

# ANALYSIS OF PROSECUTION OF ATTACKS ON MEMBERS OF MINORITY COMMUNITIES IN SERBIA AND KOSOVO IN 2023 IN THE CONTEXT OF THE BELGRADE – PRIŠTINA DIALOGUE



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## **INTRODUCTION**

According to the European Commission's progress report for Serbia for 2023, the dialogue on the normalisation of relations between Kosovo and Serbia with the mediation of the EU continued in 2023 with regular meetings at the level of leaders and chief negotiators. After several months of intensive negotiations and with the support of key partners, the parties reached the Agreement on the Path to Normalisation of Relations (the Agreement) on 27 February 2023 in Brussels, and agreed on the Annex on its implementation on 18 March in Ohrid, North Macedonia. As part of the Agreement, the parties stated that the Agreement and the Annex on its implementation will become an integral part of the respective EU accession processes of Serbia and Kosovo.<sup>1</sup>

In the previous year, regardless of the declarative progress in the form of reaching the Ohrid Agreement and the Annex, the dialogue process was followed by crises in relations between Belgrade and Priština, characterised by violence.

The analysis before you is research on attacks or violence by the institutions of Serbia and Kosovo against members of non-majority or minority communities - the Serb community in Kosovo and the Albanian community in Serbia.

The subject of analysis are the most prominent cases of direct and structural violence committed by representatives of the institutions of Serbia and Kosovo against the Albanian and Serb communities, which we analyse according to the typology of violence introduced by the Norwegian sociologist Johan Galtung. According to Marija Babović, Galtung rejects the narrow understanding of violence as exclusively somatic incapacitation

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<sup>1</sup> European Commission, Progress Report for Serbia 2023: [https://www.mei.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/izvestaj\\_ek\\_23.pdf](https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/izvestaj_ek_23.pdf)

or denial of health.<sup>2</sup> As Babović further states, Galtung believes that “violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations.” The author reminds that research on violence should not be limited only to the direct physical consequences of physical violence but should be seen as a way of restricting people in their daily life.<sup>3</sup>

The focus of the analysis is on the institutions that produce violence, their processing, but also impunity and the consequences that this violence has on the lives of individuals - the victims and the communities from which they come, as well as the effect that violence has on the process of dialogue in the form of “crisis management” of the process of normalising relations between Belgrade and Priština. In the first part of the analysis, examples of the mentioned types of violence are presented, especially for Kosovo, as well as for Serbia, while the last part gives conclusions and recommendations for the institutions of Kosovo and Serbia.

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<sup>2</sup> Marija Babović, *Teorijski i istraživački pristupi u proučavanju strukturalnog, kulturnog i direktnog nasilja*, 2015, Filozofski fakultet u Beogradu, p. 333: [https://www.sociologija.org/admin/published/2015\\_57/2/448.pdf](https://www.sociologija.org/admin/published/2015_57/2/448.pdf);

<sup>3</sup> Ibid;

## **ANALYSIS OF ATTACKS ON THE MEMBERS OF MINORITY COMMUNITIES IN KOSOVO**

### THE CONTEXT SINCE ALBIN KURTI CAME INTO POWER

The trend of an unstable political and security situation continued in 2023. Although there is no doubt that from the perception of minority communities, especially Serbian, each year since the end of the war has been challenging in its own way, with the establishment of the second Government of Albin Kurti, a period of permanent crisis began in three dimensions:

*In the relations between Belgrade and Priština,  
In the relations between Priština and the Serb community in Kosovo,  
In the relations between the Albanian and Serb communities in Kosovo.*

Although the following analysis refers primarily to the latter two aspects, it is difficult to make a clear distinction between these dimensions due to mutual causal intertwining and the spillover effect.

The period of permanent crisis begins in September 2021, when the Government of Kosovo decided to introduce reciprocity in relation to Serbia in the context of license plates, and declared the end of the validity of KM plates.<sup>4</sup> Special units of the Kosovo Police were deployed at the crossings with Serbia, and the local population set up the first barricades. However, as the final solution was not reached, the crisis spilled over into 2022. At the beginning of the year, immediately after the Russian aggression against Ukraine, the first bases of the Kosovo Police were formed in the north, as well as the permanent presence of special units in

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<sup>4</sup> Milica Andrić-Rakić. Srbija i Kosovo: koga pogađa „reciprocitet“? DW. Available at: <https://www.dw.com/sr/srbija-i-kosovo-koga-poga%C4%91a-reciprocitet/a-59246670>, (accessed on 8 January 2024)

this region.<sup>5</sup> The failure to reach an agreement on plates was used by the Government of Kosovo as a reason to set a deadline for mandatory re-registration from KM to RKS plates.<sup>6</sup> In the northern municipalities, new barricades were placed, and the implementation of the aforementioned decisions, under the pressure of the American ambassador in Kosovo, was postponed for an indefinite period of time. Since there was no progress in reaching an agreement in the following period either, the Kosovo Government prescribed fines for the owners of vehicles that were not re-registered after 1 November of the same year.<sup>7</sup> The commander of the Kosovo Police for region North declared that he would not implement this decision. He was then dismissed, which incited a revolt among members of the Serb community and initiated the abandonment of Kosovo's institutions in the North in which Serbs had been integrated until then - the police, the judiciary, and local self-government, but also institutions at the central level - the parliament and the Government.<sup>8</sup> Although the problem of the plates has been solved in the meantime, the newly created requirements related to the collective exit from the institutions - the formation of the Community of Municipalities with a Serb majority and the withdrawal of special units of the KP from the North - have not been fulfilled, and, in this sense, the period of political and security vacuum in this region has continued.

