

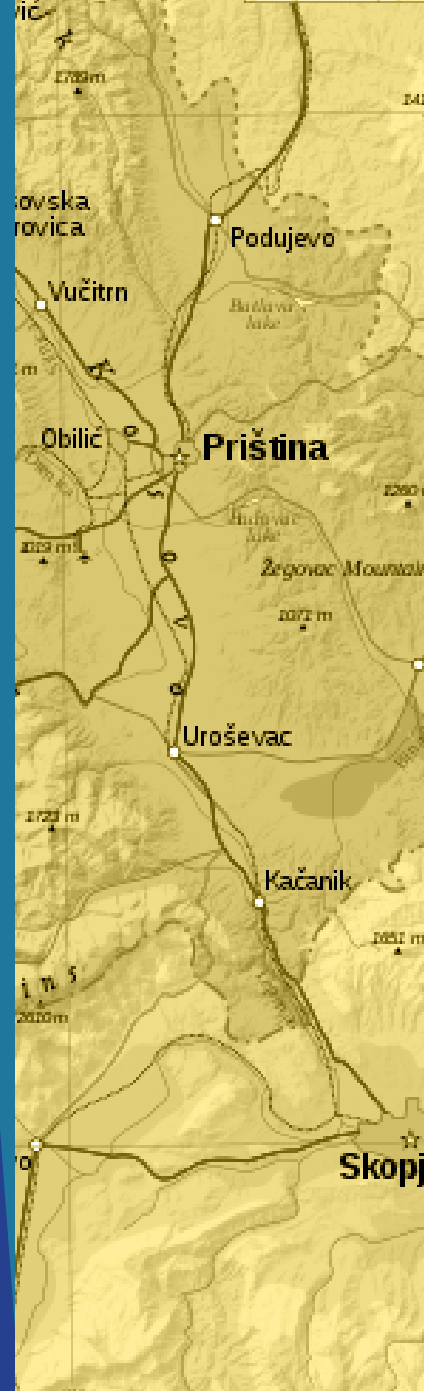


YOUTH INITIATIVE FOR HUMAN RIGHTS  
INICIJATIVA MLADIH ZA LJUDSKA PRAVA  
NËSMA E TË RINJVE PËR TË DREJTAT E NJERIU

# A GUIDE TO INTERNAL DIALOGUE

## PRINCIPLES OF INTERNAL DIALOGUE ON KOSOVO

SEPTEMBER 2017



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# Why?



Regarding the invitation of Serbian President Aleksandar Vučić to the “Internal Dialogue” on Kosovo, the Youth Initiative for Human Rights (hereinafter referred to as the Initiative) through this document wishes to present a framework that we consider credible as a guide to a wider social dialogue and argumentative talk about Kosovo. What we have heard in the past few weeks from the president of Serbia, as well as other state officials, are proposals for division of territories, general talk about the need for dialogue without concrete proposals, and a timetable - that the dialogue will begin in September, and then that it will actually start in October.

What is particularly frustrating from a position of civil society organizations and individuals working on the process of reconciliation and regional cooperation, with particular focus on the normalization of relations between Serbian and Kosovar society, is that in the public, on the streets and, even more importantly, in the institutions of the Republic of Serbia, every attempt to discuss the issue of Kosovo on a rational and argumentative basis without mythomania and in order to connect two societies is marginalized. In the past few years, we can remember the “Drone” case, the hysteria following the arrest of Ramush Haradinaj in France, sending an Orthodox decorated train to Kosovo, up till the allowing of the state authorities that groups of perpetrators prevent any event that indicates the need for Serbia’s cooperation with Kosovo with impunity (Festival “Mirëdita, dobar dan” and presentation of the film “Albanian girls are our sisters” throughout Serbia).

## Topics: Responsibility and Facts Before Dialogue

In such a context, the President of the Republic comes up with a proposal for a dialogue which, as currently presented and managed, has two important negative features - the policy of oblivion and the absence of a democratic procedure. For these reasons we believe that the announced dialogue should be focused and set on the following topics:

