



UNMASKING SECURITY CHALLENGES WITHIN THE KOSOVO SERB COMMUNITY

NORTH MITROVICA, NOVEMBER 2023



CONTENT

- Introduction..... 5
- Local Security in Northern Kosovo: Institutional Response..... 9
- Perception of Security among Kosovo Serbs..... 13
- Local Elections in the North – Political Participation of Kosovo Serbs..... 19
- Implication of Security Risks on Fulfilment of Other Rights..... 23
 - Provision of property Rights..... 25
 - Economic Imbalance..... 27
 - Challenges in Maintenance of Democratic Values..... 28
- Brussels Dialogue: From Normalization of Relations to Crisis Management..... 29
- Conclusion and recommendations..... 33



INTRODUCTION



During 2023, there was an additional deterioration of the security situation in the north of Kosovo, which is a continuation of the negative trend that began after the crisis caused by the dispute over the use of license plates the previous year. This crisis culminated in November 2022, when Serbs left Kosovo institutions, which led to serious challenges when it comes to maintaining local security in the north of Kosovo. The constant presence of the Kosovo Special Police Forces and a series of incidents have significantly threatened the personal sense of security of Kosovo Serbs. This state of permanent crisis has almost completely shifted the focus from other topics exclusively to the security aspect, while security risks have negatively affected numerous other areas as well.

Despite the fact that representatives of the international community, who are mediators in the dialogue between Belgrade and Pristina, have invested considerable efforts in trying to de-escalate the situation on the ground, up until the publication of this report no significant progress has been made in this direction. Even though in February 2023, with the mediation of the EU, the Agreement on the path to normalization of relations between Kosovo and Serbia was reached in Brussels¹, and a month later, the Annex to this agreement was reached in Ohrid², their implementation remains at a standstill. The initial enthusiasm regarding these agreements quickly subsided and security issues returned into the focus as a result of local elections held on April 23 in four municipalities in the north that were massively boycotted by local Serbs. Since then, crisis management again became the priority of international mediators, and the normalization of relations again took a backseat.

After the incident in Banjska/ Banjskë on September 24, 2023, when a group of local armed Serbs clashed with members of the Kosovo police, there was a complete suspension of the dialogue and probably the most significant deterioration of the security situation since the 2004 March violence³, as well as the burning of Jarinje and Brnjak in 2008⁴. The conflict resulted in the murder of a Kosovo policeman and three armed local Serbs, and due to still unconfirmed allegations regarding the involvement of Serbian institutions in this event, the balance of power in the Brussels dialogue changed significantly. From being a more constructive side, as seen by the dialogue mediators in the previous year and a half, Serbia found itself under the threat of punitive measures like those that the EU already introduced to the Kosovo government in June 2023 due to its refusal to contribute to the de-escalation of the situation in the north of Kosovo.

Due to the drastic deterioration of the situation on the ground, this report aims to thoroughly analyse the security conditions in northern Kosovo, as well as the negative impacts on other issues significant to the entire Serbian community, as a direct consequence of such developments. Utilizing publicly available data from Kosovo and Serbian institutions, findings from focus groups with Serbian citizens, and public opinion polls,

1 Reached in Brussels on 27 February 2023, text in English available at https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia_en

2 Reached on 18 March 2023, text in English available at https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between_en

3 <https://press.un.org/en/2004/sc8056.doc.htm>

4 <https://www.slobodnaevropa.org/a/1044758.html>

relying on data from independent monitoring organizations of civil society in Kosovo (Empirika Platform)⁵, and international institutions, the report seeks to provide a comprehensive overview of the state and security perceptions of the Serbian community in Kosovo. Despite efforts to gather comprehensive data from all relevant stakeholders, a key limitation of the report is the inability to access official data on actions taken regarding reported security incidents since the Kosovo Police did not respond to requests for information on these reported cases⁶. Therefore, the data used were obtained from publicly available sources and based on monitoring conducted by the Rapid Response Civic Group (RRCG)⁷.

The report is structured so that, following the introductory section which analyses the overall security context, individual areas directly or indirectly affected by these security issues are analysed separately. The report first addresses the work of Kosovo security and justice institutions in northern Kosovo, which have faced particular challenges since local Serbs resigned at the end of the last year. Further on, a specific chapter is dedicated to the analysis of security incidents targeting the Serbian community in Kosovo, significantly impacting the personal sense of security among Kosovo Serbs. The chapter that follows examines the political participation of Kosovo Serbs in Kosovo institutions, with a focus on the local elections held in April 2023. Separate chapter is dedicated to the consequences that security risks have had on the fulfilment of the rights of Kosovo Serbs, such as property rights, the right to information, and economic rights. The final chapter delves into the Brussels Dialogue itself and the impact that the constant need for crisis management has had on the normalization of relations in the context of negotiations between Serbia and Kosovo under international mediation. Finally, recommendations are provided to overcome the current situation, taking into account existing legal frameworks and achievements in the dialogue between Belgrade and Pristina.

5 More on the Platform here: <https://ngoaktiv.org/advocacy-hub/>

6 Lulzim Peci, (June 2023). Strengthening Institutional Responses to Security Incidents in Non-majority Communities (Serbian), NGO Aktiv, Mitrovica, p. 6.

7 More on the mechanism here: <https://peacefulchange.org/wp-content/uploads/2020/12/25-November-Case-Study-RRCG.pdf>



Local Security in Northern Kosovo: Institutional Response



The Serbian community in northern Kosovo is exposed to significant security risks, particularly emphasized after local Serbs left Kosovo institutions in November of last year. As a reminder, the implementation of the Brussels Agreement in 2013⁸ resulted in the integration of Serbian police, judiciary, and part of the local self-government into the Kosovo institutional framework. With the withdrawal of Kosovo Serbs from these institutions, the Brussels Agreement was de facto suspended, and the security situation on the ground significantly worsened.

A total of 547 police officers from the Serbian community in northern Kosovo left the Kosovo Police in November 2022 as a result of a decision following the suspension of the commander of the Regional Directorate of the Kosovo Police in North Mitrovica. The suspension occurred because he refused to allow the police to impose fines and confiscate vehicles without RKS plates⁹. This led to a security vacuum in northern Kosovo, despite the presence of a certain number of Kosovo Albanians who remained in the police force and the efforts of the Kosovo government to deploy additional police officers from other police departments, mostly ethnic Albanians. Meanwhile, vacancies were announced to fill newly available positions, and in July 2023, an additional 74 police officers, all from non-majority communities, including 45 Serbs, were deployed in the north¹⁰. However, even with this strengthened police force, they were unable to respond to security challenges, further exacerbated by the fact that nine newly recruited commanders also resigned just a few months later. Additionally, in the first half of 2023, the number of reported criminal offenses in police stations in the north decreased, indicating that this situation further eroded the trust of local Serbs in the Kosovo Police¹¹. Besides being guaranteed by Kosovo laws, the representation of non-majority communities in the police is an internationally recognized standard for the democratic functioning of the police, as it contributes to trust, enhances the institution's legitimacy among non-majority communities, and improves police interaction with civilians¹².

