorial autonomy of Serbs would be exercised in five territorial wholes - Districts: Central Kosovo, Northern Kosovo, Kosovo-Pomoravlje, Sarplanina, and Metohija. Those areas would make up a region, vested in political and legal, territorial autonomy within Kosovo and Metohija.

Serbs outside the region would be protected by cultural and personal autonomy. "Both forms of protection taken as a whole constitute a notion of the Serb Autonomous Community in Kosovo and Metohija." (Plan for resolution of the current situation in Kosovo and Metohija, Chapter III, introduction).

According to the plan's Arrangement of the Region, legislative, judicial and executive authorities would have to be put in place.

In explaining the plan, Prime Minister Kostunica stressed that "in order to prevent a repeat of violence against Serbs, Serbia needs a solid political plan, clearly showing a resolute stance that Kosovo and Metohija are an inalienable part of Serbia, and of the state union of Serbia and Montenegro." According to Kostunica, "the plan is in keeping with all international conventions on the protection of minorities rights, on model envisaged by the Dayton and Ohrid Agreement."

In his explanation of the government's Plan, adviser to Prime Minister Kostunica and one of the plan's authors, Slobodan Samardzic stated that "it enables autonomy within autonomy for the Serb and other communities in interested in such a solution (Romany, Goranci, Bosniaks). Our proposal is that Serbs be vested in the right to pass their laws and implement them in their majority areas (...) We think that Serbs must pass laws if they are to be considered "autonomous". In fact I am clerly referring to the high level of institutional guarantees of their rights. What is demanded in the Plan of

⁶¹ That Plan was published by the Official Gazette, year LX - no. 47 of 29 April 2004.

government of Serbia is in fact autonomy within autonomy".⁶² Samardzic also clarified that autonomy in the sphere of education would be tantamount to financial autonomy, that is, possibility to build Serb schools, name teachers and directors thereof, and have curricula similar to those put in place in Belgrade. "⁶³ The police autonomy would be of a similar design. According to Samardzic the police in a Serb area with an Albanian command structure could not function. Thus "according to our plan the Serb policemen would not be subordinated to the the Interior Minister elected by Kosovo parliament."

Samardzic indicated four conditions for appeasing the situation in Kosovo: "Firstly, a final solution should be renounced, secondly, territorial *status quo* in that part of Europe should be proclaimed, then an efficient mechanism of protection of Serbs should be adopted, and finally, long-term prospects should be linked to internal rules. Our goal is to protect Serbs and to ensure their living space, as well as to help the international community realize its mission, in view of its failures to date."⁶⁴

Aleksandar Vucic, high official of the Serb Radical Party was of the following opinion: "Those five envisaged regions districts should make one, as an essence of our self-rule. We face an uphill struggle to realize all that and remain unscathed in the battle for preservation of territorial integrity and state sovereignty of Serbia."⁶⁵ Prime Minister's adviser, Aleksandar Simic, stated that the Plan of the Government of Serbia "was a daily consequence of pogrom of Serbs in 17 March escalation of violence, and an attempt to resolve the salient problems in Kosmet."⁶⁶

In 5 November Communique issued by the highest republican officials the following was stressed: "Institutional resolution of status of Serbs in the province entails establishment of their self-rule as a higher level of power than local self-rule."⁶⁷ Top contender on the Serb list for Kosovo and Metohija Oliver Ivanovic, a day after the aforementioned meeting, nevertheless accused government of Serbia that in absence of another solution it was spiting the international community: "It is obvious that the government does not have a novel concept... it does not know what to do with us who were elected with only few votes. Their plan may be implemented only by force."⁶⁸

President of Serbia, Boris Tadic, also stated that independence of Kosovo should not be allowed "for it would be tantamount to the end of local Serbs, whose position is already catastrophic."⁶⁹ According to Tadic: "'the second priority' is struggle for decentralization which would be tantamount to local self-rule of Serbs in their majority municipalities. Added to that, Serbs, on the level of the whole province, should have autonomy in culture, health, judiciary and even police."⁷⁰ Foreign Secretary Vuk Draskovic, spoke about "a joint European future" which excluded change of borders, and meant - a common accession to EU.

In *Proposal for Coexistence between Albanian and Serb People*⁷¹, put forward by Dobrica Cosic in his book *Kosovo*, the author presented in a re-hashed version of his old idea of division of Kosovo and separation of Serbs and Albanians based on "the compromise between historical and ethnic. Territorial separation presupposes the respect of private and state property and division of industrial capacities in which the Serb capital had been invested." According to Cosic, "the basis of territorial separation should be a demographic set-up before the Albanian, secessionism-minded, uprising and NATO aggression against Serbia and Montenegro."⁷²

⁶² *Nin*, 28 October 2004

⁶³ *Idem*

⁶⁴ *Politika*, 2 June 2004.

