

Helsinki *bulletin*



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EARLY PARLIAMENTARY ELECTIONS IN KOSOVO

The high turnout of Serbs at the December 2010 elections and their willingness to participate in Kosovo's institutions points to a substantial change in Serbia's electorate, which is the result of a more mature political attitude within the Serb community in the past decade. During the election campaign, representatives of the Serb community have prioritized the economy, employment and infrastructure development over security issues. For Serbs advocating participation in the elections, the focus was on practical issues which promote living and working conditions, whereas northern Kosovo's advocates of the boycott have united around the idea of contesting Kosovo's independence, just as they have been doing throughout the past decade.

The early elections in Kosovo were held in new circumstances for the Serb community. Two main events are illustrative of this: the decision of the International Court of Justice (ICJ) stating that Kosovo's Declaration of independence is not a violation of international law; and the adoption of the Resolution on Kosovo, which is harmonized with the European Union. Although Belgrade maintains an ambiguous attitude towards Kosovo, especially in the north, which is practically controlled by Serbs, the

ICJ's decision has brought on a moderation of official Belgrade's stance regarding the integration of Serbs into Kosovo society.

The conduct of the Government and Serbia's President in the election campaign and their vague attitude towards the Serbs' participation in the elections¹ has had a double impact. On one hand, it proved as support to those Serbs determined to vote; on the other, it served to convince others in northern Kosovo not to. These elections are yet another example of the influence Serbia's Government has on the Serbian community and this community's reliance

¹ A day ahead of the deadline for submitting the lists, Serbia's Government has announced its stance regarding Serb participation in the elections stating that the 'conditions have not been created' in order for the Government to call upon Serbs to participate in the elections. The Government's announcement states: 'Serbia's Government considers it necessary to urgently reach through dialogue a sustainable and permanent solution for Kosovo and Metohija that would be acceptable to both sides, one that would lead to a historical reconciliation of the Serbian and Albanian peoples and would secure lasting peace as well as the region's European perspective' (Politika, November 11, 2010). Serbia's President Boris Tadić has not issued any particular statements on Kosovo's elections, stating on several occasions that his stance corresponds with that of the Government's decision.

on official Belgrade regardless of who holds power. What is new, though, and confirms the trend from the last local elections held in November 2009, is the fact that a significant part of the Serbian electorate is becoming more independent from Belgrade.

The Independent Liberal Party (SLS)² is the only Serbian political actor which has shown greater political independence from Belgrade and which has not mentioned its attachment to Belgrade in the campaign. The Liberals are also the youngest political party representing Serbs in Kosovo.

The Government's stance that "it will not use repressive measures towards participants in Kosovo's parliamentary elections"³ speaks in favor of Serb participation in the elections. Oliver Ivanović, the State Secretary at the Ministry for Kosovo and Metohija, who has himself participated in Kosovo's political life in the past years and is well aware of Belgrade's influence on Kosovo Serbs, has promised that "official Belgrade will not exert repression towards those citizens of Serbia who choose to run in the elections in Kosovo".

The vague memo issued by Serbia's Government created the possibility for hearing a range of different statements given by the Government's officials and power-holding parties, including those calling upon Serbs to vote and nominate their representatives, all without any conflicts between parties or destabilization of the Government on account of the Kosovo elections. Dragoljub Mićunović, president of the Political Council of the ruling Democratic Party and a Serbian MP was the first to call for

2 According to data held by the Independent Liberal Party (SLS), 21 thousand voters out of roughly 55 thousand constituents in Serbian areas have participated in the elections. This party won around 13 thousand votes, which is roughly 62% of voters.

3 Blic, November 11, 2010

participation in the elections (as early as late October).

He assessed that the hitherto policy of boycotting elections in Kosovo hasn't yielded any results because, following each elections, the Serbs would remain ghettoized, without any legal protection and without any influence in the institutions. Mićunović stated: "I do not believe that this has in any way helped keep Kosovo within Serbia or that it has thwarted those who have recognized its independence. I do not know whether Serbia's Government will adopt a joint stance and what that might be, but I hope that they will be driven by rational and not emotional reasons."⁴

Apart from Mićunović, Slavica Đukić Dejanović, President of the National Assembly and a high official of the Serbian Socialist Party (SPS) has stepped out emphasizing that Kosovo's Serbs need to make their own decisions. She stated that the Serbian Government and the state should "give suggestions" to citizens in Kosovo, but that "they need to take responsibility for their own lives and reach the decision themselves, considering that they know best what is good for them"⁵.

