

THE ANALYSIS OF INCREASED PRESENCE OF SECURITY STRUCTURES IN THE FOUR MUNICIPALITIES IN THE NORTH OF KOSOVO IN 2021-2023

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INTRODUCTION

The idea behind the topic of this practical policy proposal - the analysis of the increased presence of security structures in four municipalities (Leposavić, Zvečan, Zubin Potok, and Severna Mitrovica) in the north of Kosovo in the period 2021 - 2023 - was to make an overview of how much the presence of Priština's security structures increased in this period, what is their composition, as well as what are the forms of their physical presence (checkpoints, bases, etc.), all with the aim of analytically presenting the new security system thus established in the territories of these four municipalities, then looking at the foundation for such an increase of security forces in Priština's valid regulations (including the problem of expropriation for the purpose of building bases), as well as assessing the impact of that increase on the deterioration of the security situation in the specified period.

While working on this proposal, there were no significant deviations from the starting point formulated in this way, with the caveat that, due to objective limitations, the work methodologically focused on the analysis of publicly available sources (predominantly electronic), without direct contacts with security structures (e.g. submitting requests for access to information of public importance) whose increasing presence in the north of Kosovo is the subject of this analysis. In addition, due to the limitation regarding the prescribed length, the paper focused only on the most important aspects of the mentioned thematic units.

Finally, this proposal uses the original terms used in Priština legislation, without presuming the status and/or the author's position on that status. Due to the length limitation, the proposal was written for an audience that has prior knowledge of the basic elements of the Kosovo and Metohija issues (such as the Brussels process or the most important events in the north of Kosovo), since the presentation of the basic elements of such a complex situation would require much more space.

THE CHRONOLOGY OF INCREASED PRESENCE OF SECURITY FORCES IN THE NORTH OF KOSOVO

One of the biggest misconceptions often presented as truth in the public space is that the increase in the number of members of the special units of the Kosovo Police of Albanian nationality in the north of Kosovo, as well as the construction of bases and checkpoints where they are located, happened after the Serbs from those municipalities took off their uniforms and left this institution. However, the first signs of changes in security were visible as early as the fall of 2021. Placement of containers not far from the Jarinje (Leposavić) crossing, at the place where the police base is now located, began on 18 September 2021.¹ At the time, the Kosovo Police stated that the containers were being placed “with the aim of improving the working conditions of police officers for border control”. At that moment, nobody could imagine that one of the police bases would emerge there in the coming months. Soon, the construction of concrete fortification started not far from the Brnjak crossing (Zubin Potok). Concrete blocks not far from this crossing for the needs, as explained, of the border police base, were placed on 26 February 2022², and the Kosovo Police announced at that time that the logistics equipment and containers “will serve the police officers of the border police for the performance of police duties, and in the interest of providing safety to citizens and the public”. It was stated that the action is carried out through various police units “for the purpose of creating better space and working conditions in the premises for the police”. It should be noted that these two bases are located about a kilometer from the official integrated crossings where all necessary control of goods and passengers is carried out.

The construction of police bases in these locations is announced in the plan of *Vetëvendosje* (Self-Determination Movement) from 2012 called

¹ Kosovo Sever Portal <https://kossev.info/kp-kontejneri-na-jarinju-se-postavljjaju-radi-poboljsanja-uslova-za-rad-i-nadzor-prelaza/>

² Kosovo Sever Portal <https://kossev.info/betonski-blokovi-kod-brnjaka-kosovka-policija-postavlja-bazu-pogranicne/>

“Alternative for the North”. “The police presence in the north should be increased because of the state of emergency there.” The base of the special unit of the Kosovo Police should be in the Bosniak Quarter, in the former KFOR base, i.e. the former military overhaul facility. The other two bases of special units together with military forces should be near border points 1 [Jarinje] and 31 [Brnjak].”³

In addition to the bases in Jarinje and Brnjak, in 2022, five more police fortifications were built in the north of Kosovo, and at the moment there are seven in total. Of these, two are located on the main roads (at the locations of the Bistrica Bridge on the main road Leposavić - Zvečan, and near the Gazivode dam in Zubin Potok), and they were built as police checkpoints during the barricades in December 2022, and later expanded as a permanent police base.