⁶⁵ *Politika*, 30 April 2004., "Five districts for Serbia"

⁶⁶ *Politika*, 14 May 2004

⁶⁷ The meeting, convoked by Kostunica, was attended by Foreign Secretary, Vuk Draskovic, President of Parliament, Predrag Markovic, Vice Prime Minister Miroljub Labus, head of Co-ordinating Centre Nebojsa Covic and heads of all MP groups in parliament of Serbia: Tomislav Nikolic (SRP), Milos Aligrudic (DPS), Dusan Petrovic (DP), Miloljub Albijanic (G 17), Ivica Dacic (SPS) i Veroljub Stevanovic (SRM).

⁶⁸ *Danas*, 8 November 2004

⁶⁹ *Novosti*, 7 November 2004

⁷⁰ *Idem*

⁷¹ In order to win over the public opinion for that solution, the book "Kosovo" has been promoted Serbia-wide for several months. The said solution is tantamount to an informal Belgrade' stance on the resolution of the Kosovo status. The current vague Belgrade's stance "More than autonomy-less the independence" aims to ensuree Belgrade's participation in the forthcoming negotiations.

⁷² Dobrica Cosic, *Kosovo*, Vecernje novosti, Beograd 2005, page 256

Vice Prime Minister of Serbia, Miroljub Labus, launched an initiative for calling of an international conference on Kosovo, in November 2005. The conference would discuss the issues of standards, decentralization and *status of Kosovo* and should reach an agreement on protection of minorities rights, decentralization, entities, provisional sovereignty and collective security. He also urged division of Kosovo into the majority Albanian and minority, Serb entity.

In an article penned for daily *Politika* Miroljub Labus stated that the Serb entity would be made up of districts: Northern Kosovo (municipalities Leposavic, Zubin potok, Zvečan and Northern Kosovska Mitrovica) and Kosovsko pomoravlje (municipalities of of Kosovska Kamenica, Novo brdo, Gračanica and parts of municipalities of Gnjilane and Lipjan). The Albanian entity would cover the rest of territory, about 85% of its total area. According to Labus, decentralization would be implemented in both entities on the basis of the Plan of the Government of Serbia on Territorial Autonomy, and a framework UNMIK plan on local self-rule. In those entities mechanisms for protection of minorities would be put in place, and monitored by EU. Labus urged that monasteries, notably, Visoki Decani, Pecka Patriarchy, Prizren-based seminary, ruins of St. Archangel in Prizren be declared extraterritorial areas.⁷³

Member of Presidency of G17 plus, Cedomir Antić, thought that Belgrade should send a clear message to Kosovar Albanians that "on offer is the highest-level autonomy and not the one on model of 1974." According to him, they should "choose whether they want autonomy Scotland-style or even Catalan-style... but if they don't want autonomy we have another option-to agree to determine the two entities and that in the period when they acquire status, the Serb entity be annexed to Serbia, and the second one be granted a special status under the EU protectorate".⁷⁴ He added that Serbia still had to pay off Kosmet debts and to finance lives of 100, 000 citizens, to make them stay there, for on the contrary, due to isolation, they would opt for emigration."

For Ambassador of Serbia and Montenegro in Greece, Dusan Batakovic, - the formula "more than autonomy less than independence" represented a realistic framework for the search of an acceptable solution. Taking into account international circumstances, Batakovic indicated that "for the sake of an exit strategy and our future political steps, we should take into consideration all stances of international community, for Kosovo has been partially excluded from composition of Serbia under UN Resolution 1244 and Kumanovo Agreement". Batakovic however stuck to his stance that independence of Kosovo was absolutely unacceptable for the Serb side. But he added that "the last report of the International Crisis Group should not be underrated."⁷⁵ In his quest to ensure Belgrade's participation in future negotiations on Kosovo, Batakovic underscored the following: "We should do our utmost to remain part of the process and impact the key decentralization, additional protection of our religious, and cultural heritage, and create realistic possibilities for repatriation of displaced persons."⁷⁶

Such stand of his is in fact his adjustment to the newly-emerged situation, for several years ago (in 1998) Batakovic had presented to the international circles his plan for cantonization of Kosovo, under which 70% of provincial territory would be given to Albanians and the rest to Serbs.⁷⁷

