STATEMENT

BY

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PERMANENT REPRESENTATIVE OF THE REPUBLIC OF SERBIA

NEW YORK, 31 October 2013
Mr. Chairman,

Serbia is committed to the protection and promotion of human rights as universal values. The situation of human rights is not ideal in any country of the world. We are therefore called upon to invest joint efforts in order to achieve genuine and sustainable progress for all.

Serbia is well aware of the importance and interdependence of all human rights: civil, political, economic, social and cultural and recognizes the fact that the enjoyment of these rights is made more difficult by economic crisis, that affect all countries, big and small, rich and poor. And it affects in particularly the most vulnerable groups - women, young and elderly people, as well as persons with disabilities.

As a multi-ethnic State, Serbia attaches great importance to the promotion and protection of minority rights. The right of minorities to their own language is of paramount importance and constitutes a precondition for enjoyment of many other rights, the right to education, employment and participation in political life. Committed to the promotion and protection of the rights of the members of all minority communities, Serbia expects that, just as minorities in Serbia, the members of Serbian communities in the countries of the region enjoy the right to their own language and the Cyrillic script.

Serbia has achieved considerable results, both in the legislative field and in the field of the implementation of laws, strategies, action plans and International Conventions in the field of the protection and promotion of human rights. However, as there is always room for progress my country is open to cooperation with all human rights mechanisms of the UN. In that context, we welcomed Ms. Navanethem Pillay, High Commissioner for Human Rights, in Serbia in June and Dr. Chaloka Beyani, Special Rapporteur on the human rights of internally displaced persons, this October.

On 30 January this year, Serbia has undergone the second cycle of Universal Periodic Review. We presented the national actions and measures taken in the field of human rights and listened carefully to the comments and suggestions made by other participants. Out of 144 recommendations, Serbia accepted 139 and we work actively on their implementation.

Serbia attaches special attention to the rights of the Roma and has taken a number of measures in the past year aimed at promoting and protecting the Roma population. Last June, it adopted the Action Plan for the implementation of the National Strategy for Roma inclusion and the National Strategy for the prevention and protection against discrimination which encompass vulnerable groups, including the Roma. The Council for the Promotion of the Status of the Roma and the Implementation of the Decade of Roma Inclusion was established in the same period. Serbia has taken a number of measures related to the social inclusion of the Roma, their participation in public administration and the strengthening of the social network of their societies and organizations. Special attention is being devoted to the reduction of the number of “legally invisible” Roma, questions related to their housing conditions and the reduction of the number of Roma who drop out of school.

Serbia has been investing efforts in preventing discrimination based on sexual orientation. To that end, a number of events took place within the Week of Pride from 21 to 28
September this year and included international conferences, lectures, workshops, stage plays, feature films etc. For security considerations, though, it was not possible to conclude the Week of Pride with a Parade of Pride.

Mr. Chairman,

The situation of human rights in Kosovo and Metohija continues to be difficult. This is evinced also by the assessment of the High Commissioner for Human Rights, made in the wake of her visit to the Serbian Province in June. On that occasion, the High Commissioner emphasized the need not only to adopt relevant laws in accordance with international standards in the field of human rights, but also to amend laws where needed and improve protection against discrimination in practice, including hate speech.

For more than a decade now, Serbia has pointed to these and other problems faced by non-Albanians in Kosovo and Metohija. Regrettably, even 14 years after the arrival of the international presences in the Province, the protection and respect of human rights, particularly of minority rights, are not at the satisfactory level and no security and other necessary preconditions have been created for a sustainable return of internally displaced persons (IDPs). Precisely these have been the reasons for the return of only 18 000 IDPs to Kosovo and Metohija since 1999, while 210 000 of them continue to live in other parts of Serbia, deprived of basic conditions for return. Particularly threatened are the human rights of the Serbs, Gorani and other non-Albanians living south of the Ibar. This was brought to the attention of the Security Council at the last meeting on UNMIK Report in the Statement of the Serbian representative\(^1\) when a request was made to the Secretary-General to include in its future Reports a review of the enjoyment of the rights of minority communities, including property rights, and the data on ethnically motivated incidents south of the Ibar.

The right to elect and be elected is the basic human right of every individual and one of the main postulates of democratic society. It is therefore of utmost importance that IDPs be allowed to take part in the local elections in Kosovo and Metohija called for 3 November this year. An attempt by the Provisional Institutions of Self-Government (PISG) in Kosovo and Metohija to prevent a large number of these persons from being included in voter lists is of particular concern and, if successful, would make the elections pointless.

We share the concern of the High Commissioner over the rule of law in Kosovo and Metohija, including her concern regarding the independence of the judiciary, long proceedings and the failure to protect witnesses and/or enforce court decisions. The lack of trust in the judicial system is no surprise as Serbs and other non-Albanians are facing difficulties in accessing courts, standing unjustifiably long trials and in having appeals thrown out of court for procedural reasons, as well as because of the failure to enforce the few decisions brought in their favour. Additional problem is non-existence of a victim and witness protection system, which accounts for the rise of corruption and foments organized crime in all spheres of life. Because of intimidation, witnesses often change their stories if indeed they are not prevented from doing so by “premature death”. The evidence that UNMIK had collected on crimes committed in Kosovo

\(^1\) [http://www.un.int/serbia/Statements/164.pdf](http://www.un.int/serbia/Statements/164.pdf)
and Metohija was destroyed last summer. The police archives in Peć, archives/database in the EU building at Dragodan in Priština and the documents in Kosovo Police Headquarters in Priština disappeared in arson.