This was followed by the call of new local elections by the President of Kosovo, which some Serbs tried to obstruct by attacking the offices of the municipal and central election commissions in the North.<sup>9</sup> The consequence of these actions was the arrest of people suspected of

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<sup>5</sup> Betonski blokovi kod Brnjaka, Kosovska policija postavlja bazu pogranične policije, KoSSev. Available at: <https://kossev.info/betonski-blokovi-kod-brnjaka-kosovka-policija-postavlja-bazu-pogranicne/>, (accessed on 8 January 2024)

<sup>6</sup> Nova faza spora oko tablica: Priština izdala uputstvo za preregistraciju vozila koja imaju srpske tablice, Euronews. Available at: <https://www.euronews.rs/srbija/drustvo/55417/nova-faza-spora-oko-tablica-pristina-izdala-uputstvo-za-preregistraciju-vozila-koja-imaju-srpske-tablice/vest>, (accessed on 8 January 2024)

<sup>7</sup> MUP Kosova: Od 21. novembra kazna od 150 evra za vlasnike vozila sa srpskim registracijama, Radio Slobodna Evropa. Available at: <https://www.slobodnaevropa.org/a/kosovo-tablice-kazne/32108991.html>, (accessed on 8 January 2024)

<sup>8</sup> Srbi napuštaju kosovske institucije, Radio Slobodna Evropa. Available at: <https://www.slobodnaevropa.org/a/srbi-napuštaju-institucije-kosova/32117184.html>, (accessed on 8 January 2024)

<sup>9</sup> Nataša Latković. Ko je bacio dve bombe u Severnoj Mitrovici, Nova S. Available at: <https://nova.rs/vesti/politika/ko-je-bacio-dve-bombe-u-severnoj-mitrovici/>, (accessed on 8 January 2024)

committing an act that was classified as terrorist, that is, an act directed against the constitutional order of the Republic of Kosovo. Serbs erected barricades again and they would be lifted only after more than two weeks, at the end of December, however, without fulfilling the main demands. Thus, the new year 2023 was entered with more worries and challenges than the previous one.

It will turn out, however, that this was only a prelude to the culmination of the problem. Although negotiations on the Franco-German plan intensified at the beginning of 2023 and the parties agreed on the Agreement on the Path to Normalisation and its Annex, the failure to address the causes of previous crises logically led to the emergence of the new ones.

In the context of the unconstitutional permanent presence of special units of the Kosovo Police in the North, two injuries to members of the Serb community by these formations were recorded at the checkpoint established on the Bistrica Bridge.<sup>1011</sup> The President of Kosovo called the new local elections, which were eventually held despite the boycott of the Serb community and their political representatives. For the first time in history, in municipalities with Serb majority, ethnic Albanians came to power.<sup>12</sup> During the protests against the inauguration of the new mayors, the protesters had a clash with the Kosovo Police, and a few days later, with the members of KFOR. However, the situation was not resolved even after that, and the mayors remained on duty. This was followed by the arrests of many Serbs who participated in these incidents. Finally, on 24 September, an attack took place in Banjska, when some members of the Serb community initiated a conflict with the Kosovo Police in the municipality

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<sup>10</sup> Petković: Specijalci pucali na vozilo kod Bistričkog mosta, ranjen Srbin, Radio Goraždevac. Available at: <https://www.gorazdevac.com/2023/01/23/petkovic-specijalci-pucali-na-vozilo-kod-bistrickog-mosta-ranjen-srbin/>, (accessed on 9 January 2024)

<sup>11</sup> Ranjen Srbin na severu Kosova, Euronews. Available at: <https://www.euronews.rs/srbija/aktuelno/83937/ranjen-srbin-na-severu-kosova/vest>, (accessed on 9 January 2024)

<sup>12</sup> Lokalni izbori na severu Kosova: Glasalo ukupno nešto više od 1.500 ljudi, od toga samo 13 Srba - kaže Beograd, BBC news na srpskom. Available at: <https://www.bbc.com/serbian/lat/balkan-65362757>, (accessed on 9 January 2024)



of Zvečan in the north of Kosovo. On this occasion, one member of the KP and three persons of Serbian nationality were killed.<sup>13</sup>

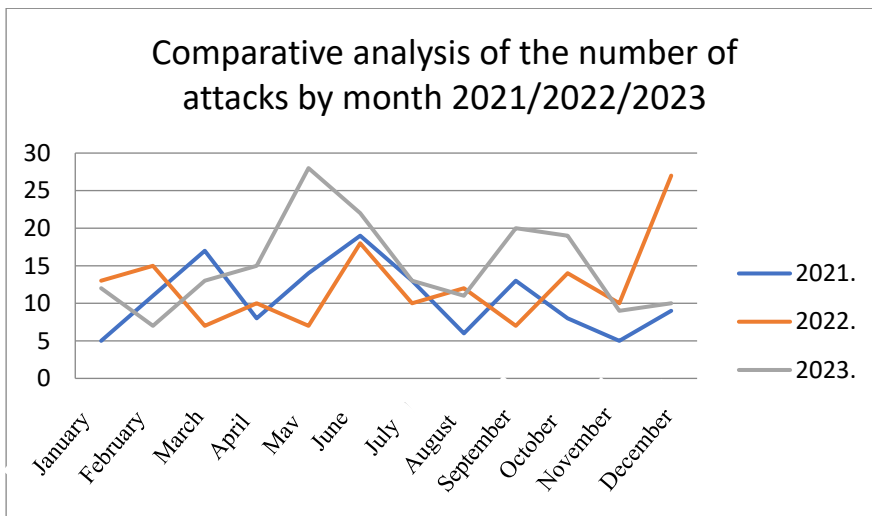
## CHRONOLOGY OF ATTACKS

The development of the situation described in the lines above resulted in the continuation of the trend of direct and institutional violence directed at members of the Serb community in Kosovo. In this sense, the Office for Kosovo and Metohija of the Government of the Republic of Serbia recorded 179 “ethnically motivated incidents” in 2023, which is the highest number of cases since these statistics have been recorded. For example, 128 incidents were recorded in 2021, and 150 in 2022.<sup>14</sup> However, the stated data should be taken with a grain of salt because there is no clearly established methodology to determine how incidents are evaluated and categorized. For the purposes of this analysis, these data were also requested from the relevant institutions in Kosovo. As a response, on 13 November, the Kosovo Police sent the information that lists 16 ethnically motivated incidents. However, these statistics do not distinguish between attacks on members of the majority, Albanian community and attacks on members of minority communities, especially Serbs, which are of importance for this research. Also, information was requested from the State Prosecutor of Kosovo, as well as the Office of the Ombudsman, however, the answer had not arrived by the end of writing this paper.