The regular Kosovo Police's work, however, has been overshadowed by the increased presence of special police units in the north. Kosovo special forces evoke immense fear due to their intimidating image and the absence of any members from the local population. According to data from the Humanitarian Centre Mitrovica, fear of these units is present in as much as 77% of the local population¹³. Among other concerns, ordinary citizens fear the checkpoints and at least four bases built in northern Kosovo for the needs of special units. The checkpoint near Bistrica/ Bistricë on the main road is particularly problematic, where special police stop and conduct identification of citizens. All of these factors have contributed to the perception among the ordinary population that "special police forces are not there to ensure the safety and security of citizens but rather as a

8 The first agreement on principles regulating the normalization of relations from April 2013 is available at: <https://www.kim.gov.rs/p03.php>

9 Assessment of the Status of Justice and Police in Northern Kosovo: Impact and challenges after the resignations of Kosovo Serbs, Advocacy Centre for Democratic Culture, September 2023, p. 28.

10 Ibid, p. 29.

11 Ibid, p. 30.

12 Peyton, Kyle (2022). Beliefs about minority representation in policing and support for diversification. PNAS, vol. 119, issue 52.

13 Humanitarian Centre Mitrovica, Security and Ethnic Relations in Kosovo: The Position of the Serbian Community, May 2023, p. 22.

factor of instability and repression”¹⁴. This belief has been reinforced by numerous incidents involving civilians in which members of these units have participated. Documented cases include “individual instances of mistreatment and repression of citizens by special police units, mostly occurring on the main road where there are no witnesses or cameras to provide material evidence.”¹⁵

Regarding police conduct, it is important to note that after nearly 7 years of functioning in the north¹⁶, the staff of the local branch of the Police Inspectorate of Kosovo (PIK) relocated to Pristina. Although there is no written decision regarding the relocation of PIK, which is a legal curiosity, citizens who attempted to contact this body found closed offices.¹⁷ With this move, citizens in northern Kosovo were deprived of direct communication with this institution responsible for overseeing the legality of Kosovo Police actions, making it more challenging to report cases of mistreatment and misconduct experienced by local Serbs at the hands of the special police. According to PIK data, complaints about police conduct are generally low in northern Kosovo. In the institution’s 2022 report, out of a total of 1697 complaints across Kosovo, only 3.5% came from the Northern region¹⁸. It is expected that this number will further decrease after the closure of the local office. However, in response to this development, NGO Aktiv opened a hotline in November 2022, allowing citizens to report incidents with the Kosovo Police and receive additional information on how to report incidents to relevant Kosovo institutions¹⁹. According to the organization’s data, during the first month alone, 31 citizens reported incidents they had experienced in contact with the Kosovo Police through this hotline.

Regarding the work of judicial institutions, all Serbian members of the integrated judiciary also left Kosovo institutions simultaneously with the police. According to available data, a total of 25 judges, 10 prosecutors, and around 140 members of auxiliary staff resigned from their positions on November 7, 2022²⁰. Kosovo institutions have not yet made decisions on the resignations of Serbian judges and prosecutors, and they are currently under analysis. In the meantime, the Kosovo Government temporarily relocated staff from other regions to North Mitrovica. Due to a very limited number of candidates, it is unrealistic to expect that the vacant positions can be filled by selecting new judicial officials. This situation is further complicated by the fact that the Kosovo Government suspended the verification of diplomas obtained at the University of North Mitrovica. Due to reduced capacities, a large number of cases are on hold, mostly handling urgent cases, while the number of unresolved cases has certainly increased.²¹

14 Focus group with citizens of the municipality of Zvečan/Zvečan, held on February 22, 2023. Part of the KCSF project report.

15 Focus group with citizens of the municipality of Zubin Potok, held on June 27, 2023. Part of the KCSF project report.

16 The PIK office in the north was opened in January 2016; more information can be found here: <https://ipk.rks-gov.net/News/SingleNews/6092>

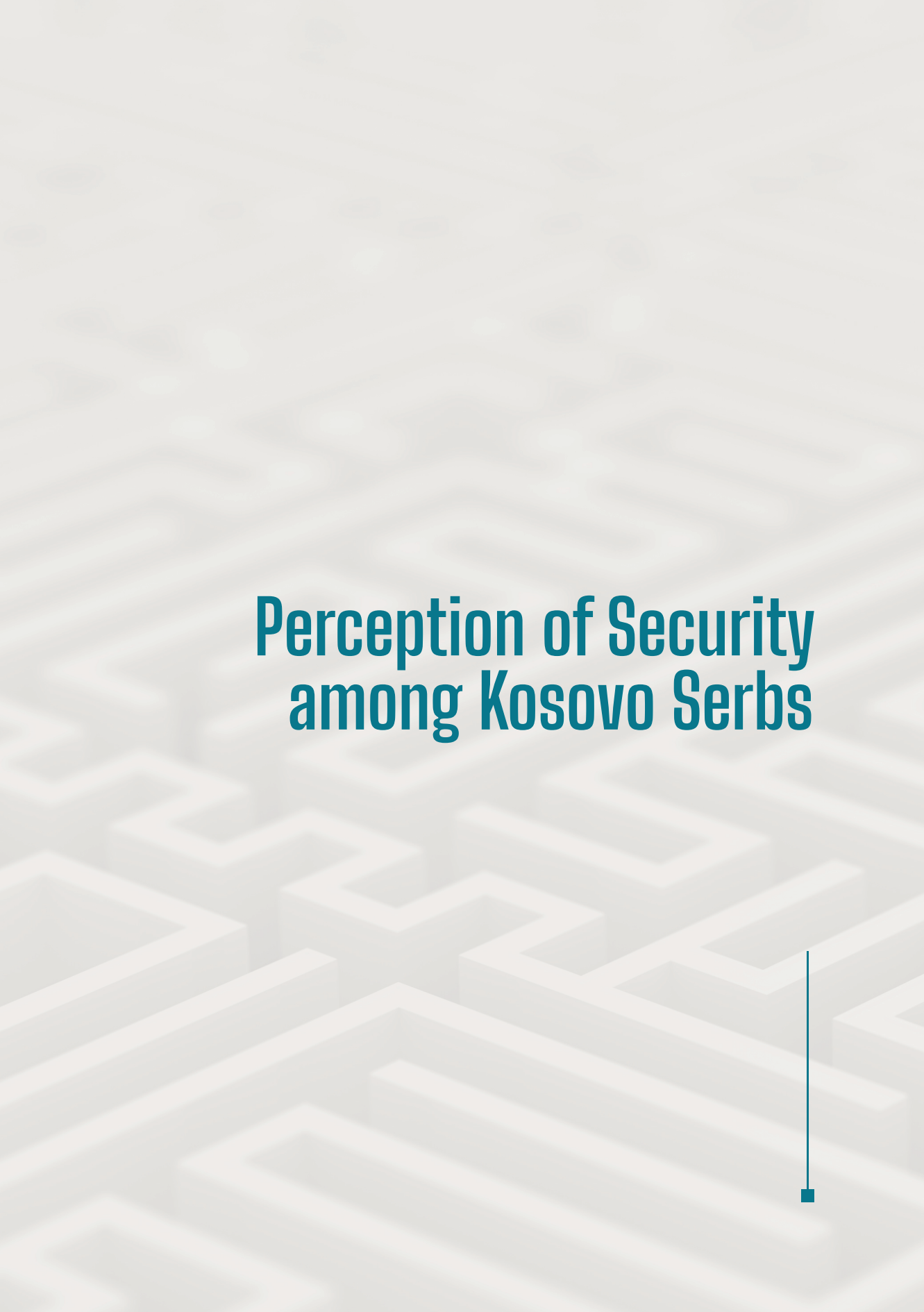
17 Data based on conversations with two citizens in November 2023, identity known to the author of the text.