These practices have had a negative effect on resolving the fate of missing persons and slowed the investigation into the allegations of Dick Marty, Council of Europe rapporteur, of trafficking in human organs in Kosovo and Metohija. In its Report last August\(^2\), Amnesty International contends that UNMIK police and prosecutors failed to initiate prompt, effective, independent, impartial and thorough investigations into many reports of enforced disappearances and abductions. EULEX and UNMIK are therefore expected to speed up the investigations and make sure that these crimes do not go unpunished.

In the pursuit of justice to victims of war crimes in Kosovo and Metohija, Serbia is highly appreciative of the request made to that effect by the UNHCHR in which it is, \textit{inter alia}, said that “[a] war crime is a war crime, and anyone who has committed one – whether friend or foe – must be brought to justice.” In that context, it is pointed out that no justice has yet been brought to the victims of organized crime, massacred in March 2004, and to the 19 reapers from Staro Gracko, killed in 1999 after the arrival of the international presences.

The climate of fear brought about by intimidation continues unabated at all levels in Kosovo and Metohija. Since 10 June 1999, over 7 000 physical attacks have been recorded, during which 1 262 persons have been killed, 1 037 of them Serbs and non-Albanians, while 1 808 persons have been injured. Out of 427 localities in which Serbs lived prior to 1999, 311 of them have been completely ethnically cleansed, while out of about 1 300 religious sites and places of worship, the vivid relics of the Serbian cultural heritage, 150 churches have been desecrated, about 10 000 icons destroyed or stolen and over 250 graveyards vandalized. Attempts to rename Serbian cultural monuments as Albanian, Byzantine, Illyrian or other and attacks on the Serbian Orthodox Church are also continued. The records of ethnically motivated incidents are patchy at best as criminal offences against Serbs are usually recorded as general crime, while those that are recorded are prosecuted perfunctorily or not at all.

Mr. Chairman,

The Serbs of Kosovo and Metohija experience attacks every day. They make normal life impossible and their frequency testifies to a systemic problem. The attacks on returnees are calculated to send a message, i.e. to discourage them from returning. Some of them are of a very recent date.

Enjoyment of the rights to education, health protection and employment continues to be a challenge for non-Albanian communities in Kosovo and Metohija and is threatened by frequent instances of harassment and/or maltreatment, such as police raids of classrooms, disconnection of water and power supply, school transport problems and the imposition of Albanian curricula, especially on the Gorani. There exist no legal mechanisms for the protection the rights of Serbian

and non-Albanian workers who lost their jobs, if not by law then surely in fact, in June and July 1999.

Particularly problematic is the enjoyment of property rights. The mechanisms established by EULEX and UNMIK\(^3\) to support courts in resolving property issues failed to produce results. Forged ownership documents are used to obtain property fraudulently. The recent surveys of the needs of Serbian IDPs indicate that a large number of the IDPs in possession of the property that has not been destroyed cannot dispose with it since their houses/apartments are either unlawfully occupied (42.6 per cent) or vacant (30.8 per cent), while as much as 17.8 per cent of IDP households do not know whether their property is occupied or vacant\(^4\). Over 40 000 claims have been filed with the Kosovo Property Agency demanding land restitution whereas it is estimated that as many as 700 000 lots are unlawfully occupied. The lack of protection after the execution of eviction orders is another big problem: a third person would re-occupy a freed property by breaking into it or smashing the official seal in a matter of hours after eviction and is seldom or never arrested by police and prosecuted in court.

About 19 000 claims have been filed for damage compensation (about 1 500 of them after the pogrom of 17 March 2004 alone). They account for 40 per cent of cases still pending and no compensation has been paid yet. Of particular concern are the demolition of old and the construction of new buildings by non-owners, with regard to which practices the relevant institutions declare themselves incompetent.

The privatization process is very much in dispute. Companies are sold only on the basis of the fact that their assets are located in the territory of Kosovo and Metohija, while ownership rights are ignored. The IDPs have been prevented from participating in the process of the privatization of the companies in which they were employed prior to displacement. As it happens, UNMIK Regulation No. 2003/13 stipulates that employees are entitled to 20 percent of the share of the proceeds from the sale of a company only if registered with the company at the time of privatization, i.e. in and/or after 2003, and by that time the mass displacement had already taken place.

The Republic of Serbia is well aware that lasting and sustainable solutions, acceptable to all sides, are needed for a peaceful and dignified life, as well as for the respect and enjoyment of human rights by all communities in Kosovo and Metohija. It is in this spirit, as well as in good faith, that Serbia began and maintains the dialogue between Belgrade and Priština, confirming in that way its commitment to a pacific settlement of disputes. Surely, unilateral acts are no way to proceed to solve disputes peacefully and, in that context, I reiterate that the Republic of Serbia has not – and will not – recognize the unilaterally declared independence of Kosovo.

Thank you, Mr. Chairman

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\(^3\) Housing and Property Directorate and the Housing Property and Claims Commission, subsequently renamed the Kosovo Property Agency