

## Report

### Current Human Rights and Security Issues in Kosovo and Montenegro

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## **1. The current situation and its development in Montenegro and the region.**

**(by Slobodan Franovic, President of MHC)**

1. The situation in Montenegro and its surrounding is very complex. It specially refers to the relationship between Montenegro and Serbia. The changes that have happened in Belgrade recently did not bring the better relationships but on the contrary. According to some opinions, the possibility of Belgrade's using the army is less now. The new Serbian leaders Kostunica and Djindjic gave such statements. However, the situation about the army forces situated in Montenegro has not changed significantly. These forces are not under the civil control and they are still manipulated in order to abuse the rights of Montenegrin citizens.

2. This can be confirmed by the most dramatic cases of Delagic and Vujisic. The army TV called YU Info has not been abolished yet and the Seventh Battalion is formally abolished, but its members are still in the territory of Montenegro but in some other units. Less manipulation of the army is compensated by manipulating the top people of Serbian Orthodox Church. Kostunica's regime is doing all it could to restore aggressive Serbian nationalism in Montenegro in order to create misunderstandings, clashes and chaos and prevent the development of democracy in Montenegro and free participation of its citizens in the political life of the country and finally to prevent Montenegrin citizens from deciding on future relations of Montenegro and Serbia. In its most recent attacks on Montenegro, Kostunica and other Serbian leaders attack the values of mutual life, multi national tolerance as well as the freedom of religion in Montenegro. So, they deny the rights of the members of the minorities (Moslem-Bosniaks, Albanians, Croats etc.) to participate equally in the political life of the country and especially to participate in the possible referendum on future relations between Montenegro and Serbia. At the same time they exert strong pressure on Serbian citizens whose ancestors come from Montenegro. They are threatened by being expelled from Serbia or not having the equal position in Serbia in case Montenegro reestablishes its independence. The pressure is directed to those people and they are expected to exert pressure on their relatives who live in Montenegro to vote for federal state or against reestablishing of Montenegro's independence. Both Kostunica and Djindjic ask for this only for the citizens who are in Serbia but come from Montenegro, but they exclude the same right to the citizens of many other countries whose ancestors come from Montenegro. They also do not mention the rights of those citizens who were the targets of ethnic cleansing from 1991 to 1996 and who now live in some other countries (it specially refers to a number of Moslem-Bosniaks from the north of Montenegro, Croats from Boka but also Montenegrins who rejected to participate in the wars for Greater Serbia) etc.

I will mostly speak about these relationships and especially their influence on the solving of the most important issues in the region (Bosnia and Herzegovina, Kosovo etc.) as well as about the process of the stabilisation in the region of South East Europe. I would like to explain the importance of destructing the project of Greater Serbia. International Community should strengthen the support to International Hague Tribunal and to oppose the restoration of aggressive Serbian nationalism. We think that it is important in order to achieve the process of reconciliation and building good relationships between the former Yugoslav republics with the equal respect of everyone's rights. I think that Serbia, which initiated all these aggressive wars, must under no conditions receive the territorial compensation and it specially refers to the territory of Montenegro and it is something that the present Belgrade regime wants to achieve by all means. If Serbia is not allowed to take Montenegrin territory we can say that there is no project of Greater Serbia any longer. It will also stop the Serbian pressure on splitting of Bosnia and Herzegovina and it will stop other unjustified aspirations of Belgrade to their neighbours as well.

## **2. Aspects of the Current Situation in Kosova**

**(by Gazmend Pula, Chair of the Kosova Helsinki Committee)**

The overall situation is moving towards normalization and a functioning order, albeit with a slower pace and efficiency that expected

The new moment currently is the assuming of duty of the new international administrator for Kosova by the Danish ex-minister of defense Mr. Haekkerup to replace Mr. Kouchner. Haekkerup is perceived as a competent, experienced, determined and committed personality that can deal successfully with the challenges facing Kosova.

A new and strong interest and issue in Kosova is that of expected general elections for establishing central representative bodies of Kosova i.e. its parliament, government, etc. Originally meant to be held in the first half of this year, it seems as though they might be postponed somewhat, namely until a proper legal framework for Kosova would have been defined. That include defining an interim constitution for Kosova, defining its representative political institutions, its respective names and particularly its authorizations and competences. That is to be done jointly by the internationals and Kosovar political factors. The principal objective in this matter should be Kosova become a fully functioning entity under international administration with fully functioning institutions.