- 1) Recognition of the responsibility of the state of Serbia for war crimes committed in Kosovo:** Without detours and general talks, representatives of the authorities in Serbia are obliged to explain to their citizens, based on the already adopted judgments of the Hague Tribunal (the Kosovo Six and Vlastimir Đorđević case) and the domestic courts' judgment, how and why the campaign of persecution of the non-Serb population was conducted (including killings, expulsion and rape) from January 1998 to June 1999 under the cover of "the fight against terrorism";
- 2) Recognition of all previous negotiations and other undertaken international obligations of Serbia regarding Kosovo:** The dialogue within the Serbian public should not start from zero as if there were no previous negotiations. The executive power (the Prime Minister and the President of the Republic) is obliged to remind the public, through the dialogue, of the already taken international obligations and it can create a policy towards Kosovo based on that (Resolution 1244 (1999), Opinion of the International Court of Justice on the legality of Kosovo's independence (2010) the agreements reached in the Brussels Dialogue from 2011 onwards);
- 3) Dialogue in institutions instead through the media:** Placing a dialogue on Kosovo as an important topic, not only in statements and news comments, but primarily in the National Assembly, and on the basis of a parliamentary debate, involving relevant state institutions (parliamentary committees, ministries, agencies, universities, etc.) with representatives of civil society and media;

- 4) Acknowledging the contribution of civil society:** All civil society organizations and media working on establishing the facts about the conflict in Kosovo and building bridges of multiethnic trust in relations between Serbia and Kosovo must be involved in the dialogue;
- 5) The attitude towards the victims of war:** If officials of the state of Serbia take the responsibility to lead a dialogue on Kosovo, they must recognize, for now, the only credible list of all victims of the war in Kosovo, which was presented by the Humanitarian Law Center through the Kosovo Memory Book.
- 6) Serbia's EU accession:** The strategic orientation of the country towards European integrations should not be questioned regardless of the outcome of the internal dialogue on Kosovo;
- 7) Transparency of the dialogue:** The dialogue on the issue of Kosovo, conducted in the best interest of the citizens of the Republic of Serbia, must be followed by the availability of legal and / or political documents that arise as a product of the dialogue;
- 8) Responsibility for participation in the dialogue:** Internal dialogue must find its legal basis, and on the basis of that, the actors of the dialogue, especially those representing the organs of the state of Serbia, must bear responsibility for the things said in public i.e. policy proposal on the issue of Kosovo;
- 9) The renunciation of the division and exchange of territories with Kosovo, as well as the advocacy of policies based on the ethnic principle:** Serbia must give up the idea of the division of Kosovo, as well as ideas on the exchange of territories. At the same time, Serbia must help Kosovo become a functioning multi-ethnic society.
- 10) War crimes prosecution:** Serbia and Kosovo must encourage one another to more effectively prosecute those responsible for war crimes. Serbia's focus must be on supporting Kosovo in the light of the newly formed Kosovo Special Court for war crimes committed from 1998 to 2000;

# Kosovo: A Bloody Boulevard of Missed Opportunities of the State of Serbia

*„Therefore, it is important, or more important than ever, to look into the mirror, boldly, and clearly see all the scars, wounds and flaws on our own face, but also to try and heal as much as possible, in desperation not giving up on ourselves because of the problem which we are facing. “*

Aleksandar Vučić, President of the Republic of Serbia (July 24, 2017.)

It seems that this sentence, as well as the entire authorial text of the President of the Republic, means at least a verbalized call to Serbian society, but also to the general public (the international community in the first place) that at the very center of political power in Serbia there is a will to finally talk about Kosovo and create concrete and long-term solutions for Kosovo. The invitation to dialogue within the Serbian society, but also from mid-2017, somewhat more frequent meetings of Belgrade-Prishtina officials within the framework of the Brussels Dialogue, this time at a presidential level, represent some kind of progress in comparison with the period from August 2015 (Brussels II) to April 2017, when the newly-elected presidents of Serbia and Kosovo became Aleksandar Vučić and Hashim Thaçi.

However, according to UNMIK chief Zahir Tanin, at the UN Security Council meeting in May 2017, the situation in Kosovo is generally stable, but the level of trust between the two communities is declining due to numerous irresponsible statements by politicians and diplomats. It is precisely the statements of ministers in the Serbian government, as well as the policy of impunity for violators that threaten the events that call for the cooperation of the two societies, which happened in the past few months in Serbia, an indicator that - although there is a call for dialogue and negotiations in Brussels - the basis of Serbia's official policy towards Kosovo is still tailored to the extent of defending the bloody policy of Slobodan Milošević's regime. The price of such a policy is still paid by the citizens of Serbia and Kosovo, regardless of their nationality. This is evidenced by recent statements by Nela Kuburović, Serbian Justice Minister, Aleksandar Vulin, Minister of Defense, and Ivica Dačić, Minister of Foreign Affairs.