Professor Svetozar Stojanovic, one of prime movers and masterminds of the Serb national program, and the key ideologue in 80's and 90's thought that Belgrade's sovereignty over Kosovo could not be called into question, but also that "a high degree of Kosovo's political and territorial autonomy should be guaranteed, as envisaged by the UN resolution 1244". Stojanovic also thought that "Serbia should undergo territorial and administrative re-organization on the basis of a democratic right of those Kosmet parts which used to have the majority Serb and other non-Albanian population (before NATO intervention) to demand exclusion from the province and direct constitutional-territorial inclusion into Serbia." According to Stojanovic "Montenegro and Serbia within the state union should devise a solution for those parts of Kosovo which territorially lean on Montenegro (the area around Pecka Patriarchy and monastery Visoki Decani). In such a set of circumstances, return of

⁷³ *Politika*, 6 November 2004

⁷⁴ *Politika*, 18 November 2004

⁷⁵ In its January 2005 report the International Crisis Group concluded that the time was running out in Kosovo and that *status quo* was no longer sustainable. The ICG predicted that if independence of Kosovo was not gained with approval of Serbia mid-2006 or by adoption of an UN resolution, it could be recognized by the international community or at least by those "UN member-countries ready to do that."

⁷⁶ *Danas*, 19 February 2005

⁷⁷ *Ogledalo*, 26 May 2004

Serb soldiers and policemen to areas populated by Serbs and non-Albanians would be feasible. ".⁷⁸ Stojanovic underscored that accession of Serbia (together with Montenegro) to European Union should not be conditioned by status of "the province". And finally he recommended the following: "Reduced autonomy of province of Kosmet should be tackled only when human, civil and national rights are fully exercised, and rules of civilized Europe fully implemented."⁷⁹

Goran Svilanovic, in his capacity of Foreign Minister of Serbia and Montenegro took part in the Ministerial Conference on Western Balkans held in Japan. He then talked about decentralization of Kosovo, as a solution which "along with combined territorial and personal autonomy for Serbs and non-Albanians, does not prejudice a final resolution of status of the province... in fact it would be cohabitation similar to the Bosnian model."⁸⁰

Former Serb Prime Minister Zoran Zivkovic also urged division of Kosovo for "such a division along ethnic lines would help Serbia keep at least Northern Mitrovica in which Serbs constitute the majority." According to Zivkovic's assessment in case of division of territory, Serbs would be compelled to leave isolated enclaves in south and central Kosovo.⁸¹ In his mind "Serbs and Albanians would be fully separated in physical terms. They would be empowered to define their power and elect their bodies connected with Serbia and its bodies. That division, at the time of almost certain recognition of independence of Kosovo, would enable the Serb part to remain within the framework of Serbia."⁸²

One of the most influential jurists in Serbia and director of the Belgrade Centre for Human Rights, Vojin Dimitrijevic, assessed that in fora to be addressed by Kostunica, "there would be a visible propensity to look for a solution similar to the Bosnian model. For me the name of that model is irrelevant, much more is important the quality of future life of people there. But for many people here the name of that model shall have a great symbolic value. But it is obvious that a kind of territorial autonomy, filled with a kind of personal autonomy, for parts in which one national grouping is not compact, shall be sought... and it does not seem a tragic solution."⁸³

Director of Forum for Ethnic Relations, Dusan Janjic, said that "for the time being there are no conditions for negotiations on the new status, that is on, independence." Hence he suggested that "guided by the idea: Serbia and Montenegro, that is Serbia and Kosovo together in European Union, Belgrade could tackle the issue of future of Kosovo. Thus that issue could become part of process of stabilization and association." The first step in that direction, according to Janjic, could be informal, expert or highest-level political talks, which could help the UN Security Council to take decision on the new status of Kosovo: "the next step could be a framework, international (regional) conference on future of Kosovo and development of Serbia and Western Balkans. Belgrade needs a strategy of dialogue on future of Kosovo, inclusive of a triumphant formula "territory for development." According to Janjic such an approach would open up three possibilities for Belgrade: *extension of the current, provisional status for another 10 or 15 years with a strengthened participation of EU; Kosovo with its status of the republic joins Serbia and Montenegro; in keeping with the Helsinki Act principles proclamation of independence of Kosovo in the current, or accordingly agreed, changed territorial framework.*"

Commitments of the government of Serbia would be the following: assistance to the Serb community in Kosovo in the exercise of its rights and freedoms, including the right to self-organization and self-administration: "Key instruments in upping the degree of autonomy and responsibility within the framework of activities of the Serb community are: decentralization, building of institutions of minority autonomy, strengthening of civilian society within the Serb community." Janjic also suggested establishment of a co-ordinating body of the Serb community in Kosov, tasked with co-ordination of its members, co-operation with the Belgrade authorities and international community, including UNMIK, and a local dialogue with Albanians. According to Janjic, an agreement should be reached on drafting adequate provisions and other regulations of UNMIK, and the first step in the direction of decentralization should be made: establishment of new municipalities, including the Serb ones and formation of local, security-police forces. He also suggested "a strategic round-table on Kosovo incorporating politicians and experts, as well as other representatives of