18 Annual report for the year 2022, p. 14, PIK. Available in Albanian: <https://ipk.rks-gov.net/Medias/Raporti%20Vjetor%202022%20IPK-7ed52142-c77e-4c54-8ab5-cbc3ee617d54.pdf>

19 Aktiv launches a hotline for reporting cases of police misconduct, KoSsev info, November 18, 2022. <https://kos-sev.info/aktiv-pokrece-telefonsku-liniju-za-prijavu-slucajeva-neprijatnosti-od-strane-policije/>

20 Assessment of the status of justice and police in northern Kosovo: impact and challenges after the resignations of Kosovo Serbs, Advocacy Centre for Democratic Culture, September 2023, p. 13.

21 Ibid, p. 19.



Perception of Security among Kosovo Serbs



When it comes to the security of non-majority communities in multi-ethnic societies, a key issue is always the relationship with the majority group and the feeling of being threatened, also arbitrated by the central institutions' attitude towards minorities. Therefore, it is logical that for Kosovo Serbs, the main concern is the sense of threat from the majority Albanian population, whether it involves real incidents or just the perception that they may occur²². In connection to this, it is important to mention that despite the increased number of inter-ethnic incidents in recent years, as documented by the Kosovo civil society organizations which conduct monitoring, there is a lack of information on the ethnic background of perpetrators and victims in criminal cases, both in reports and in publicly available sources. This continues to be a deficiency that hinders a comprehensive analysis.²³

According to data collected by members of RRCG in coordination with NGO AKTIV, in the last three years, there has been a significant increase in cases of personal and property security threats in areas populated by Kosovo Serbs, with a total of 163 incidents identified, 76 in 2020 and 87 in 2021²⁴. The most commonly reported incidents are burglaries or thefts, followed by physical attacks and property damage. In the first quarter of 2022 alone, a total of 23 incidents were recorded, mostly in northern Kosovo, representing a slight increase compared to the previous year if this trend were to continue until the end of the year.²⁵ However, despite the high numbers, there is a systemic lack of response from the rule of law institutions, especially the Kosovo Police and judiciary, regarding these issues, further negatively impacting trust in central institutions among Kosovo Serbs.

Therefore, one of the main findings of this report is that the attitude of the Kosovo Government and Kosovo institutions towards Kosovo Serbs is the main cause of their feeling of insecurity. This sense of insecurity among Kosovo Serbs, primarily in the north, is also evident in public opinion research within the Serbian community, where 70% of Serbs in northern Kosovo rated the security situation poorly in 2020, increasing to over 80% in the following two years.²⁶ At the same time, a significant difference is noticeable between northern Kosovo and the Serbian community living south of the Ibar River, where about 50% of the population rates security poorly, indicating institutional challenges in law enforcement in the north. The same research also indicates a negative trend where over half of Kosovo Serbs expect conditions for their survival to worsen in the coming period, with a single-digit percentage believing that the situation in Kosovo is heading in a positive direction.

22 Bojan Elek, "Security of the Serbian Community in Kosovo," pp. 45-52, in Miodrag Mariković (ed.), "Interests of Serbs in Kosovo in the Normalization Process between Belgrade and Pristina," September 2023, Centre for Affirmative Social Actions – CASA, Mitrovica.

23 Lulzim Peci, (June 2023). "Strengthening Institutional Responses to Security Incidents in Non-Majority Communities (Serbian)," NGO Aktiv, Mitrovica, p. 8.

24 Ibid, p. 14.

25 Source: <https://ngoaktiv.org/en/news/rising-insecurity-non-majority-communities-during-the-covid-19-pandemic/>

26 Trend Analysis: Attitudes of the Serbian Community in Kosovo, November 2022, 2021, 2020. Aktiv, Kosovska Mitrovica. <https://ngoaktiv.org/wp-content/uploads/2023/03/FINAL-SRB-TREND.pdf>

The main problem being the functioning of institutions rather than necessarily the relations between ethnic groups is also indicated by other data. For instance, despite a poor perception of security, Kosovo Serbs express almost the same concerns as Kosovo Albanians. Research conducted at the end of 2022 found that both communities are most worried about economic problems and unemployment (around 50%). Inter-ethnic issues are the second most important concern for Kosovo Serbs (only one in five mentions it as a problem, i.e., 19%), which is significantly higher than among Kosovo Albanians (only 4%), though not to the extent one might expect.²⁷ This suggests that, although members of the other ethnic group are seen to some extent as a cause of insecurity, it is only one of the risks, not the most important one. Despite everything, both communities still predominantly perceive Kosovo as a multi-ethnic society, with Kosovo Albanians slightly more so (83%) than Kosovo Serbs (74%).²⁸ Therefore, the causes of this situation should be sought in the analysis of the functioning of institutions.