On May 16, 2017, Serbian Minister of Justice Nela Kuburović pointed to the necessity for Prishtina to fulfill its obligations on the issue of the Community of Serb Municipalities (ZSO) as soon as possible, and drew attention to the actions and statements of William Walker, as well as France's refusal to extradite Ramush Haradinaj to Serbia. At the same session, as Istinomer observed, which, under the Government Act, was supposed to be attended by the Prime Minister (at that time in China) or the first Vice President and Foreign Minister, Ivica Dačić, the Minister of Justice stated the following:

*"I will remind, everything in Kosovo and Metohija started from lies that were put up by people like William Walker who today does not even hide his Great Albania ambitions and projects, and it is known that he opposes the Special Court which is supposed to prosecute the crimes committed by the so-called "Kosovo Liberation Army" (KLA). (...) The illegal decision on aggression against the FRY came primarily from William Walker's report, although there was no humanitarian catastrophe or persecution of Kosovo Albanians in 1998-1999 in Kosovo and Metohija.*

Then, two days after the publication of the authorial text of the President of the Republic, the matter becomes clear when the statement of Minister Vulin from July 26 is read:

*„As always, when Vučić raises issues of vital importance to Serbs and Albanians, it turns out that there are no honest interlocutors among Albanians. The statements of Rama and Pacolli should prevent dialogue, harm Vučić and prevent him from uniting Serbs around Kosovo and Metohija. “*

After that, on August 16 of this year, when the UN Security Council again reviewed a three-month period on the work of the UNMIK mission in Kosovo, Ivica Dačić stated the following:

*"The Serbs lived in Kosovo for centuries, that is confirmed by the churches, four of which are under the protection of UNESCO. It's not right to laugh, Mrs. Çitaku, show one of your monuments from that period,*

*so I could laugh ... Do you think that it should not be mentioned anymore and that it was legitimized by the fact that it happened? Will anyone mention the need for the Serbs to return? The statistics are disastrous. "If there was a genocide, that means that now there should be fewer Albanians"*

He noted that, according to the census from the time of the SFRY, there were 43,885 Serbs in Priština, and according to the 2011 census, only 430 remained:

*"That's 100 times less for 30 years. So, is that ethnic cleansing and genocide against Albanians or Serbs? There are now 32 Serbs in Uroševac, 600 times less than before, in Podujevo there were 2,242 Serbs, and 12 today, which is 200 times less. In Prizren, where I was born, there were previously 11,650, 2011 - 231, and today only 27. Every comment is superfluous and so please don't use those false facts that you are the victims of ethnic cleansing again. Whoever is responsible for the crimes should answer, but the biggest victims are Serbs. "*

So, there is a call for internal dialogue, but in their statements, Serbian officials claim and repeat the following three theses:

- There was no violence against Kosovo Albanians during the 1998-1999 period, therefore there was no reason for NATO intervention;
- Members of the Serbian people are the biggest victims of the conflict in Kosovo;
- The Albanian side is the one that hinders dialogue, while the Serbian side is "committed" to the dialogue;

It is precisely because of these three neuralgic points of official Belgrade towards Kosovo that the policy of denying war crimes and ethnic cleansing campaigns against Kosovo Albanians is the basis of any previous Belgrade policy towards Kosovo and it is continued.



Nevertheless, in order to remind both state officials and the wider public, we want to present the chronology of pre-war, war and post-war years, with particular reference to the negotiations between the official Belgrade and Prishtina. In January 2015, the Initiative sent the “As seen, as told” OSCE report to the Government of Serbia (on whose mandate Minister Kuburović refers to) in which the campaign of ethnic cleansing against the Kosovo Albanians was described, as well as the entire conflict between the forces of The Yugoslav Army, Serbian police and paramilitary units against the KLA forces. Also, after the continuous interruptions of Mirëdita, dobar dan! festival In June this year, in an open letter, we invited the President of the Republic to, among other things, stand with those who have promoted values of reconciliation and cooperation for years, and that a wider social dialogue is needed, but that the point of gathering should be the message “It’s a shame to hate! “.