⁷⁸ *Politika*, 15 November 2005

⁷⁹ *Politika*, 15 November 2005

⁸⁰ *Danas*, 6 April 2004

⁸¹ *Kurir*, 6 July 2004

⁸² *Vecernje novosti*, 2 November 2004

⁸³ *Danas*, 24 March 2004, dialogue between Veton Suroi and Vojin Dimitrijevic in Kaziprst program of B92 radio.

society (businessmen, officials of the most influential organizations of civilian society and of Serb organizations from Kosovo). Thereupon an agreement should be reached to ensure public support for implementation of its decisions."⁸⁴

President of Movement Force of Serbia, Bogoljub Karic, together with the Serb Renewal Movement and New Serbia, presented the project *Kosovo – Euro Region*. According to that concept "Serbia should not lose part of its territory... it was not seized by the international community... a compromise should be made to provide for a full independence of all people living in Kosovo... and most importantly, to protect local Serbs. I suggest that EU turns Kosovo into a regional zone, similar to Shanghai and Hong Kong (...) If the concept of Euro region were adopted, the highest-degree autonomy and EU standards would be implemented in Kosovo, and Serbia would remain within its current borders. Vojvodina is already an Euro region. Application of the same concept on Kosovo, is the best way for enabling Serbs and Albanians to co-operate, work together, raise their living standards and live better."⁸⁵

President of Co-ordinating Centre for Kosovo and Metohija, Nebojsa Covic, stated that "Kosovo and Metohija could have a high-degree autonomy, but within the framework of Serbia. If orientation is change of borders, which could become a reality after proclamation of independence, then such a principle should be applied in the whole region. If Albanians were empowered to decide on their independence in a referendum, then a similar right should be granted to citizens of Republika Srpska! Hence it is up to the international community to decide if it is in favour of changes of borders or not." According to Covic, "that status cannot be attained swiftly... if it happens it shall be at our expense. Hence we must insist on the right order of things-first, repatriation, then standards and democratization, and lastly-the final status."⁸⁶

Constitutional issues adviser to President of Serbia, Zoran Lutovac, stated that "in the text of the new Constitution territory of Kosmet would be defined as an integral part of Serbia, but if that status is changed, then amendments to constitution would have to be introduced. However I cannot assert that the new constitution would be passed in the course of this year, for in that constitution-drafting process we face a number of problems. Namely at issue is its manner of adoption: should it be adopted by constitutional-making assembly or under the current procedure. If a social and political consensus on the key issues is reached, then the procedure could be accelerated."⁸⁷

Professor Momcilo Grubac, former president of the Federal Constitutional Court, and former Justice Minister of the FRY, stressed that "Constitution -makers have no other choice but to treat Kosovo as an inalienable part of Serbia. However the Constitution cannot determine the degree of autonomy and arrangement of Kosovo, for the final status has not yet been agreed upon. Once the status-related negotiations are finalized, then we could say that the southern Serb province would have conditions identical to those enjoyed by our other province- Vojvodina. Then, new amendments to constitution shall not be necessary. New constitution would be amended only if status of Kosovo were changed, but with such bleak prospects we should not embark on negotiations."⁸⁸

Deputy President of the Serb Radical Party, Tomislav Nikolic, said that "the only room for negotiations is the one related to the degree of autonomy of Kosmet. That issue shall have to remain partially undefined under the new constitution, to avoid the need to amend that constitution anew, but everything else would be precisely spelled out."⁸⁹

International Community and Status of Kosovo

In the wake of the March unrest, international community started sending clear signals that on the agenda was resolution of status of Kosovo. Special UN Rapporteur Kai Aide, tasked with the analysis of the March violence in Kosovo, recommended that the policy "standards before status" be supplanted by a more dynamic policy of "standards based on priorities" (...) to make easier a well-prepared discussion on the future status". The report published by several dailies, indicated that the policy "standards before status" was partially devised as means to manage an interim period, and to

⁸⁴ 30 June expose on Serbia in State Department, as carried by *Politika* in its 7 July 2004 issue.