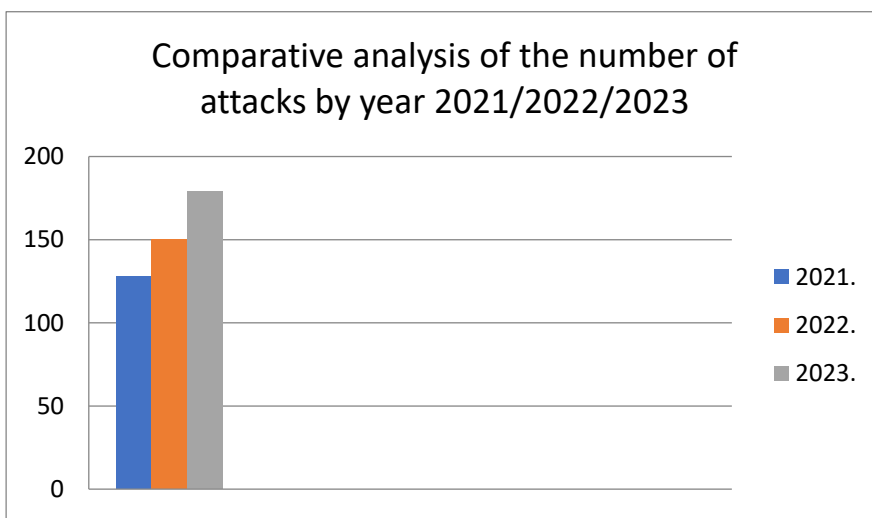
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<sup>13</sup> Nekoliko mrtvih na sjeveru Kosova, Vučić za sve krivi Kurtija, Radio Slobodna Evropa. Available at: <https://balkans.aljazeera.net/news/balkan/liveblog/2023/9/24/kosovska-policija-ubila-napadaca-opkoljen-manastir-banjska>, (accessed on 9 January 2024)

<sup>14</sup> Etnički motivisani incidenti na Kosovu i Metohiji, 2021-2024, Kancelarija za Kosovo i Metohiju. Available at: <https://www.kim.gov.rs/lat/incidenti-kim.php>, (accessed on 9 January 2024)



*Source: Office for Kosovo and Metohija<sup>15</sup>*



*Source: Office for Kosovo and Metohija<sup>16</sup>*

As this research perceives attacks on members of minority communities as broader than mere physical violence, further analysis will be determined by the typology of violence offered by the German peace and conflict theorist,

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<sup>15</sup> Ibid;

<sup>16</sup> Ibid;

Johann Galtung, who recognizes three types of violence: direct, structural/institutional, and cultural.<sup>17</sup>

## DIRECT VIOLENCE

Based on the data of the Office for Kosovo and Metohija, 12 attacks on members of the Serb community were recorded which can be characterised as direct violence. In 6 of the mentioned 12 cases, Kosovo Police participated, that is, members of its various formations.<sup>18</sup> In this sense, we can see two types of incidents - incidents where the perpetrators are citizens and those where the perpetrators are members of the KP. As for the first group, the case that received the most attention and a certain epilogue is the wounding of two young men from the Serb community on Christmas Eve, 6 January, committed by a member of the Kosovo Security Forces, then off duty, Azem Kurtaj, in Gotovuša, Štrpce municipality.<sup>19</sup> The suspect was arrested immediately after the incident took place. The Basic Prosecutor's Office in Uroševac requested the court to determine the measure of detention for the suspect, who, according to the prosecution's opinion, committed the criminal offense of "aggravated attempted murder" from Article 173, paragraph 1, subsection 1.1, 1.5. and 1.11 in connection with Article 28 of the Criminal Code of the Republic of Kosovo. The Basic Court in Uroševac accepted the Prosecution's proposal and ordered a detention measure of 30 days. However, the indictment was later amended, and he was charged with "using a dangerous weapon or tool" from Article 367 paragraph 1 and for "causing general danger" from Article 356 paragraph 1 of the Criminal Code of the Republic of Kosovo. The first hearing was held on 9 March, and on 16 March 2023, the court approved the request to change the measure of judicial custody to house arrest. According to the decision of the Basic Court in Uroševac from May, the

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<sup>17</sup> Johan Galtung, *Mirnim sredstvima do mira. Mir i sukob, razvoj i civilizacija* (Beograd: Službeni Glasnik, 2009), p. 273.

<sup>18</sup> Etnički motivisani incidenti na Kosovu i Metohiji, 2021-2024, Kancelarija za Kosovo i Metohiju. Available at: <https://www.kim.gov.rs/lat/incidenti-kim.php>, (accessed on 9 January 2024)

<sup>19</sup> Ranjeno dvoje Srba kod Štrpca, na dečaka i mladića pucano iz vatrenog oružja; Nisu životno ugroženi, KoSSev. Available at: <https://kossev.info/ranjeno-dvoje-srba-kod-strpca-na-decaka-i-mladica-pucano-iz-vatrenog-oruzja-nisu-zivotno-ugrozeni/>, (accessed on 9 January 2024)

defendant Kurtaj was released pending trial. Namely, on 15 May of the same year, his house arrest measure expired, which the court did not extend.<sup>20</sup> The mentioned decision did not reach the defender of the injured young men until October 2023, and the case did not have a final epilogue.

As for the second group of cases where the subjects of violence are members of the Kosovo Police, it is difficult to single out one of them. Namely, direct violence by security structures is particularly problematic because it has a significant impact on community relations with relevant institutions, i.e. citizens' trust in them, but also relations between communities, because the members of these formations, and the perpetrators of these acts, are ethnic Albanians. Wounding of a Serb near the checkpoint on Bistrica Bridge on 10 April attracted special attention of the public. Miljan Jovanović, a member of the Serb community, sustained gunshot wounds in the collarbone when he was shot while driving a vehicle on the Leposavić-Mitrovica main road. The Police Inspectorate of Kosovo (PIK) reported that four members of the Kosovo Police who were previously suspended on suspicion of committing the crime of “failure to report a crime” were arrested, and one of them is suspected of the crime of “attempted murder”.<sup>21</sup> PIK also announced that by the decision of the prosecutor, the arrested members of the KP were detained for up to 48 hours. This case did not have a final epilogue either.

According to the same statistics, 3 serious PEMIs were also recorded, (potentially ethnically motivated incidents) against the property of members of the Serb community when houses of Serb returnees to Kosovo were set on fire.