Regarding institutions, public opinion research shows a statistically significant difference in the level of trust in law enforcement institutions among Albanians and Kosovo Serbs, with the latter having significantly lower trust. Indirectly, this can lead to the conclusion that there is a difference in the approach of institutions and their relationship with different ethnic groups, a finding supported by reports from the international community. For example, annual reports from the U.S. State Department point to the same trend, citing insufficient capacity or lack of will to enforce laws that, on paper, provide equal access to rights but fall short in practice.²⁹ For instance, the report notes that over 95% of all claims before Kosovo courts related to property rights come from Serbs. Additionally, it highlights significant human rights issues concerning non-majority communities, including freedom of expression, movement, or expression of national identity, as well as individual non-investigated incidents directed against members of non-majority communities.

Within the Serbian community, research has shown great concern about the departure of young people from the Serb inhabited areas. One of the main threats to the existence of the Serbian community is the emigration of the population. Due to insecurity and inadequate institutional framework for addressing security problems, only every other Serb sees themselves in Kosovo in five years, with the majority being the youngest.³⁰

The causes of this situation should primarily be sought in security incidents in the north but also in other parts of Kosovo where the Serbian community is present. These incidents, in addition to increasing in number since the beginning of the crisis last year, are also growing in intensity.

The deterioration of security conditions in 2023 is a continuation of the tense situation from the end of the previous year, which was also marked by an increased sense of insecurity, extensively reported on.³¹

27 Balaj, Shpat, i Sejdiu, Gramos. (2022). *What are the Kosovo Citizen's Perceptions on inter-ethnic relations: Fostering Inter-ethnic Relations and Reconciliation Survey Results*. Kosovski Centre for Security Studies, Priština.

28 Ibid.

29 US State Department, *Kosovo 2022 Human Rights Report*. https://www.state.gov/wp-content/uploads/2023/02/415610_KOSOVO-2022-HUMAN-RIGHTS-REPORT.pdf

30 <https://ngoaktiv.org/wp-content/uploads/2023/03/FINAL-SRB-TREND.pdf>

31 For example, refer to: Human Center Mitrovica, *Security and Ethnic Relations in Kosovo: Position of the Serbian Community*, May 2023, and Lulzim Peci, (June 2023). *Strengthening Institutional Responses to Security Incidents in Non-majority Communities (Serbian)*, NGO Aktiv, Mitrovica.

The year began with an incident in the municipality of Štrpce/Shtërpçë on an Orthodox Christmas Eve, i.e., January 6, 2023, when an unknown attacker, later arrested, fired shots from a firearm at a boy (11) and a young man (21) from a car.³² Members of the special Kosovo police, on several occasions, opened fire on civilian vehicles from a checkpoint in the Bistrica/ Bistricë settlement, including an incident on January 23 where one person was injured.³³ Throughout 2023, Kosovo special police units have been consistently present in northern Kosovo and have been involved in numerous incidents that, although perhaps not their primary goal, have greatly intimidated the local population. Although occurring throughout, incidents escalated significantly after the local elections in four municipalities in the north on April 23 and subsequent violent protests (more information on the elections in the next chapter).³⁴ Following this, the Kosovo special police increased their presence and arrests. Local media in northern Kosovo reported cases of incidents involving minors³⁵ during searches of homes and apartments in northern Kosovo, and the like.³⁶ The situation further escalated due to reactions from Belgrade when, in mid-June, three Kosovo police officers were arrested by Serbian forces, interpreted by Pristina as “kidnapping” in retaliation for previous arrests of Serbs in northern Kosovo. Although the public is not certain where this arrest/kidnapping occurred due to conflicting views between Belgrade and Pristina authorities, the incident certainly negatively affected the personal safety of the residents of northern Kosovo.³⁷

Due to increased tensions, international representatives called for de-escalation on both sides, emphasizing the responsibility of the Kosovo government for the situation in the north. The European Union insisted the Kosovo government to implement a three-point plan, including the withdrawal of special units of the Kosovo police, the removal of newly elected mayors from municipal buildings, and the scheduling of new local elections.³⁸ Due to the refusal to implement this plan, the Kosovo government has been under sanctions, i.e., targeted measures by the European Union and international partners since June 2023, and they are still in effect.³⁹

32 Budimir Ničić, Boy and young man injured near Štrpce/Shtërpçë/, perpetrator arrested, January 6, 2023. Voice of America <https://www.glasamerike.net/a/decak-i-mladic-ranjeni-kod-strpca-napadac-uhapsen-/6907334.html>

33 Security and Ethnic Relations in Kosovo: Position of the Serbian Community, p. 16.

34 For example, see the news from February 2023: KoSSev info, Mijačić: We went to mark the international tourist route, special forces chased us like terrorists, <https://kossev.info/mijacic-mi-isli-da-obelezimo-turisticku-stazu-specijalci-nas-jurili-kao-teroriste/>

35 KoSSev Info, June 17, 2023. SL: Special forces attacked minors in Žitkovac/Zhitkoc; CHC confirmed they are hospitalized; KP denies that their members physically attacked them, <https://kossev.info/srpska-lista-specijalci-napali-maloletnike-u-zitkovcu-kbc-potvrdio-da-su-hospitalizovani-policija-demantuje-da-su-njihovi-pripadnici-fizicki-nasrnuli-na-njih/>

36 KoSSev Info, June 23, 2023. In Zvečan/Zvečan/, special forces and armoured vehicles; KP: No arrests, suspicion of explosives in the vehicle, waiting for KFOR, <https://kossev.info/kp-nema-hapsenja-u-zvecanu-pregledamo-vozilo-za-koje-sumnjamo-da-se-u-njemu-nalazi-oruzje/>

37 KoSSev Info, June 14, 2023. Kurti: Policemen “kidnapped” - revenge for yesterday’s arrest of M.M. in Mitrovica, <https://kossev.info/kurti-policaicji-kidnapovani-osveta-za-jucerasnje-hapsenje-m-m-u-mitrovici/>

38 KoSSev info, June 2, 2023. *US senator with steps to de-escalate the situation: Special forces to withdraw, end protests, schedule elections...* <https://kossev.info/americki-senator-sa-koracima-za-deeskalaciju-situacije-specijalci-da-se-povuku-zavrse-protesti-zakazu-izbori/>

39 Alice Taylor, 5. jul 2023. First effects of EU sanctions sting Kosovo. <https://www.euractiv.com/section/politics/news/first-effects-of-eu-sanctions-sting-kosovo/>