Dejan Radenković, an official of the Serbian

4 Blic, October 2010 In the same article, Mićunović assessed that it was 'high time' to stop exploiting the Kosovo issue for purposes of daily politics. 'It is a fact that we do not hold power in Kosovo, nor do we control the situation there; thus its final status does not hinge on the term we use, be it: Serbia's southern province, territory temporarily under Priština's auspices, neighbour etc. This is playing with virtual reality, which, actually, serves to call into question the very process of Serbia's accession to the European Union. According to him, the issue of recognizing Kosovo's independence will not be one of the conditions for Serbia to join the EU, however, the normalization of relations with Priština most certainly will be. Mićunović added: 'Among other things, I think that we will not be allowed to block Kosovo's path towards the EU'.

5 Danas, November 2010

Socialist Party (SPS) and deputy of the Committee for Kosovo and Metohija at the National Assembly, also holds that it is best for Kosovo Serbs to have their legitimate political representatives in order to address their interests and thus secure a better life for themselves. "A call for Kosovo Serbs to participate in the elections does not imply the recognition of Kosovo's self-proclaimed statehood. Diplomatic efforts for maintaining Serbia's territorial integrity should be separated from the issue of the life of Serbs in Kosovo, in the sense that they should not be victims of this struggle and suffer worse living conditions for it"⁶, Radenković added.

The Serbian Renewal Movement (SPO), which holds one Ministry in the Serbian Government, has called upon Serbs to vote in the elections, and according to Rada Trajković, certain party officials have actively participated in the election campaign⁷.

Living conditions served as motivation for Serbs to participate in Kosovo's political life, which was epitomized in the elections.

Drenko Todorović, vice president of the Peć municipality for the Serbian community and SLS representative, claims that there are no more arguments on a national basis and that

6 Danas, November 2, 2010

7 Rada Trajković: 'Considering that some parts of the Government are very actively involved in the campaign for Serb participation in the elections without the Government falling apart because of it implies that the Government is indeed flexible and will not be punitive towards those supporting Serb participation. I am not only referring to SPO. There are other parts of the Government supporting us, but not publically. (...) there are people holding power who think that our participation in the elections is a smart solution. It is perfectly normal that, due to circumstances, they cannot say this decisively. On the other hand, the Liberal Democratic Party (LDP), in the opposition, has been actively supportive.

everyone's focus is on the economy, infrastructure, roads, jobs. Todorović says: "once people get jobs, the status will no longer be talked about. Journalists from Belgrade come to a village and ask about the status. In my village, why would I care about the status? They are just poisoning people. Our biggest problems are jobs and infrastructure development".

On a similar note, Rada Trajković, one of the leaders of the United Serb List, says: "Serbs could have an impact on laws and bylaws to include elements for the protection of Serbs. (...) If we do not participate at all, these laws will be adopted anyway, and opposing voices will not be heard. The key to the survival of Serbs in Kosovo is in education and healthcare; whereas Ahtisaari's plan guarantees institutional ties with Belgrade."⁸

The boycott of elections was openly advocated in Serbia by the Serbian Radical Party (SRS), the Serbian Progressive Party (SNS) and the Democratic Party of Serbia (DSS). In Kosovo, the boycott was actively endorsed by political figures in the Kosovska Mitrovica region, primarily assembled around the Community of Serbian municipalities. The principal message of those boycotting the elections addressed safety issues and "the lack of freedom of speech, movement and the return of displaced persons"⁹.

8 Press, November 14, 2010

9 Vuko Antonijević, member of the executive board of the Democratic Party of Serbia (DSS) refusing participation in the elections, added that 'they will not participate in the destruction of Serbia's territorial integrity and sovereignty by legitimizing secessionists and the 'Siptari state' to which we have no legal obligation'. Stojanka Petković, *president* of the Provisional Executive Council for Kosovo from G17 plus, another advocate of boycotting the elections, says: 'The way the Serbs live is not worthy of life. We are still a target of Albanian extremists. We do not have the freedom of movement, speech; there is no returning of displaced persons, and those who are here fear for their

IMPLICATIONS OF THE NORTHERN KOSOVO ELECTIONS BOYCOTT

The non-participation of Serbs from the Kosovska Mitrovica region in the elections, or rather, the continuity of boycotting Kosovo's institutions poses the greatest challenge to Kosovo elections with regard to the Serb community, with implications for security, regional integration and development. This part of Kosovo is the main source of instability in the region and is almost entirely outside of Kosovo's legal system. With its vague stance regarding the Kosovo elections, the Government has also supported Serbs in Northern Kosovo who were boycotting the elections. The political elite's attitude towards Northern Kosovo was also evident in the statements of high officials during the campaign.