⁸⁵ *Danas*, 10 January 2005

⁸⁶ *Vecernje novosti*, 10 January 2005

⁸⁷ *Kurir*, 11 January 2005

⁸⁸ *Kurir*, 11 January 2005

⁸⁹ *Kurir*, 11 January 2005

prime the international community to eventually tackle the issue of future status of Kosovo. The report, inter alia, read: "Kosovar Albanians, like Kosovar Serbs, consider those standards unrealistic and unattainable ambitions in the short-term (...) On the other hand the international community reiterates, quite unconvincingly, its mantra." Aide announced the fall 2004 UN-sponsored discreet, highest-level consultations on political issues, and a new and comprehensive strategy.⁹⁰

As early as on 2 April European Parliament adopted a resolution calling on the EU Council of Ministers to initiate a broad discussion on the final status of Kosovo. Participants in that discussion should be "personalities from the world of politics, intellectuals, and regional NGOs."⁹¹

British Foreign Office Undersecretary, Dennis McShane, during his late October visit to Pristina and Belgrade, stated that "on international plane the issue of final status of Kosovo acquired some urgency. Kosovo cannot be relegated to 1999, 1989, and notably to 1389 (the year of the Kosovo battle). By boycotting direct talks with Pristina Serbia is making room for a radical independence advocacy by those interested in such a solution. He added: "Tomorrow I shall tell Rugova that Europe expects interdependency and joint sovereignty rather than independence and sovereignty disrespectful of the needs of neighbours."⁹²

President of Interparliamentary delegation of European parliament for South East Europe, Doris Puck, stated: "It is clear Kosovar Albanians shall never again be governed by Serbia, for after the past events, no-one could compel them to agree to such a solution. " In her mind one of the possible solutions for Kosovo could be an EU protectorate, with a high-autonomy for Kosovo authorities: "UNMIK should vest the Kosovo authorities in sweeping powers to make them able to show the degree of their acumen, that is, their ability to apply standards relating to decentralization, repatriation of refugees and protection of minorities."⁹³

In contrast to all the previous years, last year status of Kosovo stopped being a taboo topic even within the UNMIK administration and international organizations missions in Kosovo. In the first stage of his mandate, head of UNMIK Soren Jesen Petersen said that "peace and determination of the political status of Kosovo was the only path for the province, that is, the one entailing stability in the region." In his interview to BBC, Petersen explained that the current status of Kosovo was a provisional one, and that the UN Resolution 1244 made it clear that the goal of the interim mission (UNMIK) was to lay the groundwork for talks on the final status: " I am convinced that stabilization and normalization hinge entirely on clarification of status of Kosovo. Obviously I have never aired my stand on that issue, nor I intend to do that in the future. But all regional leaders have told me that the Balkans cannot move forward, cannot make any progress in economic and other spheres, until status of Kosovo is resolved."⁹⁴

During his press conference, the US Ambassador in Belgrade, Michael Poul, stated that Belgrade was offered on many occasions a series of modalities for its inclusion in the debate on Kosovo: dialogue between Pristina and Belgrade-which has never materialized, and Kosovar Serb liberty to conduct consultations with Belgrade on their stance vis a vis Kosovo status. Kosovar Serbs should also take part in all processes in Kosovo, their stance must be heard (...) Belgrade has the right to get involved in that process, to have its stand, and that stand must be discussed. All in all Belgrade is entitled to join deliberations on the final resolution of Kosovo status. But the international community decided that the said solution should be reached in Kosovo, and not in Belgrade, Washington, Bermudas, or elsewhere. That it is the only sensible decision. ⁹⁵

Head of UNMIK Petersen reiterated the regional importance of resolution of status of Kosovo. Namely he underscored during his visit to Skoplje the importance of a regular and intense dialogue of all regional countries which would have an impact on the final status of Kosovo: "such a dialogue is a venue at which stands of regional countries can be aired... and those stands consequently have their impact on the status-related negotiations."⁹⁶ Petersen and Macedonian President Crvenkovski assessed that a swift demarcation of borders between Macedonia and Serbia and Montenegro in the area of Kosovo should be carried out before the start-up of negotiations on Kosovo status. During his

⁹⁰ *Danas*, 26 August 2004

⁹¹ *Vecernje novosti*, 2 April 2004

⁹² www.b92.net, see archives of 25 October 2004

⁹³ *Danas*, 9 November 2004

⁹⁴ *Danas*, 18 August 2004

⁹⁵ *Vecernje novosti*, 4 September 2004

⁹⁶ *Danas*, 10 September 2004

September visit to Albania Petersen made it clear that determination of the final status of Kosovo and consolidated relations with neighbours would boost the regional stability. Albanian President Alfred Mojsiu during his April visit to Pristina stated that any further delay in status determination would help foment extremism in the region: "The longer the delay in final negotiations, the broader the scope for militant actions on all sides."⁹⁷