Local Elections in the North – Political Participation of Kosovo Serbs



The focus in the dialogue has shifted from implementation of the agreements to the extraordinary local elections held on April 23 in four Serb-majority municipalities in the north, which were also followed by series of incidents. The elections were held in response to the crisis caused by the dispute over the use of license plates and the withdrawal of the *Serbian List* and a significant part of Serbs from Kosovo institutions in the north at the end of 2022. The *Serbian List* soon announced a boycott of the April elections, and Serbian candidates participated only in two municipalities. The elections were called for the mayors (in all four municipalities)⁴⁰ and municipal assemblies (in the municipalities of Leposavić/Leposaviq and Zvečan/Zveçan)⁴¹, where due to a boycott, representatives of Serbs did not participate. Voter turnout was between one and six percent, roughly 1,500 out of a total of 45,000 registered voters participated, with reportedly only 13 Serbs among them⁴². Under such circumstances, four Albanian candidates, two from the ruling LVV party and two from the opposition PDK, ended up winning. Officials from Belgrade repeatedly referred to them as “fake mayors.”⁴³

After a month, on May 26, new municipal leaders entered municipal buildings accompanied by the police. This was done a week earlier in North Mitrovica without incidents, while in Zvečan/Zveçan, Zubin Potok, and Leposavić/Leposaviq, clashes with gathered Serbs emerged. Serbs employed in municipalities mostly refused to cooperate with the new mayors and obstructed their arrival or left their positions in municipal buildings. By the morning of May 29, Serbian protesters had gathered around these buildings and practically created a cordon. In addition to the Kosovo police inside the buildings, KFOR members arrived during the day to try to move the protesters away from the buildings. This led to clashes with dozens injured, due to use of firearms, marking the first serious conflict between a large number of Kosovo Serbs and KFOR in the last decade.⁴⁴ As a result of these events, tensions have escalated in northern Kosovo due to the large number of local Serbs being detained by the Kosovo Special Police for allegedly organizing violent demonstrations.

Despite of this, the new local government bodies have started functioning. Due to the boycott by local Serbs, the international community insisted that the new mayors in the four municipalities in northern Kosovo take on a technical rather than a political⁴⁵ role in performing their duties⁴⁶. However, what practically happened is that, for example, in the municipality of North Mitrovica, the initial decisions were political in nature and were made without considering the genuine priorities and needs of the citizens: the opening of

40 The election documentation in the Serbian language is available at <https://kqz-ks.org/sr/izbori-za-predsedni-ke-opstina/zgjedhjet-per-kryetar-komune-2022/>.

41 The election documentation in the Serbian language is available at <https://kqz-ks.org/sr/izbori-za-skupstine-opstina/zgjedhjet-e-parakohshme-per-kuvendet-e-komunave-zvecan-dhe-leposaviq-2022/>.

42 BBC News in Serbian: Local elections in northern Kosovo: A total of just over 1,500 people voted, with only 13 Serbs among them - according to Belgrade, April 23, 2023. <https://www.bbc.com/serbian/lat/balkan-65362757>

43 “Vučić: Serbia Ready for Compromises, but Withdrawal of ‘Fake Mayors’ in the North Is Necessary,” Nova S, June 12, 2023.

44 BBC News in Serbian: Video of clashes between protesters and KFOR in northern Kosovo, protest in Belgrade, May 30, 2023. <https://www.bbc.com/serbian/lat/balkan-65756320>

45 <https://www.euractiv.com/section/politics/news/north-kosovo-mayors-to-be-sworn-in-amid-strife-with-belgrade/>

46 <https://kossev.info/ponovo-stejt-department-odluka-kosovske-vlade-da-prisilno-pristupi-opstinama-na-severu-nepotrebnost-eskaliranja-tenzije/>

the main Mitrovica bridge to traffic (without meeting security conditions) and joining the Association of Kosovo Municipalities (as a step supposedly to prevent and undermine the establishment of the A/CSM envisaged in the Brussels agreements). It's important to note that none of these decisions are available in the Serbian language on the municipality's website⁴⁷.

Given that on the day of the elections, it was evident that these established local government bodies were not legitimate due to the boycott by the majority of the local population, and as a direct consequence of international community pressure, a decision was made at the central level to repeat the elections in the four municipalities. Therefore, the Ministry of Local Government Administration issued Administrative Instruction (MLGA) No. 02/2023 for the citizens' initiative to remove mayors of municipalities.⁴⁸ This administrative instruction elaborates on the provisions of Law No. 03/L-040 on local self-government, and besides the resignation prescribed by the law, it requires a petition for removal, for which the instruction sets a necessary percentage of voters at 20%.

As the roadmap agreed upon through shuttle diplomacy of the Quint and negotiations in Brussels involves steps, once Pristina accepts and adopts the statute of the Association/Community of Serb Majority Municipalities, in the first half of 2024, local elections shall be repeated. The President of Serbia called on Kosovo Serbs in mid-October to initiate new elections, implying that Belgrade's support for participation is secured.⁴⁹ Another confirmation of this development is the change in the leadership of the Serbian List, as at the end of October, a new president and five new vice-presidents were chosen at the party's session.⁵⁰ This is an obvious attempt to rebrand the party in preparation for the elections, especially after part of its previous leadership was incriminated in the case of Banjska/ Banjskë, leading to the resignation of its former vice-president, Milan Radoičić.

In contrast to northern Kosovo, the situation in Serbian-populated areas south of the Ibar River remained unchanged during the observed period. At the central level, as part of quitting institutions in November 2022, 10 members who held positions reserved for the Serbian community resigned. However, they were quickly replaced by 10 new representatives who have not actively participated in the assembly's work since then, merely maintaining their status. This effectively prevents the assembly from legally enacting laws of vital importance."

47 <https://kk.rks-gov.net/mitroviceveruiut/sr/category/skupstina/odluke-sr-skupstina/>

48 Text available at <https://mapl.rks-gov.net/wp-content/uploads/2023/09/02-619-4-2023-2.pdf>.

49 Kosovo Online. *Vucic called Serbs from Northern Kosovo to come forward with an initiative for elections*, 12. oktobar 2023. <https://www.kosovo-online.com/en/news/politics/vucic-called-serbs-northern-kosovo-come-forward-initiative-elections-12-10-2023>

50 KoSSev Info: Dr. Zlatan Elek elected as the new president of the Serbian List, five new vice-presidents also elected, October 24, 2023. <https://kossev.info/zlatan-elek-novi-predsednik-srpske-liste/>



Implications of Security Risks on Fullfilment of Other Rights



This part of the report analyses the problems that have arisen as a consequence of the aforementioned security challenges. As security is the primary concern for local Serbs, Kosovo institutions, and the international community, negative trends have spilled over into other areas, exacerbating the situation regarding the enjoyment of other guaranteed rights. Additionally, a significant number of security incidents have been recorded in these areas, directly indicating threat to the rights of the local population.

