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Human rights situations that require the Council's attention

Written statement* submitted by Public Organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2019]

* Issued as received, in the language(s) of submission only.



On the positions of the Serbian Orthodox Church on the issue of Kosovo and Metohija as part of a dialogue of reconciliation and consent

We draw the attention of the UNHRC, as well as representatives of the UN member states and international organizations, to the position of the Serbian Orthodox Church (SOC) on the issue of international settlement of the situation in Kosovo and Metohija. The SOC unites millions of Christians and is a part of World Orthodoxy, therefore its voice should be heard by the international community and the issues raised by this Church should be included in the agenda of bodies and procedures of the international human rights mechanism.

The communiqué of the SOC on Kosovo and Metohija is actually a direct appeal of civil society and its religious leaders to diplomats and international organizations, so let's really make this appeal a dialogue, the need for which is so often stated at all international levels.

We urge the UNHRC, UN special rapporteurs and international organizations to include representatives of the SOC in expert and negotiation groups as well as procedures that address Kosovo and Metohija issues so that their voices could be heard.

In accordance with the communique of the holy assembly of bishops of the serbian orthodox church on kosovo and metohija:¹

«Gathered at the autumn meeting of the Holy Assembly of Bishops, we the Bishops of the Serbian Orthodox Church headed by His Holiness Serbian Patriarch Irinej, in these difficult times which our Church and the faithful are facing in Kosovo and Metohija, first of all express our support to His Grace Bishop Teodosije of Raška-Prizren, his clergy, monastics and the faithful people of the Diocese of Raška-Prizren in their efforts to persist and remain in Kosovo and Metohija, the heartland of the Serbian Orthodox spirituality and our identity.

Furthermore, we express our concern due to the latest developments, especially many incidents, thefts and other forms of pressure targeted against our people. We remind the international and local political representatives that they are obliged to provide peaceful and dignified life for all citizens and not to allow any violence. We there especially emphasize the importance of the presence and active role of the international peace-forces KFOR and the OSCE mission in accordance with the UNSC Resolution 1244, which must continue until normal living conditions have been established for all communities in Kosovo and Metohija.

On this occasion too, we repeat the firm and unanimous position of all the members of the Assembly of Bishops of our Church expressed at the annual meeting in May, that the full sovereignty and integrity of Serbia in Kosovo and Metohija cannot be questioned under no circumstances, as it is guaranteed by the Constitution of Serbia and the UNSCR 1244. For our Church, Kosovo and Metohija has never been nor can ever be only a political issue whose solving is under exclusive monopoly of the state authorities. For us, throughout our history and today, Kosovo and Metohija has primarily been a question of the survival of our clergy, monastics and the faithful people and, especially, our ancient holy sites without which we would never become what we are today.

As we cannot discuss the survival of our people, especially of the vulnerable majority of the Serbs living south of the Ibar river, without the preservation of our holy sites, we equally cannot discuss the preservation of our holy sites as cultural and religious monuments only, whose survival is allegedly possible without our congregation. Our holy sites have their deepest meaning solely as places of liturgical gathering of our people, not only of those from Kosovo and Metohija, but from all Serb-inhabited regions and the world.

Our obligations towards Kosovo and Metohija are more profound today, as we have been facing increasingly strong international pressures on our country to agree to renounce Kosovo and Metohija, either by a direct act of recognition of Kosovo or by a tacit approval

¹ http://www.spc.rs/eng/communique_holy_assembly_bishops_serbian_orthodox_church_kosovo_and_metohija.

of Kosovo's membership in the UN and other international organizations. Any signature which would ultimately enable recognition of Kosovo, participation in the UN or Serbia's renouncement of it in any form, would forever deprive Serbia of her historical rights to the area so fundamentally important for our spirituality and statehood.

We are particularly concerned that under the disguise of the alleged "delimitation between Serbs and Albanians" the possibility of separation from Serbia is intruded – if not of all Kosovo and Metohija, then of its greatest and most important part, which would lead to its recognition as a part of either independent Kosovo or even of the so-called Greater Albania. Consequences of such a decision would be tragic for the future of our people and our holy sites. In such a scenario the majority of Serbs, deprived of adequate protection and security, would be forced to flee their historical homeland, where an ethnic clean Albanian society would be established with even greater intensity, and with obliteration of all traces of our historical existence. The idea of the so-called partition or separation of the organic unity between the Serbs south and north of the Ibar river, and of them jointly from the other Serbs, no matter where they live, creates lots of uneasiness and grave concern amongst our people and does not enjoy support of the majority of Serbia's citizens and Serbs all over the world. Territorial partition is especially dangerous because it would inevitably mean the creation of ethnic clean territories, which would have unforeseeable consequences for the region, still painfully recovering from the suffering and destruction inflicted during the 1990s. For this reason our Church has always supported building of a society in which peoples of different origin can live in peace, with full protection and respect of their religious, cultural and ethnic identities.

The Holy Assembly of Bishops is particularly concerned that as of 2007 our Church has never been officially invited to express her suggestions on the protection of our holy sites, clergy, monastics and the faithful. For years we have been insisting on adequate protection of our holy sites because we have witnessed not only everyday blatant lack of implementation of the existing legal provisions (related to the elements of the "Ahtisaari plan" which were incorporated in the so-called Kosovo legislation) even in spite of international pressures, but we have also seen that local self-proclaimed Kosovo institutions continue with impunity the process which is aimed at creation of ethnic clean Albanian Kosovo in which in the long run there would be no place for Serbs and other non-Albanian communities. Systematic avoidance of the accepted obligations of Priština related to the Community of Serbian Municipalities and other obligations from the "Brussels dialog" only confirms that in the current circumstances and with the existing behaviour towards the Serbs it would be very hard to find a long-term solution. This by no means implies that our Church supports "a frozen conflict", on the contrary – we encourage the continuation of an open but carefully guided dialog which would primarily focus on the protection of human and religious rights, improvement of the rule of law, strengthening of the legal security and more efficient protection of the vulnerable spiritual and cultural heritage which would not depend on the self-will of the local Kosovo institutions, but would be regulated in a more comprehensive way with an international supervision and clearly defined mechanisms of implementation of the agreed principles of protection. It is also very hard to talk about any further dialogue without creating conditions for the return of the expelled Serbs, the protection and restitution of their usurped property. Abandoning this request would mean an approval of the post-war ethnic cleaning as a done deal. Without these preconditions, it is impossible to talk about a durable solution of problems in Kosovo and Metohija. For this reason, imposing of hasty deadlines despite extremely unfavourable conditions on the ground and a very complex situation in the European Union is without any justification.

We appeal on the state representatives of the Serbia that instead of seeking hasty settlement of issues with Priština, pay more attention to the building of a state and national platform in the preparation of which all relevant factors of our society would participate. Only this way would the basic interests of our people be preserved and the confidence of all crucial social counterparts in the land would be reestablished. At the same time, we need to continue building confidence and understanding with Kosovo Albanians and all other peoples of good will who live in Kosovo and Metohija, as well as in other parts of Serbia, because the future of the region primarily depends on the readiness and ability of all of us to live with one another in peace and mutual respect.

With the approaching of the 800 years' Jubilee of the Autocephaly of our Holy Church it is of paramount importance that we all remind ourselves that the statehood of Serbia has been from its very establishment inseparably intertwined with the spiritual tradition of our Church as the crucial factor of our identity throughout the history».