The only international partner on which Serbia counts is Russia, and its role in the Security Council. Russian official Vladimir Cizov, stated: "Any discussion on the issue of Kosovo must take into account stands of total population of the province and decisions taken by leadership of Serbia and Montenegro."⁹⁸ Ambassador of Russia in Belgrade, Vladimir Ivanovski, stated that Russia "has been insisting on regionalization of Kosovo for two years now. Now we are awaiting decentralization plan, to be shortly completed by the government's commission (...) Within the framework of the Contact Group Russia would back the principles proposed by Serbia. Neither Russia nor other members plan in a foreseeable future to raise the issue of status."⁹⁹ Deputy President of Duma, Sergej Baburin, stated that "the Russian political circles have taken a unanimous stand that Kosovo should remain an integral part of Serbia and Montenegro."¹⁰⁰

Decentralization

Decentralization of Kosovo is one of the key issues over which Albanian and Serb community are deeply divided. That issue, imposed by the Serb community, was prioritized in the wake of the March unrest. On the one hand, Serbs think that the process of decentralization would help resolve the security issue, while, on the other hand, they use it for ultimately attaining the division on model of Republika Srpska Krajina in Croatia and Republika Srpska in Bosnia and Herzegovina. The linchpin of the Serb decentralization proposal, is the Plan of the Government of Serbia (described in the "Kosovo status" part of this report). Serbs, who for decades have enjoyed a privileged position in Kosovo, are now unwilling to accept the status of minority.

On the other hand, Albanians, having taken into account specific features of Kosovo (the size of its territory and number of inhabitants),¹⁰¹ think that the reform of local self-rule, as a long-term process, cannot be linked to security issues. Government of Kosovo, in keeping with the Council of Europe criteria, drafted a framework document for the reform of local self-rule and plan of implementation of the Pilot project, along with the assessment that the said reform was one of key issues.¹⁰²

Issue of decentralization could be a hurdle to resolution of the final status of Kosovo, since official Belgrade imposed that issue as an instrument of a possible division. Decentralization is a long-term process, since, in the large part of the region, and not only in Kosovo, it is linked to changes (in paternalistic and patriarchal) cultural model and way of thinking/mindset. Despite proposing it, Belgrade politicians have never in fact genuinely backed the process of decentralization in Kosovo, as reflected by their boycott of the working group for decentralization.

Albanian perception of that issue is the following: legitimization and legalization of ethnic entities in Kosovo, would threaten the process of decentralization and would radicalize the situation on the ground. Moreover it would become a bone of contention between the two entities, and fuel new resettlements of population from one entity into another. Division of cities, like Kosovska Mitrovica, the most tension-riddled area in Kosovo, would produce dire security and political consequences, and become a source of serious, economic inequality. For example, in northern part of Mitrovica a garbage depot worth 2,5 million Euro was built, though a similar one already existed southern part of Mitrovica.

⁹⁷ *Vecernje novosti*, 23 April 2004

⁹⁸ *Politika*, 1 April 2004

⁹⁹ *Politika*, 10 April 2004

¹⁰⁰ *Politika*, 15 June 2004

¹⁰¹ 25 municipalities have Albanian majority, while only in five, Serbs constitute the majority population. In Albanian majority-municipalities 1 MP represents 1,500 citizens, while in Serb municipalities 600 citizens are represented by 1 MP. Kosovo municipalities are territorially largest municipalities in the region (45,000 inhabitants per municipality).

¹⁰² See the report from panel discussion "Decentralization of Kosovo", www.helsinki.org.yu

At decentralization-themed panel discussion organized by the Helsinki Committee, Oliver Ivanovic, from the Serb List for Kosovo and Metohija, voiced a different perception of the process. Namely he said that Kosovo should have five big cities with equal prerogatives. According to him municipalities should be empowered to run independently primary health care and education, public services and utilities, town-planning, tax-levying, local judiciary and police. In his mind the process of privatization should be only partially controlled by municipalities. According to Ivanovic, the process of decentralization should make local municipal officials more open to demands made by citizens, for "as the things stand now, Pristina, the city of nearly half a million people, cannot be run from only one centre."

Representatives of the Serb community urged that health care be managed locally, for "we don't trust health institutions employing Albanian doctors and medical personnel. For example a Serb from Pristina instead of going to the nearest health institution prefers to see a doctor in Kosovska Mitrovica or in another city in Belgrade." Introduction of ethical principles in health care organizations and accessibility of medical care to the Serb community, are the two important measures to be urgently implemented.

Local self-rule expert, Dusan Vasiljevic, stated during the HC-organized panel, discussion that decentralization was not a universal solution for Serbs and that their problems should be resolved on the central level: "Decentralization on all levels is not realistic, for it be tantamount to suspension of the state. On the other hand, that issue should not be sidelined just because it has been raised by Serbs."