Provision of Property Rights

Due to security challenges, the Kosovo Government has attempted to strengthen the presence of Special Police in northern Kosovo since September 2021, aiming to change the nature of their presence from temporary to permanent. As a consequence of the intention to establish bases in northern Kosovo, the property of a large number of individuals in the municipalities of Leposavić/Leposaviq and Zubin Potok has been usurped for their construction, leading to subsequent expropriation proceedings. This sequence of actions is contrary to what is prescribed by Law No. 03/L-139 on expropriation of immovable property, while the documentation in the process contains a series of materially inaccurate data.⁵¹

In terms of procedure, two public debates were held (on February 15, 2023, in Leposavić/Leposaviq, and on February 21, 2023, in Zubin Potok)⁵², followed by the issuance of a preliminary expropriation decision.⁵³ However, the final decision, although initially planned, was postponed indefinitely.⁵⁴ Additionally, a significant number of disputes against the preliminary decision have been initiated before the competent courts, which are currently ongoing, and only decisions rejecting proposed interim measures were made.⁵⁵ This is particularly significant since a letter from Kosovo authorities responding to a legal analysis of this situation by international actors states that these proceedings have been concluded, i.e. that the case's merits have been resolved, which is not in line with the truth.⁵⁶

From a substantive perspective, these cases are illegal because the construction of bases is not explicitly envisioned as the purpose by the relevant law. This deficiency has been attempted to overcome by drafting amendments to the Law immediately after the public debates, which, at the time of the writing of this report, has not yet entered the parliamentary procedure but the consultations concluded in September,⁵⁷ explicitly allowing the purpose of the construction.

In this regard, cases of expropriation in two municipalities in northern Kosovo reveal the complete inadequacy of the Kosovo legal system to establish a functional rule of law for the Serbian community. The Kosovo government itself incorrectly applies or violates

51 The text in English is available at <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2636&langid=2>

52 The author attended both debates.

53 The text is available at <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=74912>

54 A source available to the author.

55 A source available to the author.

56 A source available to the author.

57 All documents are available at <https://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=41809>.

its own laws, attempting to justify it first by superficial implementation of procedures at the wrong time and with no effect, and then by changing laws to codify unlawfulness. Moreover, legal proceedings against such government actions can only be pursued in Kosovo courts, which is systematically exacerbated by the withdrawal of Kosovo Serbs from institutions. Expropriation was also the subject of an official statement from EU representatives,⁵⁸ as well as of a legal analysis⁵⁹ to which Kosovo authorities responded in September, as previously mentioned.

Regarding property rights, an illustrative example of legal dualism in Serbian-inhabited areas south of the Ibar River is the Brezovica/ Brezovicë ski resort. This ski resort has been operating in parallel within the Serbian and Kosovo legal systems for almost 20 years. In the Serbian system, it is a business entity 'Ski Center Brezovica d.o.o.', established in 2008 as a joint investment of the Inex Intereksport Fund (the successor of the former Ineks system, which built the ski resort) and the public enterprise Ski Resorts of Serbia. In the Kosovo system, several attempts were made to reclassify the ski resort into a social enterprise under the administration of the Kosovo Privatization Agency. All attempts were unsuccessful until 2021 when the registration of the social enterprise 'Inex Šar Planina Brezovica' was completed, and its interim board was appointed in 2022 by the Kosovo Privatization Agency. This ultimately led to the legal takeover of the ski resort by Kosovo authorities, however, without the enforcement of legally prescribed procedures for the registration of ownership claims, thus, it can only be characterized as confiscation.⁶⁰ In 2023, this process was further exacerbated as new board members were appointed contrary to the agreement with the municipality of Štrpce/Shtërpçë, reached in 2021, stating that all board members should be residents of this municipality.⁶¹

It is essential to note that both of these cases represent a violation of Article 16 of the Framework Convention for the Protection of National Minorities, which is directly applicable under Article 2 of the Kosovo Constitution, prohibiting measures artificially altering the population balance in areas inhabited by members of national minorities, with the aim of limiting rights and freedoms derived from the principles contained in this convention.⁶² Considering that such expropriation almost exclusively affects the Serbian community and affects the fragmentation of two geographically cohesive and ethnically homogeneous entities (municipalities of Leposavić/Leposaviq, Zubin Potok and Štrpce/Shtërpçë) through the construction of security force bases, that is the usurpation of control over a fundamental economic resource, they undoubtedly fall under this provision of the Framework Convention. However, due to the lack of effective international protection mechanisms, as Kosovo is not a member of the Council of Europe, this remains a mere observation without any legal consequence.

58 The English text is available at https://www.eeas.europa.eu/delegations/kosovo/statement-governments-decision-expropriation-land-public-interest-municipalities-leposavi%C4%87leposaviq_en?s=321.

59 A source available to the author.

60 Regulations demanding this are available at <https://www.pak-ks.org/page.aspx?id=3,31>.

61 The municipality's statement is available at https://www.facebook.com/strpceopstina/posts/640192551476879?ref=embed_post

62 The English text is available at <https://rm.coe.int/16800c10cf>

Economic Imbalance

Due to the deteriorating security situation, the economic rights of Serbs in northern Kosovo have also been compromised during this period. Alongside other issues, the Kosovo government made a decision to ban the import of goods originating from the Republic of Serbia, significantly complicating the supply of basic necessities to the local population. It is impossible to determine through which legal act the crisis in this area began since there is no publicly announced decision by the Kosovo government regarding the ban on the import of goods from Serbia. However, it is being practically implemented and discussed in public. Moreover, it is challenging to assess the effects of this de facto ban, but they can be partially deduced from statistical data on trade, both from Serbian and Kosovo official sources. Based on official data from the Kosovo Agency of Statistics, as presented in the table below, depicting the trend of imports from Serbia to Kosovo from August 2022 to July 2023, it can be observed that although imports from Serbia have not been entirely suspended, there has been a significant decline.⁶³

Table 1: Countries from the region ranked by share in total imports to Kosovo

Rank	Country	Percentage of Total Imports
1	Albania	5.5%
2	North Macedonia	4.5%
3	Serbia	2.1%

It is indisputable that the economic situation of the Serbian community has worsened due to this measure, especially in areas such as four municipalities in the north, which, due to their geographical location and other factors, are fundamentally reliant on trade with Serbia. A secondary effect of the de facto ban is the overflow of imports into the informal economy through alternative crossings, which, combined with increased security force presence in the four municipalities in northern Kosovo, further deepens the security crisis. As a result, there have been several incidents related to smuggling, including some involving the use of firearms.⁶⁴ Additionally, there have been seizures of vehicles and smuggled goods by the Kosovo police, further complicating the supply of local population and increasing distrust in Kosovo's institutions.⁶⁵ Decision of the Kosovo government on banning the import of goods from Serbia is contrary to the SAA⁶⁶ and CEFTA Agreement⁶⁷, as well as the idea of a single market, which is a prerequisite for obtaining of funds from the announced Growth Plan of the EU for the Western Balkans, but also contrary to the progress on the road to the EU in general.