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<sup>20</sup> Pripadnik KBS-a koji je pucao januara u Gotovuši pre šest meseci pušten da se brani sa slobode, KoSSev. Available at: <https://kossev.info/pripadnik-kbs-a-koji-je-pucalo-januara-u-gotovusi-pre-sest-meseci-pusten-da-se-brani-sa-slobode/>, (accessed on 9 January 2024)

<sup>21</sup> Suspendovana četiri kosovska policajca, jedan osumnjičen da je pucao na Jovanovića, Kosovo Online. Available at: <https://www.kosovo-online.com/vesti/hronika/suspendovana-cetiri-kosovska-policajca-jedan-osumnjicen-da-je-pucalo-na-jovanovica-11>, (accessed on 9 January 2024)

## STRUCTURAL/INSTITUTIONAL VIOLENCE

One of the most pronounced forms of this type of violence is the decision made in mid-June by which the Government of Kosovo banned the import of Serbian goods.<sup>22</sup> The decision initially applied to all trucks with Serbian license plates, but later the decision was changed to allow the import of goods from foreign companies operating in Serbia. This decision caused the shortage of certain Serbian products in stores throughout Kosovo, primarily in Serb majority areas. These products were replaced by substitutes from other countries, such as North Macedonia.

However, these products are often more expensive than those imported from Serbia, which has put an additional burden on citizens' budgets, especially in the challenging times in which Europe and the region currently live. Also, as the decision refers to the import of print media/newspapers from Serbia, they are not available for sale in Kosovo, which is a violation of the right to information/freedom of information. With this decision, as well as other procedural and technical issues, the import of medicines and other medical supplies for health institutions that function within the system of the Republic of Serbia in Kosovo is impossible. At one point, the situation became alarming because in the Clinical Hospital Center (KBC) in North Mitrovica, as well as in primary health care institutions throughout Kosovo, there were no certain supplies, and for example vaccines that are mandatory for children.<sup>23</sup> It is important to note that this decision of the Government of Kosovo actually represents a violation of the Central European Free Trade Agreement (CEFTA), but it also contradicts the spirit of the Stabilisation and Association Agreement

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<sup>22</sup> Na Jarinju i Merdaru zabrana ulaska na Kosovo za kamione iz centralne Srbije, nesmetano prolaze putnička vozila, KoSSev. Available at: <https://kossev.info/na-jarinju-i-merdaru-zabrana-ulaska-na-kosovo-za-kamione-iz-centralne-srbije-nesmetano-prolaze-putnicka-vozila/>, (accessed on 9 January 2024)

<sup>23</sup> Već za sedam beba u KBC Kosovska Mitrovica nema be-se-že vakcina, nestale i protiv tetanusa, Kosovo Online. Available at: <https://www.kosovo-online.com/vesti/drustvo/vec-za-sedam-beba-u-kbc-kosovska-mitrovica-nema-be-se-ze-vakcina-nestale-i-protiv>, (accessed on 9 January 2024)

signed between Kosovo and the European Union.<sup>24</sup> While the problem with medicines and other medical supplies has been solved, for everything else that was mentioned, the decision is still in force.

Due to the incident that happened on 29 May in front of the municipal building in Zvečan<sup>25</sup>, a series of arrests of citizens who were suspected of having participated in violent actions on that occasion followed. However, some arrests were made without a previously issued warrant by the prosecutor's office. This problem was also addressed by the EU High Representative for Foreign Affairs and Security Policy, Josep Borrell, stating that “arbitrary or unjust arrests and poor treatment of prisoners are absolutely unacceptable”.

At the end of October, the abbot of the Devina Voda monastery was deported from Kosovo.<sup>26</sup> Although he was not a citizen of Kosovo and did not possess Kosovo documents, he had a residence permit that he renewed without any problems in previous years. This time, when he went to Priština to do that, he was told that he had to leave Kosovo and could not return for the next 5 years, with national security cited as the reason for his deportation. Representatives of OSCE and EULEX were also present there. This procedure is contrary to Article 7A.3 of the Law on Religious Freedoms in Kosovo which states that “there shall be no arbitrary ban on entry into Kosovo or residence in Kosovo for priests, candidates and clergy, monks, nuns and visitors”.<sup>27</sup>

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<sup>24</sup> European Commission 2023 Report on Kosovo. Available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_692%20Kosovo%20report\\_0.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%20report_0.pdf), (accessed on 9 January 2024)

<sup>25</sup> After Serbian political representatives boycotted local elections in the north of Kosovo in April 2023, ethnic Albanians were elected mayors in four Serb majority municipalities. The mayor's attempt to enter the municipal building in Zvečan, accompanied by special units of the Kosovo Police, resulted in a protest by Serbs who tried to block the entrance to the building. On that occasion, the police and the citizens clashed, and several citizens suffered minor or serious injuries. See more in: Kosovar Police Clash With Protesters In Serb-Majority Northern Towns, Drawing U.S., EU Rebukes, RFE/RL. Available at: <https://www.rferl.org/a/northern-kosovo-clashes-police-protesters-ethnic-albanian-mayors/32429637.html>, (accessed on 29 January 2024)

<sup>26</sup> Deportovan iguman manastira Devine vode sa Kosova u Severnu Makedoniju , KoSsev. Available at: <https://kossev.info/deportovan-iguman-manastira-devine-vode-sa-kosova-u-severnu-makedoniju/>, (accessed on 9 January 2024)

<sup>27</sup> LAW NO. 04/L-115 ON AMENDING AND SUPPLEMENTING THE LAWS RELATED TO THE ENDING OF INTERNATIONAL SUPERVISION OF INDEPENDENCE OF KOSOVO, OFFICIAL GAZETTE OF THE

In May 2023, Kosovo institutions prevented members of the Diocese of Raška and Prizren and Kosovo and Metohija of the Serbian Orthodox Church (SPC) from accessing the Church of Christ the Savior in Priština and performing religious services. A few days earlier, the Diocese informed the Kosovo Police about the upcoming holiday and the intention to hold a liturgy in the church. However, the day before the event itself (23 May), the parish priest from Priština received a verbal/informal notification from the police that access to the church will not be possible until the procedure between the Serbian Orthodox Church and the University of Priština is completed. Until the end of the procedure, the owner of the property (The Diocese of SPC), in accordance with the presumption of innocence, should have unhindered access to the Church.<sup>28</sup> The practice of denying access was also criticized by the US State Department in their 2022 report on religious freedom.<sup>29</sup>

At the beginning of 2023, the Government of Kosovo made two more decisions on expropriation in the north of Kosovo, in the municipalities of Leposavić and Zubin Potok. It will turn out that the expropriated land, with a total area of 138ha, was intended for the construction of new Kosovo Police bases, and that the official decision was made only after the bases were built. The EU Office in Priština said at the time that “it is important to note that the expropriation process, according to Kosovo law, requires a period of public consultation and the possibility for affected citizens to challenge any expropriation decision in court before any expropriation decision becomes final”. The EU then called on the Government of Kosovo