An illustration of such behavior is also exemplified in the attitude of Dragoljub Mićunović, president of the Political Council of the Democratic Party (DS), whose call for participating in the elections was only addressed to Serbs in enclaves in central Kosovo. Commenting the elections in northern Kosovo, which is practically exempt from the legal system of the state of Kosovo, Mićunović says that Serbs did the right thing by not voting because "the situation there is different": "These are complete municipalities. They need to discuss this separately. Regarding the enclaves, I think it is better for them to participate, but with an agreement on a joint list, with more propaganda..."¹⁰

The conduct of officials in parallel municipalities in central parts of Kosovo during the

very lives on a daily basis. After all, the status issue is not resolved, and the entire international community claims that Kosovo is a 'black hole' where crime, drugs and prostitution flourish' (Politika, October 20, 2010, www.politika.rs/rubrike/Politika/Kosovski-izbori-ponovo-dele-srpsku-politicku-scenu.lt.html)

10 Radio B92, 'Kažiprst', December 10, 2010

campaign also points to politics aimed at the division of Kosovo. However, for the first time, the officials of Serbian parallel municipalities in central Kosovo have expressed their willingness to participate in the elections for Kosovo's institutions, that is, to oppose the stance of Serbian politicians in Northern Mitrovica¹¹. However, one cannot exclude the possibility that this behavior was prearranged, given that it complies with the policy of incorporating northern Kosovo into Serbia, whereas the Serbs in enclaves are to integrate into Kosovo society.

The United Serb List led by Rada Trajković and Randel Nojkić also hosted candidates of some of Belgrade's branches, such as the local committee of the Democratic Party of Serbia (DSS), which has directly advocated the boycott of the elections; which speaks in favor of the thesis that official Belgrade is disowning central and southern Kosovo (as well as the Serbs living there) in favor of acquiring the Mitrovica region. Biljana Martinović, a columnist of the daily Politika, which is under the influence of the ruling Democratic Party (DS) comments the Serbian list: "The logic is simple, should the time come when the state is unable to reach further than the river Ibar, at least it will have its representatives in Kosovo's parliament who will remain loyal to their government seated in Nemanjina street"¹². In the first half of the past decade, representatives of Serbian parties in Kosovo's institutions have tried on several occasions to block their work and the adoption of legal documents, acting under Belgrade's strong influence.

Voting in the Mitrovica region was secured by roughly one thousand members of the Kosovo police, with EULEX and KFOR standing by.

11 This attitude was not publically expressed, but it has been confirmed in conversations of Helsinki Committee's representatives with officials of parallel municipalities in central Kosovo.

12 Politika, November 16, 2010

Serbian political leaders and Northern Kosovo's parallel structures (Serbian Community of Municipalities) have actively participated in preventing Serbs from voting. Namely, they did not allow for the opening of polling stations in "Serbian public institutions and municipalities in Northern Kosovo". This part of Kosovo has always been home to tensions between Serbian parallel structures and Serbs willing to participate in Kosovo's political life.

The Assembly of the Community of Municipalities in Kosovo has unanimously adopted the decision to "strongly condemn the submission of the United Serb List for Kosovo's elections". Radovan Ničić, the Assembly's president, even asked of the authorities in Belgrade to relieve Rada Trajković and Randel Nojkić, political stakeholders and representatives of the so called Serbian list, of their duties. The story that participation in the elections will improve the lives of Serbs in Kosovo and Metohija doesn't hold up because the same people have been in institutions of the self-proclaimed state of Kosovo since 1999¹³.

Rada Trajković and Randel Nojkić, leaders of the United Serb List claim that "Serbs in the North are pressured, threatened and intimidated by authorities in Northern Kosovo so as not to participate in the Kosovo elections"¹⁴.

Political representatives of Serbs engaged in integrating the Serb community into Kosovo's society are subjected to attacks and threats. In a statement for Radio Free Europe, Rada Trajković said that a range of incidents which have taken place during the past several months, and in which Serbs cooperating with Kosovo institutions were targeted, undoubtedly points to the political background

13 Radio Free Europe, November 24, 2010, www.danas.org/articleprintview/2229322.html

14 Radio Free Europe, November 24, 2010, www.danas.org/articleprintview/2229322.html

of attacks. „The state of affairs is that a vast number of people from Northern Kosovo have stepped forward and were willing to be on the list, which I found quite encouraging. However, we are, of course, aware that a continuation of political diversions remains the sad reality in Northern Kosovo. This is an understatement for what is happening to people who think differently"¹⁵, says Trajković.