At the same time, police officers of Albanian nationality started working in the police stations in the north of Kosovo due to the fact that the Serbs left the Kosovo Police.

There is a constant presence of the Kosovo Police in all seven police bases. Additional police forces were also deployed in the municipal buildings in Leposavić, Zubin Potok, and Zvečan at the end of May 2023 during the forced introduction of mayors into these municipal buildings.⁴

In July 2023, the Deputy Prime Minister of Kosovo Besnik Bislimi, and the EU Representative for the Dialogue Miroslav Lajčak agreed to reduce the number of police officers in the north, but only in municipal buildings. Three days later, Kosovo Prime Minister Albin Kurti explained that the number of policemen in municipal buildings had been reduced by 25

³ Alternativa e VETËVENDOSJE!s për Veriun – Lëvizja VETËVENDOSJE! (web-archive-org)

⁴ Kosovo Sever Portal <https://kossev.info/ponovo-se-oglasile-sirene-u-kosovskoj-mitrovici-prestalo-zavijanje-nakon-pola-sata/>

percent, and that at that moment there were more than 800 policemen⁵ in the north of Kosovo who were not all Albanians.

According to available information, on 5 November 2022, 547 police officers from the Serb community who worked in police stations in the north of Kosovo left the Kosovo Police. Therefore, Kurti's statement that after the reduction of the police force in the north there are 800(!) policemen clearly speaks of the systematic militarisation of this area.

There is no official information on how many members of the Kosovo Police currently reside in the north of Kosovo, nor from which units. The constant presence of combat vehicles is visible on the ground, especially in police bases, and their patrols are also regular every day in the municipalities of Leposavić, Zvečan, Zubin Potok, and North Mitrovica. Also, every day, police officers with heavy weapons, in uniforms and insignia of special police units, stop citizens and check documents, which should not be their task, but the duty of the traffic police.

The process of building police bases generally came suddenly without prior information provided to the citizens and before the decisions on the expropriation of the land were made. This is why another, in a series of expropriations, caused citizens' concern when, in January 2023, heavy machinery and dozens of policemen appeared on their properties.⁶ Work on the plot of 80 hectares (cadastre plots Dren and Lešak, Leposavić municipality) began, and only after that a decision on expropriation was made (16 January 2023), and public hearings with citizens are held in February of the same year. The situation is similar with the construction of the access road to the already built base in the village of Jasenovik in Zubin Potok. At the organised public hearings, the citizens did not receive any answer from the authorities from the Ministry of Infrastructure in Priština

⁵ Kosovo online <https://www.kosovo-online.com/vesti/politika/kurti-na-severu-se-trenutno-nalazi-vise-od-800-policajaca-13-7-2023>

⁶ Kosovo Sever Portal <https://kossev.info/sta-se-valja-iza-80ha-leposavickog-brda/>

about what is being built on these plots and what is the public interest in the expropriation of their land.⁷

Judging by the plans of the Self-Determination Movement and the decision made at the end of last year, it can be expected that another Kosovo Police base will be built in North Mitrovica in the coming period. At the session held on 29 December 2023, the North Mitrovica Municipal Assembly adopted a decision assigning the plot near the military overhaul facility to the Kosovo Ministry of Internal Affairs.⁸ It is the plot number 02606-2, with a total area of 27,400 square meters. This item was added to the agenda of the Municipal Assembly just before the session started, which indicates that local self-government representatives often make decisions arbitrarily, non-transparently, and without essential communication with citizens.