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REPUBLIC OF KOSOVA. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2840&langid=2>, (accessed on 9 January 2024)

<sup>28</sup> For the second year in a row, Kosovo authorities have banned a religious ceremony at the Christ the Saviour Cathedral in Priština, SPC ERP. Available at: <https://eparhija-prizren.com/en/statements/for-the-second-year-in-a-row-kosovo-authorities-have-banned-a-religious-ceremony-at-the-christ-the-saviour-cathedral-in-pristina/>, (accessed on 9 January 2024)

<sup>29</sup> US State Department 2022 Report on International Religious Freedom. Available at: <https://www.state.gov/reports/2022-report-on-international-religious-freedom/kosovo/#:~:text=The%20constitution%20provides%20for%20freedom,to%20join%20a%20religious%20community,> (accessed on 9 January 2024)

to “undertake all efforts to ensure that due process is followed and that the rights of property owners are fully respected”.<sup>30</sup>

The deployment of monoethnic formations of special units of the Kosovo Police in the north, although contrary to Article 9 of the Brussels Agreement and Articles 61 and 128.4 of the Constitution of Kosovo, is still an issue. Also, Kosovo institutions decided to hold local elections in this region despite the announced boycott by Serbian political representatives. With a turnout of 3.47%, ethnic Albanians were elected mayors in four Serb majority municipalities in the north. At the same time, this represents a violation of the First Agreement on the Principles Regulating the Normalisation of Relations, the goal of which was the integration of local self-governments into the Kosovo system, which would be governed by Serb representatives. In this sense, the report of the European Commission for Kosovo for 2023 states that the mentioned elections “do not offer a long-term political solution for these municipalities”.<sup>31</sup>

## CULTURAL VIOLENCE

Many years of presenting the north of Kosovo and the Serbs who live there, but often the Serb community in general, as a criminal region/members of criminal groups, especially intensified after the incident in front of the municipal building in Zvečan in May 2023. Namely, after an initially peaceful protest by Serbs<sup>32</sup> that then evolved into a conflict with KFOR, the Prime Minister of Kosovo, Albin Kurti, called the participants of that event “fascist militia” on several occasions.<sup>33</sup> Also, such a formulation was

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<sup>30</sup> EU zabrinuta zbog radova u LP, traže od vlade da poštuje zakon i imovinska prava, KoSSev. Available at: <https://kossev.info/eu-zabrinuta-zbog-radova-u-lp-traze-od-vlade-da-postuje-zakon-i-imovinska-prava/>, (accessed on 1 February 2024);

<sup>31</sup> European Commission 2023 Report on Kosovo. Available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_692%20Kosovo%20report\\_0.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%20report_0.pdf), (accessed on 9 January 2024)

<sup>32</sup> Protesters, Peacekeepers, Injured as Violence Erupts in North Kosovo, Balkan Insight. Available at: <https://balkaninsight.com/2023/05/29/protesters-peacekeepers-injured-as-violence-erupts-in-north-kosovo/>, (accessed on 29 January 2024)

<sup>33</sup> *Albin Kurti za CNN: Naše policajce i NATO vojnike napala je fašistička milicija, a ne mirni demonstranti*, Danas. Available at: <https://www.danas.rs/vesti/politika/albin-kurti-za-cnn-nase-policajce-i-nato-vojnike-napala-je-fasisticka-milicija-a-ne-mirmi-demonstanti/>, (accessed on 29 January 2024)



mentioned in a propaganda video published on the official profile of the ruling party in Kosovo, Self-Determination. In this video, it is noted that ‘Kosovo will not allow the “fascist militia” to establish constitutional order’.<sup>34</sup>

Also, immediately after these events, in the Kosovo parliament, Kurti publicly read out the names of citizens who are claimed to have participated in violent actions, some of whom were on the list without any reason and in that sense were unjustifiably targeted by the main political figure in Kosovo.<sup>35</sup> This is not the first time that Kosovo officials violate the principle of the presumption of innocence, that is, that they find the accused guilty before passing a final verdict. The Minister of Internal Affairs of Kosovo, Xhelal Sveçla, used the same practice several times in the mentioned period, after the arrest of suspects for violence against members of KFOR.<sup>36</sup> Even before that, the mentioned minister used the term “criminals” for the inhabitants of the north of Kosovo.

The intensive use of similar terms after May caused even the media reporting in Albanian to adopt this terminology, and the journalist of the Atlantic Council, Ilva Tare, asked the EU Special Representative for Belgrade-Priština Dialogue, Miroslav Lajčak, and the U.S. Special Representative for Western Balkans, Gabriel Escobar, “how the USA responded to Prime Minister Albin Kurti’s concern about the presence of “fascist militia” in the North, which attacks journalists and KFOR soldiers.”

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<sup>34</sup> *Samoopredeljenje: Kosovo neće dozvoliti da fašistička milicija utvrđuje ustavni poredak.*, Kosovo Online. Available at: <https://www.kosovo-online.com/vesti/politika/samoopredeljenje-kosovo-nevere-dozvoliti-da-fasisticka-milicija-utvrđuje-ustavni>, (accessed on 29 January 2024)

<sup>35</sup> *Kurti iščitao imena osoba za koje kaže da su organizatori nereda na Severu; Jedan od optuženih demantuje potvrdom iz bolnice, KoSSev.* Dostupno na: <https://kossev.info/kurti-u-skupstini-iscitao-imena-osoba-za-koje-tvrđi-da-su-organizatori-nereda-na-severu/>, (accessed on 29 January 2024)

<sup>36</sup> *Sveçlja nakon novog hapšenja: Kriminalci će se suočiti sa pravdom; Petković: Jedini kriminalci ste ti i Kurti, KoSSev.* Available at: <https://kossev.info/sveclja-nakon-novog-hapšenja-kriminalci-ce-se-suočiti-sa-pravdom-petkovic-jedini-kriminalci-ste-ti-i-kurti/>, (accessed on 29 January 2024)

Lajčak then replied that “we cannot say that 45,000 criminals live in the north”, and that the principle of collective guilt should not be applied to all Serbs living there.