Government representatives in Belgrade have denied the existence of pressures discussed by leaders of the United Serb List. For example, Oliver Ivanović, state secretary of the Ministry for Kosovo and Metohija in Serbia's Government, himself once the leader of Serbs in Northern Kosovo, in a statement for Radio Free Europe "repeated that there aren't any such pressures in Northern Kosovo, stressing that the only decisive reason why Serbs in the North are not participating in the elections on December 12th is the Serbian Government's decision"¹⁶. "The atmosphere is, indeed, different than that in other parts, but this cannot be ascribed to threats; there simply isn't an interest in participating in Kosovo's institutions in the north", Ivanović said.

Reports on incidents, however, tell a different story. During the past few months before the elections, a range of incidents have been reported, mostly in the northern part of Kosovska Mitrovica and neighboring Zvečan, where Serbs cooperating with Kosovo's institutions were the main target of attacks. The victim of one of the gravest incidents was Petar Miletić, the Independent Liberal Party's (SLS) general secretary and Kosovo Assembly MP. He was shot three times in both legs. Besim Hoti, the regional spokesperson for the Kosovo Police qualified the attack on Miletić as attempted murder.

15 Radio Free Europe, November 24, 2010, www.danas.org/articleprintview/2229322.html

16 Statement issued on November 24, 2010

A car, Peugeot 307, was torched and completely destroyed, and the garage housing the vehicle was damaged in Zvečan, in the backyard of the family home of Momčilo Arlov, the program director of the Center for Civil Society Development in Kosovska Mitrovica.

The last attack took place in Zvečan when an explosive device was thrown at the family home of Dragan Stojković by unknown persons. No one was injured in this attack. The police is still searching for the organizers and perpetrators of these attacks.

REACTIONS TO ELECTIONS RESULTS

The reactions of Serbia's elite to the election success of the Independent Liberal Party (SLS)¹⁷ boiled down to either attacks and accusations or to silence. The report written by Dick Marty, the Council of Europe Rapporteur, on crimes in Kosovo and accusations of the involvement of Hašim Tači, the victor of Kosovo elections, has been misused to disqualify the SLS.

The lack of support for the SLS suggests that Belgrade does not treat all Serbian political actors in Kosovo equally.

The Minister for Kosovo and Metohija in Serbia's Government stated that not calling upon Kosovo Serbs to participate in the elections turned out to be a good decision. Oliver Ivanović, the state secretary for Kosovo and Metohija, accused Serbs "south of the river Ibar" to have impeded Belgrade's negotiating position and to have "have turned a deaf ear

17 According to data held by the Independent Liberal Party (SLS), 21 thousand voters out of roughly 55 thousand constituents in Serbian areas have participated in the elections. According to their own records, the SLS won around 13 thousand votes, which is roughly 62% of Serbian voters.

to the recommendations given by state institutions". "The polarization between the north and south of Kosovo is deepening and it is abetting the Albanians", said Ivanović¹⁸ Milivoje Mihajlović, director of the Media Bureau of the Government of Serbia and one of the Government's most vociferous speakers maintains that "the Kosovo elections have not boosted the political capacity of Serbian parties" "irst of all, [this is due to] numerous irregularities, and secondly, due to the fact that certain parties have used their hitherto participation as stakeholders in Priština to aid Albanian parties in power rather than to resolve the problems of Serbs"¹⁹.

Representatives of the defeated United Serb List coalition have accused the Independent Liberal Party (SLS) of bribing voters and getting payments from Hašim Tači for the election campaign. In an interview for 'Kažiprst', aired on Radio B92, Rada Trajković stated that, by joining the Government, the SLS is providing Tači with immunity. „s there a Serb willing to join the Government after this [report by Dick Marty]" Trajković asked.

Responding to pressures not to join the future Kosovo Government (especially if formed by Hašim Tači), Slobodan Petrović, president of the SLS remained cautious and moderate in his statements, leaving room for further cooperation with the new government and other institutions in Kosovo. Petrović has demonstrated his willingness to be a partner in the government which would be formed by Tači, regardless of Dick Marty's report, stating that "very-one is innocent until proven otherwise"²⁰. In this context, his statements corresponded with those given by Serbia's President Boris Tadić

18 Večernje novosti, December 14, 2010

19 Večernje novosti, December 14, 2010, P.

Vasiljević: 'Serbs in Kosovo and Metohija, the Polarization of the north and south', internet edition