⁷ <https://kossev.info/pocela-javna-rasprava-u-leposavicu-u-vezi-sa-eksproprijacijom-zemljista/>
<https://kossev.info/pocela-javna-rasprava-o-eksproprijaciji-u-zubinom-potoku/>

⁸ Kosovo Sever Portal <https://kossev.info/so-s-mitrovica-izglasala-zemljiste-kod-vojnog-remonta-dodeljeno-mup-u-kosova/>

LEGAL FOUNDATION

Since the presence of security structures in the north of Kosovo can be viewed dynamically (through the process of deployment of forces, the intensity of which depends on the security situation) and statically (through the forms of permanent presence of these forces - checkpoints and bases), the legal basis will also be analysed from the perspective of this division.

DEPLOYMENT OF FORCES

Regarding the deployment of the security forces, their structure should be determined first. Bearing in mind the mentioned methodological limitations, this question currently remains unanswered⁹, but the legal foundation will be examined in the widest possible way precisely because of this.

As a legislation of the highest hierarchy,¹⁰ the First Agreement on Principles Governing the Normalisation of Relations¹¹ (hereinafter: the First Agreement) regulates the presence of security forces in Serb majority municipalities in the north of Kosovo as follows:

- [7] *There shall be one police force in Kosovo called the Kosovo Police. All police in northern Kosovo shall be integrated in the Kosovo Police framework. Salaries will be only from the Kosovo Police.*
- [8] *Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.*

⁹ There is no publicly available information about which units of the Kosovo Police are present in the municipalities in the north of Kosovo, except for the information presented by the Prime Minister of Kosovo, Albin Kurti, according to which there are over 800 police officers. In addition to the regular police, with the majority of Albanian nationality, due to the fact that the Serbs have left the Kosovo Police, the constant presence of members of special units is visible, especially in places where bases have been built.

¹⁰ Since it was ratified in the Parliament in Priština as an international agreement.

¹¹ The official text is available at the website of the Office for Kosovo and Metohija of the Government of the Republic of Serbia, <https://www.kim.gov.rs/lat/p03.php>. According to the reports from the Office for Kosovo and Metohija, during the dialogue, before the Serbs left the institutions, Serbia asked for the establishment of a special police unit for the northern region, which would reflect the ethnic structure of the population.

[9] *There shall be a Police Regional Commander for the four northern Serb majority municipalities (Northern Mitrovica, Zvecan, Zubin Potok and Leposavic). The Commander of this region shall be a Kosovo Serb nominated by the Ministry of Interior from a list provided by the four mayors on behalf of the Community/Association. The composition of the KP in the north will reflect the ethnic composition of the population of the four municipalities. (There will be another Regional Commander for the municipalities of Mitrovica South, Skenderaj and Vushtrri). The regional commander of the four northern municipalities will cooperate with other regional commanders.*

Due to the abandonment of the Priština institutions in the north of Kosovo by the representatives of Serbs in November 2022,¹² these provisions of the First Agreement are largely meaningless. This created a security vacuum, which was filled precisely by increasing the presence of members of the Priština security forces. In relation to point 9 of the First Agreement, it can be stated at this point that as a result of this abandonment, such an increase could only be made from two groups - members of the police force from the four municipalities of northern Kosovo who are not of Serbian nationality, or members of other police forces outside those four municipalities (local police stations in other municipalities, other regional directorates except the one for North Mitrovica, the general directorate, special forces or reserve forces) - and this is undoubtedly a violation of the First Agreement. Direct experiences with members of the police in the observed period confirm this statement - in the police stations in the municipalities in the north of Kosovo, both Serbs from other municipalities outside this area and Albanians from all over Kosovo can be seen.