The reactions of the opposition, representatives of religious communities, the Serbian Academy of Sciences and other non-governmental organizations to the opening of the dialogue on Kosovo were mostly reserved or with a negative attitude. Saša Janković, the president of the Free Citizens’ Movement (PSG), stated that, for him, a call for an internal dialogue was a cowardly shadowing behind the people. “Dragoljub Mićunović, in front of the Democratic Party, said in an interview with Vreme that although he did not accept the invitation to dialogue because it’s set on lies, he still considers it unnecessary to officially reject the call because that would be abused. He also stated that he conditionally supports the dialogue on Kosovo: that the media opens for the opposition and for dialogue to be returned to democratic institutions. Saša Radulović (Dosta je bilo) presented his plan for Kosovo in an article for the “Nedeljnik” where he estimates that the dialogue aims to ejects Kosovo out of the preamble of the Constitution, in which he argues for a new international conference of the great powers which should come out with a new international treaty that would replace Resolution 1244. Other opposition parties either raised doubts in the dialogue (New Party, SDS Boris Tadić, Vuk Jeremić) or characterized the dialogue as a betrayal (Dveri and the Serbian Radical Party). However, the only party that proposed the framework for dialogue is the LDP, which presented the Platform for Kosovo on August 2 of this year. The leader of this party, Čedomir Jovanović, in

an interview with “Večernje Novosti” on September 18, announced the possibility of co-operating with the Democratic Opposition over the Platform for Kosovo.

On the other hand, only a few days after the authorial text of the President of the Republic, Vladimir Kostić, the president of the Serbian Academy of Sciences and Arts (SANU) told Blic that “the dialogue on Kosovo and the conversation, not the war, is the only way to go in order to overcome the long-standing misunderstandings of the two peoples “. He also added that “SANU will be honored to participate in defining the future of its people, and the dialogue on Kosovo and Metohija is precisely the question on which it breaks and therefore they have an obligation to express their views.” Interestingly, Kostić, in the same statement, pointed out that his opinion does not reflect the attitude of SANU, but that his words represent his personal attitude.

Patriarch of the Serbian Orthodox Church, Irinej, said on September 17 that he believes that in terms of Kosovo, Serbian President Aleksandar Vučić thinks the same as the Serbian people and the Church, and that he relies on Russia to help Serbia preserve what has always been Serbian. Serbian Deputy Prime Minister Zorana Mihajlović expects the Serbian Orthodox Church to be a good partner in the internal dialogue on Kosovo and to not put pressure on Serbian President Aleksandar Vučić before the start of talks on Kosovo. “Serbia needs a new policy that aims to improve the lives of our compatriots in Kosovo, the policy of protecting our cultural and religious heritage, preserving economic interests and reconciliation with the Albanian people,” Mihajlović said in a statement on the same day, responding to a statement by Patriarch Irinej. The next day, Bishop of Bačka, Irinej, reacted: “Mihajlović actually denounced and deliberately made worthless the invitation of Mr. Vučić to a truly necessary dialogue on the future of Serbia and every citizen of Serbia in the southern Serbian province.”

On the issue of Kosovo, Prime Minister Brnabić stated on August 27, almost by swearing on the current Constitution, that Serbia would never recognize the independence of Kosovo. However, in the same statement, she added: “Serbia has done a lot to implement what was agreed during the dialogue, while Prishti-

na should start working on the most important points of the agreement, primarily on the position of the Serbian community." Shortly after the emergency press conference of President Vučić on September 12, on the occasion of forming a new Kosovo Government - in which the President of the Republic, among other things, indicated that the dialogue will be institutionalized in October, but that "they will respect the Constitution, but that the fighters for the interests of Serbia are not only those who respect the Constitution, the end!" - Prime Minister Brnabić declares the following on September 18:

*"The contribution of the Serbian Government to the internal dialogue on Kosovo and Metohija will be visible through the establishment of a working group for logistical support to the President of the Republic of Serbia, Aleksandar Vučić, and all citizens who want to participate in that dialogue. This will be the dialogue of a wider circle of people in Serbia and I will not, as President of the Government, say how I think that this or that should be done, but I will listen to all parties, the position and opposition, the Church and the NGOs, because that is the dialogue that is being conducted by the president of the state."* This is how Prime Minister Ana Brnabić responded to the question of RTV on September 18th, on what will be her contribution to the internal dialogue on Kosovo and whether she thinks that Kosovo should get a chair in the United Nations.

With the hope of a genuine intention to embark on a dialogue on the issue of Kosovo, we consider it necessary to introduce all important events and processes that took place in the territory of Kosovo or (as some rounds of negotiations) were important to address the issue of Kosovo, from 1980 to the writing of this document, that is, until 2017.