The journalist still insisted on the mentioned term, and Escobar answered that he cannot call all the inhabitants of the north “fascist militia” and that it really does not help in creating an atmosphere of reconciliation.<sup>37</sup>

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<sup>37</sup> *Lajčak i Eskobar: Ili ćemo imati normalizaciju ili sukob, potencijalno regionalni*, KoSSev. Available at: <https://kossev.info/lajcak-i-eskobar-ili-cemo-imati-normalizaciju-ili-sukob-potencijalno-regionalni/>, accessed on 30 January 2024)

## **ANALYSIS OF ATTACKS ON THE MEMBERS OF MINORITY COMMUNITIES IN SERBIA**

### CHRONOLOGY OF ATTACKS

For the purpose of the analysis, we will present five cases of direct, structural, and cultural violence by the institutions of the state of Serbia against Albanians in 2023. The most significant case of direct violence was the attack on the Muharemi family, while the banning of movies in Albanian due to the symbol of Kosovo, and the abuse of passivation of addresses, which is carried out in a questionably legal manner against Albanians in Serbia, have been marking a new trend in structural and cultural violence against this community for years.

### THE BAN ON SCREENING MOVIES IN ALBANIAN

The production company Colosseum Production from Preševo encountered a big problem, when their two short movies ended up in front of the High Court in Vranje, after the police received an anonymous report in June, ahead of their premiere in Bujanovac, that they incite hatred and discrimination, which the authors deny. These were the movies “The Unfaithful” and “Silence Kills” (Heshtja vret), by Albanian author Gani Veseli. Namely, by the decision of the High Court in Vranje, dated 14 August 2023, the screening of the movie “The Unfaithful” in Serbia is banned. The judicial council assessed that the proposal of the Public Prosecutor’s Office was well founded and that this act “incites and advocates for hatred”. By the same decision, the screening of the movie “Silence Kills” is allowed on the condition that, among other things, the symbol of the Republic of Kosovo is removed from the opening and closing

credits, and that it is indicated that the film is not recommended for people under the age of 16.<sup>38</sup>

The public has not yet been presented with all the details of the decision made by the Council of the High Court in Vranje on 14 August. In the answer delivered to Radio Free Europe from the Court, it is stated that the Council found that the movie “The Unfaithful” (I pabesi) violates Article 28 of the Law on Cinematography. In that article, it is stated that the circulation and public screening of a cinematographic work that incites discrimination and spreads national, racial, and religious hatred is prohibited. It is also stated that a ban may be imposed on the public screening of a cinematographic work with pornographic content or content that advocates for or incites violence and openly insults human dignity.<sup>39</sup>

Movie bans in this case also represent an example of cultural violence, given that this practice legitimizes forms of structural violence such as the misuse of address passivation. As Tepšić and Vukelić state, “cultural violence makes direct and structural violence seem morally acceptable, or hides the real nature of violence, so it does not seem to be violence.”<sup>40</sup> Accordingly, the quick action of the prosecutor’s office and the court in Vranje, and the presentation of the symbol of one state or territory that is not recognised by another state as an act that spreads hatred, aims to legalise and legitimise the view that the author of the movies is an “aggressor” towards the dominant culture.

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<sup>38</sup> Inicijativa mladih za ljudska prava, Pasivizacija adresa Albanaca kao diskriminatorna praksa, 2023, p: 41: <https://yih.rs/wp-content/uploads/2023/10/izvestaj-Pasivizacija-adresa-Albanaca-u-Presevske-dolini-ka-diskriminatorna-praksa.pdf>;

<sup>39</sup> RSE, Dušan Komarčević: Cenzura kulture, Sud u Srbiji zabranio filmove albanskog autora, 15 August 2023: <https://www.slobodnaevropa.org/a/cenzura-kulture-film-gani-veseli-srbija-sud/32549290.html>;

<sup>40</sup> Goran Tepšić i Miloš Vukelić, Kulturno nasilje kao proces dugog trajanja: od kolonijalizma do humanitarizma, Fakultet političkih nauka, Politička misao, god. 56, br. 1, 2019, p. 114: <https://hrcak.srce.hr/file/320995>;

## ATTACK ON THE MUHAREMI FAMILY IN MEDVEĐA

On Sunday, 1 October, the Insajderi portal published the news that on 30 September 2023, a group of 15 masked young men singing Serbian nationalist songs threw stones and other heavy objects at the house and car of Ruhan Muharemi in Medveđa. The police in Medveđa, the OSCE Mission, and the Embassy of Albania were informed about the event.<sup>41</sup>

The spokeswoman of the police department in Leskovac, Marija Sokolović, confirmed for JUG Media that a group of young minors was questioned in the presence of their parents on suspicion of throwing stones at the house of an Albanian family next to the kindergarten in Medveđa. According to her, there were no elements of criminal offense in this event, and the public prosecutor and the Center for Social Work had been informed about everything.<sup>42</sup> Despite the visit to the Muharemi family by Nenad Mitrović, Director of the Service of the Coordination Body for Bujanovac, Preševo and Medveđa, the prosecutor's office, the police, the Ombudsman, the Commissioner for Equality did not make any further announcements until the end of January 2024 to clarify this potentially ethnically motivated attack that happened only seven days after the attack in Banjska.<sup>43</sup> Having in mind the reactions of Albanian political parties and civil society organizations, as well as the fear that such attacks can produce, these institutions had to present to the public, at latest within one month, the decisions and/or reports on potentially ethnically motivated violence, especially bearing in mind how young are the perpetrators of violence.

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<sup>41</sup> Insajderi, Serbët sulmojnë me gurë e mjete të rënda shtëpinë e shqiptarit në Medvegjë, Insajderi sjell pamjet, 1 October 2023: [https://insajderi.org/serbet-sulmojne-me-gure-e-mjete-te-renda-shtepine-e-shqiptarit-ne-medvegje-insajderi-sjell-pamjet/?fbclid=IwAR3bJvE5MIjlyoUTUQu5WaFU4Oe1LHuFS84L7cAQrdozUvQM-Wci\\_rJFmGQ](https://insajderi.org/serbet-sulmojne-me-gure-e-mjete-te-renda-shtepine-e-shqiptarit-ne-medvegje-insajderi-sjell-pamjet/?fbclid=IwAR3bJvE5MIjlyoUTUQu5WaFU4Oe1LHuFS84L7cAQrdozUvQM-Wci_rJFmGQ);

<sup>42</sup> Danas, Leskovačka policija: Saslušani maloletnici koji su gađali kuću albanske porodice u Medveđi, 2 October 2023: <https://www.danas.rs/vesti/drustvo/leskovacka-policija-saslusani-maloletnici-koji-su-gadjali-kucu-albanske-porodice-u-medvedji/>;