¹² <https://kossev.info/zvecan-pocoo-sastanak-srba-sa-severa-ceka-se-odluka-o-nenapustanju-institucija/>

These provisions of the First Agreement are also reflected in Article 42 of the Law on Police,¹³ which elaborates in more detail the method of appointing commanders of police stations in municipalities where the Serb community is the majority ethnic community - in short, it is carried out by the Ministry of Internal Affairs, and upon the proposal of the assembly of the relevant municipality and the general director of the police. Until the formation of municipal bodies in 2023,¹⁴ this provision was also rendered meaningless with the abandonment of institutions, and after the formation of municipal bodies, it can be determined as not applied, since, according to publicly available data, the newly formed municipal bodies have not made decisions of this type.

Additionally, during the construction of the bases in the north of Kosovo, which will be discussed in more detail in the next section, it was publically mentioned that they will, among other things, serve the needs of the border police. As, due to the mentioned methodological limitations, it is unknown whether this is actually the case, attention should be drawn here to the provisions of Articles 42 and 44 of the Law on State Border Control and Surveillance,¹⁵ which stipulate that the exercise of competence of the border police is limited by this law to a strip of 500 meters from the border line.

Finally, the limitation of the presence of the Kosovo Security Forces (hereinafter: KSF) in the north of Kosovo was agreed in 2013 between the Prime Minister of the Government of Kosovo Hashim Thaçi¹⁶ and the Secretary General of NATO in the form of a letter addressed to the Secretary General, stating that KSF forces will not be deployed in the north of Kosovo without prior consent of KFOR. Similar to the previous

¹³ The text in English is available on the official website of the Kosovo Police, https://www.kosovopolice.com/wp-content/uploads/2021/03/LAW-No.-04-L-076-ON-POLICE_2-March-2012.pdf.

¹⁴ <https://kossev.info/ponovo-se-oglasile-sirene-u-kosovskoj-mitrovici-prestalo-zavijanje-nakon-pola-sata/>

¹⁵ The text in English is available on the official website of the Kosovo Police, [https://www.kosovopolice.com/wp-content/uploads/2019/10/Ligji_Nr.04-L-](https://www.kosovopolice.com/wp-content/uploads/2019/10/Ligji_Nr.04-L-72_per_kontrollin_dhe_mbikeqyrjen_kufirit_shtetror_31.Dhjetor_2011_Anglisht.pdf)

[72_per_kontrollin_dhe_mbikeqyrjen_kufirit_shtetror_31.Dhjetor_2011_Anglisht.pdf](https://www.kosovopolice.com/wp-content/uploads/2019/10/Ligji_Nr.04-L-72_per_kontrollin_dhe_mbikeqyrjen_kufirit_shtetror_31.Dhjetor_2011_Anglisht.pdf)

¹⁶ The text in English is available <https://europeanwesternbalkans.com/2020/02/26/the-office-of-the-pm-of-kosovo-thaci-signed-a-secret-agreement-and-violated-the-constitution-dismissal-required/>, since it has been removed from the official webpage of the Prime Minister in Priština.

paragraph, as it is not known whether the KSF forces appeared in the north of Kosovo and to what extent, attention is only drawn here to this unilaterally undertaken, and due to the lack of direct sanction, political commitment.

CHECKPOINTS AND BASES

First of all, the forms of permanent police presence are, according to the division that is already largely present in everyday speech, checkpoints - which are temporary police facilities on roads, and bases - permanent facilities for accommodation and residence of police officers not only on roads, but also on other locations.

However, in July 2023, Kosovo Prime Minister Albin Kurti boasted at a session of the Kosovo Assembly that there were seven police bases in the North,¹⁷ which leads to the conclusion that he also included two checkpoints on the main roads, one in Leposavić, the other in Zubin Potok, which have been expanded after that statement, and now look like bases in terms of infrastructure.

Those are the following locations.