There have been major achievements during one year and a half of the international administration in Kosova. Such are:

- joint administration by the international and Kosovar political factors within the Kosova Interim Executive Council and the Kosova Transitional Political Council. Serb and other minority representatives included in its work, although Serb representatives still maintain to be with only observer status due to their dissatisfaction with the situation in Kosova, political and security.
- with the Interim Executive Council 20 departments i.e. surrogate ministries have been established and functioning with an international and Kosovar co-heading.
- successful local elections and the establishment of 27 communal assemblies
- voter and partial population registration
- serious achievements in reconstruction of infrastructure, road and supply systems

There have been also some serious difficulties in this period. They include:

- lack of establishment of sufficient law and order and security in Kosova. This has come about due to insufficient numbers of international (CIV-POL) and domestic police forces (Kosova Police Service – KPS) in Kosova and as such, in the traumatic post-conflict period in Kosova, have not managed to provide efficient law enforcement and security for the Kosovar population. Serbs and other minorities have been most adversely and over proportionally affected by the lack of law enforcement and security lapses in the post war period, but Albanians just as well, indeed in absolute numbers more than the minorities, although percentage wise not overproportionally. In the year 2000 there have been an estimated 250 cases of killings, out of which 144 Albanians or 56%, 62 Serbs or 25%, 10 Bosniaks or 4%, 14 Romas or 5% and 12 unidentified ones or 3%. Other related statistics are as follows.....:
- one of the serious difficulties in the period that has caused the lack of law and order and security i.e. of rule of law has been the slow establishment of a functioning judicial system of Kosova. In the mean time it has assumed considerable number of functions with over 400 judges, prosecutors, attorneys and other judicial personnel, including international judges and prosecutors.
- due to lack of the sufficient rule of law Kosova has faced ethnically and politically motivated violence which has affected its overall population, most seriously the Serbian one and other minorities. Serbian population has consequentially retracted to areas where they live in large concentrations and thus established Serbian enclaves in several parts of Kosova where they live practically isolated from the rest of Kosovar population and thus avoid effectively international administration over them to a considerable extent.
- effective partitioning of northern Kosova i.e. of Mitrovica and its hinterland north of the Ibar river which has remained under Belgrade influenced Kosovo Serb control. This raises inter-ethnic tensions with the majority Albanian population seriously, just as well as the issue of Albanian prisoners in Serbia (over 700 now) and those of over 3.500 missing Albanians during the war. Inter-ethnic tolerance is very low and there are hardly any trends towards reconciliation.

Some Principal Generators of the Ongoing Interethnic and Political Tensions in Kosova:

- One of the principal generators of the continuing political tensions in Kosova, whether it be inter-ethnic or intra-ethnic, can be traced to the uncertainty of Albanians regarding the future i.e. the final political status of Kosova. Needless to say the Albanian population aspires and is committed

strongly to independence, even before the war, and much more so in the post-war situation i.e. after the sufferings of the war. That kind of a solution however is not anticipated by the UN Resolution 1244, which in fact anticipates the maintenance of the Belgrade sovereignty over Kosova. The removal of Miloshević from power has further increased some international support for this approach, especially as the war-and-repression victim image of Albanians in the international public opinion have been very negatively affected by the post-war ethnically and politically motivated violence in Kosova. Hence it is to be assumed that there are extremist forces among Albanians that irrespective of the international approach to the issue, would be ready to get involved in the policy of *fait accompli*, and bring about a situation in Kosova that would not leave any politically feasible grounds for the Belgrade sovereignty over Kosova. Some analysts believe that recent political violence in Kosova, again both inter- and intra-ethnic can be traced to the same, especially as Rugova's LDK, that is perceived as a moderate political force, has prevailed in the municipal elections of Oct.28.

- Additional aggravating factors perpetrating the tensions in Kosova is a considerable security and legal vacuum, i.e. lack of law and order and security which were and are supposed to be secured that is provided by internationals. Namely only the internationals i.e. Civilian Police are authorized with the matter, but there is hardly any significant and efficient law enforcement, while the judicial system has recently just started its first steps after the creation of premises for its re-establishment and re-functionalization. What lack of law and order and security can do in a post-war situation, where even massive crimes were common, does not need much elaboration. Especially where inter-ethnic issues are involved, strong revenge feelings besides the issue referred to in the previous paragraph. It is to be concluded that, with all due respect for the progress in the post-war Kosova, the two weakest links of the international administration in remain the insufficient and inefficient law enforcement and judiciary, the consequences of which obvious in the on-going ethnically and politically motivated violence. It can be added that while the legal responsibility for law and order and security rests with the internationals, who are the only authorized party to deal with it, the political one rest with the political factors in Kosova, who could certainly do more to advance the political processes of inter-ethnic communication, tolerance, reconciliation and multi-cultural approach to the Kosova reality.
- The issue of a *de facto* partitioning of northern Kosova i.e. the northern Mitrovica region along with a continued ethnic enclavization or segregation of the population (with Serbian population concentrated in those parts) have made the inter-ethnic antagonization even stronger and has fueled further ethnic tensions.
- the issue of Albanians in the Preshevo valley is also one significant factor in the overall Kosova equation and hopefully it will be dealt with much more appropriately by the new Belgrade and international authorities.
- the issue of Albanians being detained in Serbian prisons has also aggravated the situation and should be resolved as soon as possible with their release.
- the issue of bringing to the Hague justice those responsible for war crimes and crimes against humanity, which has not gotten very far yet, also is a factor that significantly charges the situation in Kosova and should be dealt with greater efficiency. An apology by the new Belgrade authorities to those who have suffered because of the Miloshević regime would certainly alleviate somewhat the seriously tensioned situation.

In my view these are basic issues of relevance regarding the current situation in Kosova that need to be addressed and resolved if the issue is to be settled.