<sup>43</sup> Bujanovačke, Mitrović posetio porodicu Muharemi u Medveđi posle incidenta, 14 October 2023: <https://bujanovacke.co.rs/2023/10/14/mitrovic-posetio-porodicu-muharemi-u-medvedji-posle-incidenta/>;

## HATE SPEECH TOWARDS ALBANIAN NATIONAL MINORITY IN THE CONTEXT OF NEGOTIATIONS BETWEEN SERBIA AND KOSOVO

On 16 March 2023, several non-governmental organisations and part of the opposition from Serbia condemned the offensive posters that were pasted in front of the Faculty of Political Sciences in Belgrade. The posters showed the faces of several professors of the Faculty of Political Sciences for, as it says, “supporting separatism and terrorism by recognising the independence of Kosovo”. The insulting posters, on which Jelena Lončar, Stefan Surlić, and Marko Veković were called “traitors”, appeared ahead of the planned gathering of professors from the Faculty of Political Sciences of the University of Belgrade and the Faculty of Philosophy from Priština.<sup>44</sup>

This meeting was supposed to take place on 16 March, but the day before, the Faculty of Political Sciences wrote in a press release that it was **cancelled**. In their statement on 16 March, the National Convention on the European Union and the Working Group for Chapter 35 condemned the pasting of posters with offensive content against professors of the Faculty of Political Sciences in Belgrade. They called on the Faculty of Political Sciences, the University of Belgrade, and the competent authorities to condemn these attacks and to immediately react to protect the teaching staff. **The Faculty of Political Sciences of the University of Belgrade** joined the condemnation of the attack on three of its professors and made a report about this attack and submitted it to the police with a request to immediately investigate the case.<sup>45</sup> This case is indicative because one of the causes of the collapsed or almost non-existent dialogue within the Serbian society is the defamation of critical voices as “traitors”.

In this case, we see the failure of the prosecutor’s office and the police to investigate the actions of the neo-Nazi group Zen Tropa Srbija, because

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<sup>44</sup> RSE, Osude zbog targetiranja profesora Fakulteta političkih nauka u Beogradu, 16 March 2023: <https://www.slobodnaevropa.org/a/beograd-profesor-politi%C4%8Dke-nauke/32321395.html>;

<sup>45</sup> Ibid;

just a day before the cancellation of the event, this group stated in posts on social networks that the three mentioned professors were collaborating with “terrorists” from Kosovo and Metohija.<sup>46</sup>

Hate speech against Albanians is still tolerated by the highest representatives of the government, such as the recent director of the Security Information Agency, Aleksandar Vulin, who is being prosecuted for hate speech before the Constitutional Court<sup>47</sup>. At the same time, certain media continue to use dehumanizing vocabulary and fake news in order to use hatred towards Albanians to gain or increase (political) power and influence. Thus, in May this year, the Youth Initiative for Human Rights submitted a complaint to the Commissioner for the Protection of Equality regarding the article from 16 May 2023 in the daily newspaper “Srpski telegraf” entitled “Albanians are poisoning our children - selling juice that causes cancer”. In the Commissioner’s opinion dated 14 November this year, “Srpski Telegraf” was recommended not to publish discriminatory content that represents a violation of the dignity of a person, or a group of persons based on nationality as a personal characteristic.<sup>48</sup>

“Srpski telegraf” highlighted the nationality of “Albanians” in the title and text, implying that they poison children through juice imported from Kosovo, which represents a severe form of discrimination according to the Law on Prohibition of Discrimination. Such a title encourages stereotypes, generates prejudice, and discriminates against the entire Albanian population, which is not in accordance with the law.<sup>49</sup>

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<sup>46</sup> Instagram post Zen tropa Srbija, 15 March 2023: <https://www.instagram.com/p/Cp0Bkrxs2Xr/?hl=en>;

<sup>47</sup> In December 2021, the Court of Appeals confirmed the High Court’s decision to reject the lawsuit filed by the President of the National Council of the Albanian National Minority against Aleksandar Vulin, then the Minister of Defense, for hate speech in 2019. The National Council filed a constitutional appeal, so the Constitutional Court’s decision on this case is pending. See: Beogradski centar za ljudska prava, Izveštaj o stanju ljudskih prava za 2022. godinu, p. 392: <https://www.bgcentar.org.rs/wp-content/uploads/2023/03/2023-04-24-Ljudska-prava-u-Srbiji-2022-web.pdf>;

<sup>48</sup> Inicijativa mladih za ljudska prava, Mišljenje Poverenice za zaštitu ravnopravnosti: Srpski Telegraf povredio odredbe Zakona o zabrani diskriminacije, 21 December 2023: <https://yih.rs/bhs/misljenje-poverenice-za-zastitu-ravnopravnosti-srpski-telegraf-povredio-odredbe-zakona-o-zabrani-diskriminacije/>;

<sup>49</sup> Ibid;

Hate speech against Albanians in Serbia, which is encouraged by representatives of the authorities and thus normalised through fake news aimed at dehumanising the Albanian community in the media, undermines the minimum of trust, as well as the assumptions for the reconciliation process, which should coincide with the negotiations between the officials of Kosovo and Serbia, which is mediated by the EU. Also, the lynch campaign against the professors of the Faculty of Political Sciences, in which they are presented as “collaborators of terrorists”, shows a trend that has been going on for several years in Serbia, which is to silence critical voices that collaborate with representatives of Kosovo society within the academic community or civil society in various ways. In this way, the position of state officials is monopolized as the only citizens of Serbia who can communicate with the representatives of Kosovo, without being negatively represented in the media or sanctioned.

#### ILLEGAL DETENTION OF CITIZENS BELONGING TO ALBANIAN NATIONAL MINORITY AT BORDER CROSSINGS

In 2023, several cases of detention of members of the Albanian minority from the Preševo Valley were recorded at the administrative/border crossing with Kosovo. Detentions at border crossings are very frequent - several times within a few months, they last up to several hours, and they are carried out without clear explanations as to why they occur. On this occasion, we will mention two specific cases, for which we have permission for publication.