Municipality of Leposavić:

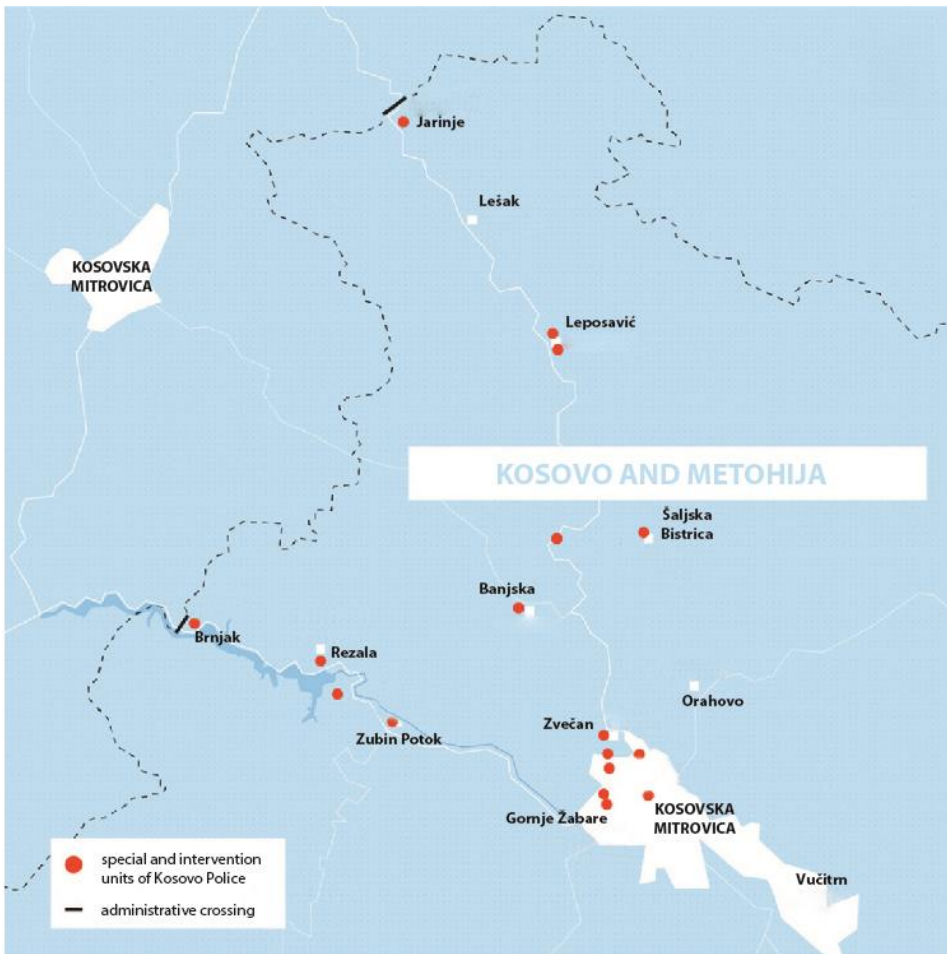
- Jarinje
- Šaljska Bistrica
- Košutovo
- Bistrica Bridge (main road Leposavić - Zvečan) was first a checkpont and then it was expanded with concrete blocks and the additional infrastructure.

¹⁷ Kosovo online <https://www.kosovo-online.com/vesti/politika/kurti-na-severu-se-trenutno-nalazi-vise-od-800-policajaca-13-7-2023>

Zubin Potok:

- Jasenovik:
- Gazivode (police checkpoint with constant presence of the police).

An outline of these facilities can be seen on the following map, with the caveat that it was taken from a publicly available source, without checking the exact locations, as well as their geolocation. In addition to the checkpoints and bases mentioned above, it also shows the security forces that are grouped in populated areas (Zubin Potok, North Mitrovica, Zvečan, Banjska, Leposavić). For the sake of orientation, it is a territory with a total area of about 1,006 km², with the population, according to all estimates, of no more than 50,000, so it can be concluded that it is a disproportionately large presence of security forces for such a small and relatively sparsely populated territory, which are distributed on all main roads, as well as in all larger populated areas.