Role of the Serb Orthodox Church

The Serb Orthodox Church exerts a great political influence on Kosovar Serbs through well-organized Raska - Prizren eparchy and high cleric Artemije. That eparchy almost every day issues political communiques on the key political processes and events. The SOC which had obstructed the electoral process by dissuading Kosovar Serbs from going to the polls, currently makes concerted efforts to impact talks on the future status of Kosovo. The SOC and Kostunica-led government have nearly identical stands on Kosovo, as demonstrated by their joint efforts to persuade the Serb electorate in Kosovo to stay away from the elections.

Like the majority of Belgrade officials, the SOC sees Kosovo exclusively as part of Serbia. In line with such a concept, for the SOC the Serb minority status is -unacceptable. In the communique directly airing their political stance, the aforementioned eparchies also indicated their concern over the fact that "the public discussion on Kosovo and Metohija on the domestic and international scene is increasingly focusing on protection of so-called minority rights of Serbs in the Province, while totally glossing over the issue of future status of Kosovo and Metohija within the framework of the state union of Serbia and Montenegro." Communique, inter alia, read: "Instead of initiating a discussion on the status of Albanian community within Serbia, the public debate is entirely focusing on the protection of Serb rights in Kosovo and Metohija. Moreover, during discussions in various fora, governmental and independent experts from Belgrade, openly mention diverse models of protection of rights of the Serb community in Kosovo and Metohija, as if it were a fully independent entity. Models of the Alland islands or South Tyrrol autonomy are mentioned in the context of resolution of status of "the Serb minority" in Kosovo and Metohija, and not in the context of models of autonomy applicable in case of Albanian community in Serbia and in the state union of Serbia and Montenegro."

¹⁰³

In its elaborate paper on the future status of Kosovo, Rasko -Prizren and Kosovo-Metohija eparchies, underscored the following: "Belgrade's failure to come up with a clear and concrete proposal for autonomy of Kosovo and Metohija within Serbia and the Serb-Montegrin state union, and its mantra-like reiteration of the formally guaranteed sovereignty of the state union over Kosovo and Metohija under the UN Resolution 1244, are increasingly creating the impression among the general public that the gist of the state strategy of Belgrade is to find an adequate mechanism of protection of the "minority rights" of Serbs, instead of coming up with a clear and responsible state concept of preservation of the state sovereignty of Serbia and the state union within the current borders. (...) "Obviously, the issue of status of Serb people as state-forming and constituent people on

¹⁰³ Communique : ERP, Info-service, 21 July 2004

the part of their territory in which they are deprived of fundamental rights and freedoms, should not be neglected, and in fact it is of a paramount importance for the local Serb population and its future. However that issue should not be politically given priority over the one relating to preservation of the state territory and definition of Kosovo and Metohija as an autonomous region within the framework of Serbia. If the government does not soon make public its concrete stand on what a democratic and new Serbia is offering to Kosovo and Metohija as an integral part of its territory, the future discussions on Kosovo status could be reduced only to finding the modalities of resolution of the minority rights in the Province, which shall gradually and tacitly be recognized as an independent entity."

In its political engagement in Kosovo, the SOC even obstructed renovation of monasteries and churches in Kosovo, by withdrawing its signature on the pertinent Memorandum signed with UNMIK. Memorandum was signed on 28 June 2004, after *visits of three Council of Europe commissions tasked with protection of cultural heritage*.¹⁰⁴ The SOC justified its move by excessive meddling of Kosovo institutions. High cleric Artemije then stated that "the SOC cannot accept any reconstruction of churches and monasteries, without previous consents and participation of authorized and competent institutions from Serbia, notably of the Institute for Protection of Monuments."¹⁰⁵

Raska-Prizren Eparchy responded angrily to the report of the Independent International Commission, by dint of a letter which high cleric Artemije sent to that Commission: "We shall not allow implementation of such initiatives on the ground, and shall resolutely protest against such usurpations of our rights by any organization or similar initiatives relating to the protection of our cultural heritage. If such initiatives continue to be implemented on the ground against our will, they shall be considered acts of violence- and we know that many have been committed in Kosovo and Metohija in the past five years- and a clear evidence of intentions and character of those committing them."¹⁰⁶ High cleric Artemije also posed the following question: "What is the background of that intention and wish to take care of the whole Serb heritage in Kosovo and Metohija? It is like flying in the face of our national institutions in Belgrade, the SOC and the state of Serbia." Such a stance of SOC prevents reconstruction of the cultural heritage and denies the fact that the said heritage is not only Serb or Albanian, but, also international. Hence, in those terms, any assistance of international organizations aimed at its preservation is - necessary.