20 FoNet, December 29, 2010

that he will negotiate with the leader of Kosovo's government whoever it may be. Petrović says: "ur view is identical to that of Boris Tadić, which is to wait for a response to the accusations. Of course, all those responsible should be held accountable (...). If [the accusations] prove to be true, Tači will not have the opportunity to form the government. Elections will be re-held in some places, so the deadline is January 20. This is a good thing, because we will know something by then. I really would not like to disrupt anything by giving a statement of any sort. You know, we do live there and I am not comfortable with stating any conclusions I am uncertain of."²¹

Regardless of the new circumstances concerning the Council of Europe's report, the SLS and its leader have not utilized this report to incriminate the entire Kosovo society; rather they have remained consistent in their stance that issues of life of Serbs in Kosovo must be resolved through the institutions of that state²². The good results achieved by the Independent Liberal Party (SLS) were also, in part, the outcome of the engagement of its officials and activists within Kosovo's institutions, as well as of the assistance of the international community on improving the infrastructure in regions inhabited by Serbs.

21 Politika, December 20, 2010

22 Petrović: 'We do not need to be told that living conditions in Kosovo are far from good, we know that ourselves. However, improving these conditions is a motive for our participation in the institutions which can make a difference' (Politika, December 20, 2010). We have participated in the elections in order to improve our people's position. We do not get to decide on Kosovo's status, however, we can make decisions about roads, employment, infrastructure'. (Večernje novosti, December 14, 2010)

SERBS AS IMPORTANT CONSTITUENTS ON KOSOVO'S POLITICAL SCENE

Political representatives of the Serb community in Kosovo could play an important role in forming the Government of Kosovo. Tači's Democratic party of Kosovo (PDK) is expected to get the first mandate to form the new government given that this party won the most votes – 32%, according to preliminary results published by the Election Commission after the second round of elections on January 9, 2011.

The Democratic League of Kosovo (LDK), led by Isa Mustafa was the runner up (with 24,7% of votes). The Self-Determination Movement led by Albin Kurti won 12,6%, Ramuš Haradinaj's Alliance for the Future of Kosovo (AAK) won 11,2%, and the New Kosovo Alliance (AKR), led by Bedzet Pacoli won 7,3% of votes (these are preliminary results of the Central Election Commission of Kosovo published on January 9, 2011).

Six political parties and two civil initiatives rounding up the Serbs in Kosovo participated in the early parliamentary elections in Kosovo. According to preliminary results issued by the Central Election Commission, the Independent Liberal Party (SLS) won 1,9% out of the total number of votes. The runner-up United Serb List won 0,8% of votes. In the Assembly of Kosovo, the Serb community is entitled to 10 guaranteed parliamentary seats out of 120. There is still a possibility that the number of MPs representing the Serb community will rise before the end of the election process and mandate verification. Other minorities are also guaranteed 10 seats in the Assembly. It is estimated that the total number of guaranteed Assembly mandates for Kosovo's minorities could rise up to 30.

CONCLUSIONS AND RECOMMENDATIONS

The results of parliamentary elections have proven that a political option within the Serbian community has ripened, and that this community is as independent from Belgrade's politics as possible in the given context. This political option is also showing a tendency of actively participating in the institutions and working towards integration and promotion of the quality of life of the Serbian community.

The behavior of radical Serbian political actors (gathered primarily around the community of Serbian municipalities and parallel structures) in northern Kosovo, in Kosovska Mitrovica region, which act as an instrument in the division of Kosovo, remains to pose the biggest challenge.

Even despite the vague 'recommendation' to Kosovo Serbs regarding (non)participation in the elections, official Belgrade has, in fact, supported both options and the increasingly evident factual division into Serbs in enclaves (central and south Kosovo) and Serbs in northern Mitrovica.

This provides a hint of Belgrade's future position in the dialogue between Belgrade and Priština, where Serbia is more likely to accept dealing with life issues of Serbs in Kosovo, but without formal recognition of Kosovo's statehood. In addition, official Belgrade still displays a tendency to strengthen its grip on northern Kosovo.

Considering the challenges to the region which would result from the division, the international community needs to maintain its stance on Kosovo's integrity.

Serbs in Kosovo need to be supported as an autonomous political factor and aided in articulating their interests as independently as possible. Additionally, their attitudes during the dialogue between Priština and Belgrade should be given consideration.

In the upcoming period, the Serb to Serb dialogue in Kosovo should be insisted upon in order to reach a joint platform of their subsistence and improvement of the living conditions in Kosovo.

Dick Marty's organ trafficking report has been misused to create a negative atmosphere surrounding the beginning of the dialogue. The entire case of organ trafficking needs to be placed in a legal framework and responsibility needs to be individualized in order to stop the criminalization of the state of Kosovo.