Map 1. An outline of the presence of Kosovo police forces in the north of Kosovo¹⁸

Expropriation

For the legal analysis, the expropriation procedure carried out in the municipalities of Leposavić and Zubin Potok is of particular importance, and it was carried out afterwards, when the construction / installation of

¹⁸ Source: <https://lat.rt.rs/srbija-i-balkan/64056-kosovo-metohija-kurti-policija-vojska-pozicije/>

bases had already begun in those municipalities, which practically usurped the land in question contrary to the current legislation.¹⁹

Namely, on 2 February 2023, decisions on preparatory works no. 01/124 were adopted, as well as the decision “approving further consideration of requests for expropriation on one’s own initiative”, namely “for the implementation of infrastructure projects of public interest” no. 02/124²⁰.

These decisions are problematic both from the aspect of procedures and material and legal aspect. First, they are problematic because they are passed afterwards, when the construction/setting up of bases has already started, that is, the land has been usurped, which means that it was the attempt to legalise the usurpation afterwards.

In terms of procedures, they are problematic because they were adopted contrary to a number of provisions of the Law on Expropriation²¹ (hereinafter: LoE), as well as many other regulations, the most important of which we list here:

- Article 5 of LoE, since the preparatory works started before the decision was made,
- Article 8.1 of LoE, since the decision does not contain a detailed description of the public goal for which the expropriation is being carried out, or an explanation of its legitimacy, that is, the necessity of the expropriation,
- Article 8.5 of LoE, since the Government was not supposed to act on such an incomplete initiative for making a decision.

From a material and legal point of view, it is problematic that the purpose is stated to be the implementation of some kind of infrastructure projects of public interest, when in fact bases were (previously) built/placed.

¹⁹ Technically, only the base in Zubin Potok has been completely built on the additionally expropriated land, whereas in Leposavić, the works have only started.

²⁰ The Decisions are available in Albanian on the Official website of the Government, <https://kryeministri.rks-gov.net/wp-content/uploads/2023/02/Vendimet-e-mbledhjes-se-124-te-te-Qeverise-1.pdf>.

²¹ The law with the amendments is available in English on the official website of the Assembly, <http://old.kuvendikosoves.org/?cid=2,191&filter=4>.

Although the construction/installation of bases is not explicitly recognized in LoE as a valid goal of expropriation, it can be considered allowed if the general conditions are met, with the most important condition being that it is a legitimate public goal (Article 46.3 of the Constitution of Kosovo²², as well as Article 4 of ZoE), which, as stated above, was not done in the decision in this particular case.

Public hearings were also held in these two municipalities (on 15 February 2023 in Leposavić and on 21 February 2023 in Zubin Potok), with great attendance, and where the local population, the municipal leadership at that time, representatives of civil society organizations and lawyers expressed a number of objections to this procedure. Despite this, the Government continued with the procedure and made a preliminary decision no. 09/142²³ on 10 May 2023, which was followed by a series of court proceedings before the Administrative Department of the Basic Court in Priština, which were initiated by landowners affected by expropriation of exclusively Serb nationality.

It should be noted here that expropriation is performed in the following cadastre plots.

In the municipality of Leposavić:

- Šaljska Bistrica - on six (6) plots with a total area of 17,695 m², of which one (1) with an area of 592 m² is owned by Serbs, as well as on five (5) plots with a total area of 39,556 m², all of which are owned by Albanians,
- Dren - on six (6) plots with a total area of 391,020m², of which two (2) are with unknown areas (only the area of one is listed - 69,840m²) owned by Serbs,
- Lešak - on 13 plots with a total area of 427,533 m², of which 11 with an area of 178,178 m² are owned by Serbs,

²² Constitution with the amendments is available in English on the official website of the Assembly, <http://old.kuvendikosoves.org/?cid=2,1058>.