63 You can also find relevant information at <https://www.ceicdata.com/en/kosovo/imports-by-country/imports-other-europe-serbia>

64 <https://balkans.aljazeera.net/news/balkan/2023/8/11/krijumcari-pucali-na-policiju-na-sjeveru-kosova>.

65 Radio Kontakt plus. ZvečanZvečan/: Five Vehicles Seized on Suspicion of Smuggling, October 12, 2023. <https://radiokontaktplus.org/glavna/zvecan-zaplenjeno-pet-vozila-zbog-sumnje-na-krijumcarenje/47059/>

66 <https://data.consilium.europa.eu/doc/document/ST-10728-2015-REV-1/en/pdf>

67 <https://cefta.int/what-we-do/trade-in-goods/>

Challenges in Maintenance of Democratic Values

This section examines a specific corpus of constitutionally guaranteed and inter-related political freedoms, including media freedom and the right to language use.

Media freedoms are guaranteed by the Kosovo Constitution but they have not been implemented in an appropriate manner for over the past 20 years.

During 2023, within the escalation of the situation in the four municipalities in northern Kosovo, there have been multiple cases of attacks on journalists of both Serbian and Albanian ethnic background. In addition to these cases, the records of the Journalists' Association of Serbia (UNS)⁶⁸, have noted:

- 16 cases of obstruction to work,
- 8 cases of physical attacks,
- 2 cases of threats,
- 2 cases of pressure on journalists.

Finally, the ban on imports from Serbia has also affected the unavailability of Serbian print media in Serb-populated areas in Kosovo, which made more difficult for the local population to have timely access to information.

The right to use language falls within the corpus of community rights, with the Serbian language specified as official alongside Albanian in Article 5, paragraph 1. Similar to media freedoms, this right has not been realized in an appropriate manner.⁶⁹ This report itself provides several examples where the right to use language is not respected, and official documents are not available in the Serbian language:

- Institutions/elections documentation – the decision of the Central Election Commission confirming the final voters' list for the four municipalities in the north⁷⁰.
- Institutions/decisions of local self-government – decisions made by newly elected local self-government bodies are not available in the Serbian language⁷¹.
- Property rights – documentation in the expropriation process, in some cases, has not been provided in the Serbian language⁷².

Additionally, some ministries, such as the Ministry of Culture, Youth and Sports, the Ministry of Defence, or the Ministry of Foreign Affairs, have never sent a press release in Serbian language to the media which are reporting in that language. A particularly illustrative example is the Ministry of the Environment, Spatial Planning and Infrastructure, which every two days is sending a weather forecast to the media exclusively in Albanian language.

68 More on this at <https://www.uns.org.rs/sr/desk/Drustvo-novinara-kim/149891/novinari-medija-na-srps-kom-na-kim-na-dogadjajima-i-dalje-najcesce-bez-prevoda-sa-albanskog-jezika.html>.

69 More on this available in NGO Aktiv's publication at <https://ngoaktiv.org/wp-content/uploads/2023/01/Sluzbena-dvojezicnost-na-Kosovu-%E2%80%93-kljucni-preduslovi-i-izazovi.pdf>.

70 <https://kqz-ks.org/sr/izbori-za-predsednike-opstina/zgjedhjet-per-kryetar-komune-2022/>

71 https://kk.rks-gov.net/leposavij/sr/document_category/vendimet-sr/

72 The source is known to the authors of this report



Brussels Dialogue: From Normalization of Relations to Crisis Management



The enthusiasm that followed the acceptance by Belgrade and Pristina of the Franco-German proposal earlier this year in Brussels and Ohrid quickly faded. International mediators had to shift their focus from normalizing relations to crisis management and addressing immediate security risks. Throughout 2023, Belgrade continued to insist on Kosovo's obligation to establish the Association/Community of Serb Majority Municipalities while accusing the Albin Kurti government of radical and violent behaviour toward the Serb community in Kosovo. Meanwhile, Pristina emphasized non-interference by Belgrade in Kosovo's internal affairs and reduced negotiations to expecting Belgrade to take steps toward recognizing independence.

The working meetings within the technical dialogue between the negotiating teams of both sides didn't yield concrete progress. Following the May 15 meeting, the head of the Serbian delegation, Petar Petković, accused the Kosovo negotiator, Besnik Bislimi, of attempting to disrupt further discussions and refused to discuss the implementation of several agreements regarding the Association/Community of Serb Majority Municipalities.⁷³ Regardless of the details from individual meetings, they have so far not resulted in an understanding between the two sides on the implementation of the agreement.

However, everything took a turn after the incident in Banjska/ Banjskë. Despite it being almost two months since the event, little official information is available about the conflict between an armed group of Serbs and the Kosovo police in northern Kosovo. Western and European officials expressed concerns about the incident potentially escalating into armed conflict and the future of the stalled dialogue between Belgrade and Pristina. These fears intensified when Serbia raised its combat readiness level and deployed troops along the ground safety zone, later withdrawing them due to international pressure.⁷⁴

In an effort to resolve the crisis, Kosovo Prime Minister Albin Kurti and Serbian President Aleksandar Vučić attended separate meetings in Brussels with the leaders of France, Germany, and Italy, accompanied by the EU High Representative for Foreign Affairs, Josep Borrell, in late October. The two negotiating sides never met, and a press release from the European External Action Service expressed dissatisfaction with the lack of agreement between the two sides.⁷⁵ However, it seems that shuttle diplomacy before the meeting and statements after the meeting confirm some progress in the process.

Firstly, the incident in northern Kosovo levelled the positions of both sides in the Brussels dialogue. Previously, Belgrade was seen among international mediators as the more constructive side compared to the leadership in Pristina, which has been under EU restrictive measures since June 2023. This perception shifted after Banjska/ Banjskë, with Belgrade

73 „Petković: Bisljimi obesmišljavao razgovor, kada spomenem ZSO, kaže da prvi put čuje šta je to“, Nova S, 15. 5. 2023.