The first example is Nedžad Agušti, an English language teacher at the technical high school in Preševo and a court interpreter for English, Albanian and Serbian. From June to September 2023, Agušti was stopped at the administrative crossing with Kosovo three times, without any particular reason or explanation. Ardita Sinani, a politician from the Party for Democratic Action, had similar problems. During the conversation, Sinani pointed out that at the border crossing with Kosovo, in the period from 7 August to 5 September 2023, she was detained 20 times, also without explanation or reason. Such action by members of the Ministry of



Internal Affairs prevents the unhindered movement of these individuals and causes anxiety and fear with each subsequent trip.

## ABUSE OF PASSIVATION OF ADDRESSES IN CASE OF CITIZENS OF ALBANIAN NATIONALITY IN THE PREŠEVO VALLEY

From July to September 2023, researchers of the Youth Initiative for Human Rights in Serbia conducted research in the municipalities of Bujanovac, Preševo, and Medveđa on the passivation of addresses of Serbian citizens of Albanian nationality. Based on interviews, insight into the decisions of the Ministry of Internal Affairs of Serbia (MUP) on the passivation of addresses, as well as on the basis of data on changes to voter lists and conversations with local activists and political parties, they came to the conclusion that 72% of respondents did not receive a decision on passivation but was only verbally informed, as well as that 80% of them lost their right to vote.

Two basic indicators that MUP violates the Law on Permanent and Temporary Residence are inconsistent and non-transparent data on passivation by the police, as well as the fact that at least 3,370 Albanians in the Preševo Valley were deleted from the voter list in the period from 2015 to 2022.

Despite the denial of allegations of abuse of passivation by the Ministry of State Administration and Local Self-Government from 1 December 2023<sup>50</sup>, this Ministry did not provide the public with a sufficiently elaborated answer to the question of whether citizens of Albanian nationality are really deleted from the voter list after their addresses have been passivated. In addition, the police, which is essentially responsible for checking addresses and conducting the passivation procedure, did not make any statements at all on this occasion, which is particularly worrying considering the suspicions of voter migration in the elections for local, provincial, and

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<sup>50</sup> Ministarstvo za državnu upravu i lokalnu samoupravu, Pasivizacija nije diskriminacija, 1 December 2023: <https://mduls.gov.rs/saopstenja/pasivizacija-nije-diskriminacija/?script=lat>;

parliamentary elections in Serbia from 17 December 2023. After the reports of local<sup>51</sup> and international election observers<sup>52</sup> who pointed to evidence and indicators of how the illegal change of residence influenced the rewriting of the electoral will, the statements about the use of passivation as discriminatory practice against Albanians gain even more importance because they show a wider range of electoral engineering and manipulation of public registers, such as the voter list.

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<sup>51</sup> CRTA, Preliminarni nalazi Crte o organizovanoj migraciji birača uoči izbora u Srbiji održanih 17. decembra 2023. godine, 22 December 2023: <https://crt.rs/preliminarni-nalazi-o-organizovanoj-migraciji-biraca/>;

<sup>52</sup> INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Serbia – Early Parliamentary Elections, 17 December 2023: [https://www.osce.org/files/f/documents/6/8/560650\\_0.pdf](https://www.osce.org/files/f/documents/6/8/560650_0.pdf);

## **CONCLUSIONS**

The general conclusion of this analysis is that a small number of cases of direct violence against members of the Serb community in Kosovo have their epilogue, that is, the perpetrators are rarely brought to justice and prosecuted. This is supported by the marked discrepancy between the data on incidents held by the Kosovo Police and the real number of cases that are publicly available and verifiable. Of course, the methodology of the institutions may differ, but the complaint still remains about the lack of information even about the cases that have been processed. The available data from the media is not complete, and the relevant authorities did not respond to the inquiry about the number of cases and their status. On the other hand, structural/institutional violence is less intense, but particularly problematic because it is systemically determined and in combination with cultural violence, that is, aggressive rhetoric, provides fertile ground for the spread of direct violence. This type of violence cannot be prosecuted in the same way as direct physical attacks, and for that reason, the analysis indicated which laws/principles are violated by the presented, disputed decisions.

Although there have not been many direct attacks on members of the Albanian community in Serbia, the position and life of the members of this group is increasingly difficult due to the structural and cultural violence that is carried out through the abuse of the practice of passivating addresses as well as the normalisation of hate speech in the public sphere against Albanians. The trend of banning the screening of movies by Albanian authors, as well as stopping the citizens of Albanian nationality at the border by members of the Security Information Agency and MUP is worrying because it means derogating from freedom of expression and hindering freedom of movement.

## **RECOMMENDATIONS FOR KOSOVO INSTITUTIONS**

In order to show a real commitment to respecting the agreements reached, as well as a serious intention to respect the rights of Serbs in Kosovo, to protect those rights and security, the recommendations that the institutions of Kosovo should implement are given below:

- To stop the use of aggressive and derogatory rhetoric by Kosovo officials towards the members of the Serb community,
- Greater involvement of the Kosovo Police in investigating cases of attacks on members of the Serb community, their property and the property of the Serbian Orthodox Church, because impunity encourages further violence,
- To stop the practice of arbitrary arrests and indefinite detention of persons in custody,
- To stop the violation of the right to the presumption of innocence by Kosovo officials, that is, declaring the persons guilty before a final verdict is passed,
- To publish the records of attacks on members of Serb and/or minority communities in general,
- To consistently apply punitive measures for unprofessional behavior of the members of the Kosovo Police.

## **RECOMMENDATIONS FOR SERBIAN INSTITUTIONS**

The behavior of the institutions of Serbia must change so that the authorities in charge of security do not discriminate against citizens of Albanian nationality in cases of crossing the state/administrative border and during the process of passivation of addresses, and that, on the other hand, the judiciary in Serbia is focused on sanctioning hate speech against minority groups, including Albanians - and not to use the spread of hatred to derogate the freedom of expression of Albanians due to using the symbol of the Republic of Kosovo in the works of art such as movies.

- To stop the practice of unjustified detention of citizens by the Ministry of Internal Affairs and the Security Information Agency at border/administrative crossings with Kosovo,
- The Prosecutor's Office and the courts in Serbia should stop the practice of criminal prosecution of members of Albanian or other national minorities for using the symbols of another country or territory. This is particularly worrisome considering the provisions of the Ohrid Agreement that speaks of respect for the symbols of one or the other side,
- The Ministry of Internal Affairs of Serbia should publish all decisions and statistical data on the passivation of addresses of citizens of Albanian nationality from the Preševo Valley from 2011 to 2023 in order to remove all suspicions of illegal actions while respecting the Law Personal Data Protection.



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