South Serbia

All the Kosovo status-related issues are reflected especially in South Serbia (municipalities Presevo, Medvedja and Bujanovac inhabited by Albanians.) Cantonization and division of Kosovo along ethnic lines would affect that part of Serbia and radicalize local Albanian population. President of Democratic Party of Albanians which had won at local elections in Presevo, Ragmi Mustafa, told the London Institute for War and Peace Reporting that "South of Serbia would unite with Kosovo, in case of any change of border in Kosovo, that is, if Northern Kosovo remains outside the Kosovo jurisdiction."¹⁰⁷

That statement and other parts of that IWPR feature were carried by *Nacional* under the headline "Presevo soon without Serbs". The author's conclusion was the following: "*Nacional* hopes that the Serb authorities would soon succeed in making the right move by resettling to houses in Presevo refugees from Croatia currently accommodated in the Palic camp. By such and similar moves we can hope to save that part of our territory. We hope that President Kostunica shall read this text and that by late 2005 we would be able to proudly say that in Presevo the majority population is of Serb nationality and Christian Orthodox faith."¹⁰⁸

The Serb-Montenegrin Defence Minister, Prvoslav Davinic, heralded in late 2004 reinforcement of the military presence in South Serbia, in view of impending talks-in mid-2005-on resolution of Kosovo status. Namely he stated: "We shall form in Nis associated command of ground forces, composed of the current units of the Nis and Pristina corps. We plan to deploy in some parts southern

¹⁰⁴ Independent international commission set up on 10 September 2004 in Paris by Council of Europe, European Commission and UNMIK produced the report on damages incurred to the SOC property during the March unrest. That document was published on 15 September 2004 under the code AT04 224 rev2.

¹⁰⁵ *Vecernje novosti*, 15 November 2004

¹⁰⁶ *Danas*, 24 September 2004

¹⁰⁷ *Nacional*, 15 December 2004

¹⁰⁸ *Idem*

parts of the country the two special forces batallions, that is, to station them there to respond to possible challenges." Davinic made it clear that "concerted efforts are made to prepare the army for facing new security challenges and threats which may appear next year, with the beginning of talks on resolution of the final status of Kosovo."¹⁰⁹

A soldier of Serb-Montenegrin army on 7 January 2005 killed a 16-year old Dasnim Hajrulahu (from village Miratovac, Presevo municipality) at the Serb-Macedonian border. After the killing, the Defence Minister Davinic was quick to communicate that the boy, on his return from a neighbouring village, located in Macedonia, "tried to illegally cross the border. The soldier issued a few warnings, but when the boy did not respond, he fired at him. That incident happened between 12 and 14 hours." Underscoring that findings of investigation in progress would give all the precise answers (that investigation is yet to be completed), the Defence Minister assessed that "it was obviously an attempt to prevent illegal border crossing... since that border crossing is most frequently used by commodities smugglers."

According to the official version, after hitting a tree the bullet ricocheted into the boy and killed him on the spot. The body was found "at the juncture of police roads (...) 444 metres from border demarcation stone." In the trunk of the wild fig tree, 60 cm above the ground, and at a distance of 6,4 metres from the lifeless body, a bullet hole was found. Empty cartridge was found at a distance of 244 metres from the dead boy.

In view of the incident the assembly of municipality of Presevo on 10 January adopted 9 demands: an urgent, and preventive response by the international community in Presevo valley; stationing of international armed forces; retreat of special police forces, those of Gendarmerie; opening of new border crossings towards Kosovo and Macedonia and trial of the boy's killer in Presevo.

Since the end of conflicts in 2002 South of Serbia was totally neglected or rather put on the back burner (notably in economic terms) by the government of Serbia and Co-ordinating Body for South of Serbia. Only the murder of the boy arose anew the general and mostly, political interest in that area.

Conclusions and Recommendations

In view of a complex nature of Kosovo problem, and high emotional charge on both sides, the Helsinki Committee for Human Rights in Serbia is of the following opinion:

- Parliament and government of Serbia, alike all national institutions, should accept the reality in Kosovo and accordingly seek solution for a future agreement between Albanians and Serbs in Kosovo;
- Issue of decentralization along ethnic principles is a hurdle on the road to resolution of the final status of Kosovo; it bears saying that it is a long-term process linked to change of (paternalistic and patriarchal) cultural model and line of thinking.
- Legitimization and legalization of ethnic entities in Kosovo would threaten the process of decentralization and radicalize the situation; by extension it would make room for continual tensions between the two entities, and the likelihood of new resettlements of population from one entity into another;
- International organizations should be allowed to render all kinds of assistance aimed at preservation of Kosovo cultural heritage.

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¹⁰⁹ *Vecernje novosti*, 23 December 2004