74 Le Monde, *US calls for de-escalation as Serbian military build-up raises tensions on Kosovo border*, 29. septembar 2023. https://www.lemonde.fr/en/international/article/2023/09/29/us-calls-for-de-escalation-as-serbian-military-build-up-raises-tensions-on-kosovo-border_6141862_4.html

75 EEAS press release from October 26, 2023. godine, available in English: https://www.eeas.europa.eu/eeas/kosovo-serbia-press-remarks-high-representative-josep-borrell-after-meetings-president-serbia-and_en

now being accused by mediators of destabilization. The leader of the armed group, Milan Radoičić, formerly a leader in SL, took responsibility for organizing the attack, denying any involvement of the Serbian government. However, clear political ties between the Serbian leadership and Radoičić cannot be denied. His actions led to Belgrade losing the reputation of a constructive side, which even has been pointed out by European officials. Consequently, Serbia seems obliged to compromise to regain lost credibility, facing the threat of sanctions similar to those imposed on the Kosovo Prime Minister. This is the price that Belgrade will have to pay due to the incident in northern Kosovo and the inadequate investigation surrounding it.

Secondly, potential compromise emerges from another statement issued by European leaders Scholz, Macron, and Meloni after the Brussels meetings.⁷⁶ The statement calls for both sides to progress “in parallel, step by step” in implementing the agreements. Intensive shuttle diplomacy seems to have led to an agreement on a roadmap. The first step requires Pristina to officially initiate the long-awaited Association/Community of Serb Majority Municipalities (A/CSM) establishment process, with a seeming consensus on its statute, a previous stumbling block. On the other hand, new elections are expected in the north, where the situation stalled after the previous boycott by the Serbian List (SL), and Belgrade has already supported Serbian participation. Although SL recently changed leadership and rebranded itself, intending to remain a key political player, it announced that their decisions would always be made in coordination with official Belgrade in the best interest of all Serbs.⁷⁷ Serbian President earlier called on Kosovo Serbs to start the initiative for local elections, endorsing their political involvement. This might occur in the first half of 2024 due to complex electoral procedures. However, when local municipal governments are properly formed, the A/CSM could finally be established. With Serbia having snap elections on December 17, it’s unlikely for the breakthrough moment to occur before then. In fact, it seems that Belgrade has managed to buy a bit more time, but the next year will be crucial for genuine progress in bringing Kosovo and Serbia on the path to normalization.

76 European Western Balkans, 27. oktobar 2023. *Macron, Scholz and Meloni call Kosovo to launch establishment of A/CSM and Serbia to deliver on de-facto recognition* <https://europeanwesternbalkans.com/2023/10/27/macron-scholz-and-meloni-call-kosovo-to-launch-establishment-of-asm-and-serbia-to-deliver-on-de-facto-recognition/>

77 European Western Balkans, *Serbian list gets new leadership, more Kosovo Serb parties are emerging*, 26. oktobar 2023. <https://europeanwesternbalkans.com/2023/10/26/serbian-list-gets-new-leadership-more-kosovo-serb-parties-are-emerging/>



CONCLUSION AND RECOMMENDATIONS



From the aforementioned data and findings, it's indisputable that the Serbian community in Kosovo is in a state of security crisis, and the same applies to the entire Kosovo society. This crisis in certain areas is the most severe in the past decade or more, resulting from deeply disrupted relationships between the two sides in the Brussels process and at the local level between Kosovo institutions and local Serbs. This is additionally contributed to by the incendiary rhetoric often seen by the public, which is used daily by officials in Belgrade and Pristina, which spills over into both communities, further deepening the already severed mistrust. What is even more dangerous, is the fact that the Serbs in Kosovo, in this context, are viewed through the prism of relations between Belgrade and Pristina. Such a discrepancy between the (un)agreed and the (un)implemented, if not appropriately addressed, will lead to further deterioration, deepening the crisis spill-over effect from one area to another. The problem of distrust is particularly evident, primarily towards security forces and Kosovo institutions at all levels, creating a kind of vicious cycle. Within this cycle, as institutions lose legitimacy, there's a diminished willingness of the local population to participate in their functioning, leading these institutions to become increasingly distant from the citizens' needs. While not a new problem, the situation in this area continues to worsen.⁷⁸

Taking into account all the mentioned security, legal, and political factors, resolving the institutional crisis at the local level in the four municipalities in northern Kosovo cumulatively demands the following:

Security

- In the short term, it's urgently necessary to normalize the work of the police in northern Kosovo and reintegrate Serbian police officers and representatives of judicial institutions. Belgrade, Pristina, and the international community must take steps to thoroughly investigate and inform the public about the circumstances surrounding the incident in Banjska/ Banjskë.
- In the medium-term, measures to build trust are essential, between central authorities and both the regional police in the north and the local population.
- Long-term efforts should not only ensure Serbian community representation "on paper" but also enable genuine integration of this community into Kosovo's institutions by addressing obstacles such as language barriers, career advancement, and similar issues.⁷⁹
- The European three-point plan for de-escalation of situation in northern Kosovo must be promptly implemented.
- It's necessary to consider models for engagement of special police forces in coordination with local authorities based on agreements, while also implementing measures to ensure the presence of non-majority communities in these units and building trust. This is particularly crucial following recent actions which are perceived as biased and repressive.

78 For example, refer to the Aktiv's publication which measures, among other things, citizens' distrust in Kosovo institutions, at <https://ngoaktiv.org/wp-content/uploads/2023/03/FINAL-SRB-TREND.pdf>.

79 Elek, Bojan (2020). *Policing in North Kosovo after Brussels Agreement*. Balkans Policy Research Group, Priština.

Local Governance

- It is urgent to take necessary steps leading to an agreement on the statute and, when conditions allow, the establishment of the Association/Community of Serb Majority Municipalities.
- Immediate efforts should commence to create favourable conditions for conducting local elections in the four municipalities in northern Kosovo with full participation of the Serbian community. Encouraging the involvement of local Serbs in elections is a political prerequisite for government legitimacy, with support of Belgrade and the international community. Maximum efforts should be made to ensure elections are as safe, free, and fair as the situation allows on the ground.

Other rights:

- All cases involving threats to private and public property should be processed, and incidents should be publicly condemned by officials at the central and local levels of government.
- Promptly lift restrictive measures and normalize the flow of goods and services between Kosovo and Serbia.
- Halt all expropriation procedures in northern Kosovo for the time being and compensate any resulting damages to affected individuals.
- Ensure the safety and freedom of work for all journalists, particularly those from non-majority communities.
- Additional efforts are needed to ensure the availability of all relevant information in the Serbian language.

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