²³ The Decision is available in Albanian on the Official website of the Government <https://kryeministri.rks-gov.net/wp-content/uploads/2023/05/Vendimet-e-mbledhjes-se-142-te-Qeverise...pdf>.

- Košutovo - on one (1) plot with a total area of 156,614m².

A total of 1,032,418 m², of which at least 248,610 m² is owned by Serbs (and that includes pastures and forests), 39,556 m² is owned by Albanians, and the rest is state and public property.

In the municipality of Zubin Potok:

- Velji Breg (by mistake included in the decision in the municipality of Leposavić) - on 17 plots with a total area of 45,285 m², of which 14 with an area of 43,160 m² are owned by Serbs,
- Brnjak - on 11 plots with a total area of 22,151 m², of which four (4) with an area of 4,071 m² are owned by Serbs,
- Zubin Potok - on three (3) plots with a total area of 4,800m², all of which are owned by Serbs,
- Banja - on 18 plots with a total area of 126,898m², of which 12 with an area of 115,399m² are owned by Serbs,
- Gornji Jasenovik - on 38 plots with a total area of 150,568m², all of which are owned by Serbs.

A total of 344,092 m², of which 317,998 m² is owned by Serbs (and this includes houses with a garden, fields, meadows, pastures, and forests), and the remaining land is state and public property.

For both municipalities, the subject of expropriation is a total of 1,376,510m², of which 566,608m² (41.2%) is privately owned by local Serbs.

Until the conclusion of this proposal, its authors are aware that at least two judgments were passed in favour of the owners-plaintiffs, namely for a group of them from Leposavić in October 2023, and for a group of them from Zubin Potok in December 2023, which cancelled the preliminary decision, and the expropriation procedure was returned to the beginning. The court decisions confirm more or less all the identified legal deficiencies, except for the biggest one - that they had already started building/setting up the bases before the expropriation procedure was initiated, which the court did not comment. It remains to be seen how the

Government of Kosovo will act further, as well as whether the bases will be removed, that is, the works suspended, and the land returned to its previous state, which would be the only legally correct form of action.

At some point between the adoption of the preliminary decision and the judgments, the EU also expressed its negative views on expropriation, in three places:

- In the official statement of the EU representative from 12 May 2023²⁴ dedicated to expropriation,
- In the legal analysis of the expropriation procedure sent to the Priština government (text available to the authors), and
- In the Kosovo progress report for 2023.²⁵

On the other hand, the Priština authorities indirectly confirmed everything mentioned above with their actions:

- In March 2023, i.e. after the public hearings, a proposal for the Law on Amendments to the Law on Expropriation²⁶ was drawn up, which explicitly recognizes the construction of bases as a valid goal of expropriation, and which, at the time of writing this report, has not yet entered the parliamentary procedure, and
- The Government of Kosovo responded to the legal analysis of the EU, among other things by falsely stating that final court decisions had been made, although at that moment only the requests for temporary measures in the initiated court proceedings were rejected (text available to the authors).

In addition, there are examples, such as the decision on expropriation 19/67²⁷ of 9 March 2022, where the goal is explicitly stated to be the construction of the KSF training ground in Đakovica, so a similar situation (construction of facilities for security structures) is handled differently than

²⁴ Text in English available on the official website of the European External Action Service, https://www.eeas.europa.eu/delegations/kosovo/statement-governments-decision-expropriation-land-public-interest-municipalities-leposavi%C4%87leposaviq_en?s=321.

²⁵ Text in English available on the official website of the European Commission, https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%20report_0.pdf

²⁶ All documents available at <https://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=41809>.

²⁷ The Decision is available in Albanian on the Official website of the Government <https://kryeministri.rks-gov.net/wp-content/uploads/2022/05/Vendimet-e-mbledhjes-se-67-te-te-Qeverise.pdf>.

in the north of Kosovo (i.e. the expropriation decision explicitly - and truthfully - states the security goal).

Other types of property usurpation

In addition to expropriation, examples of other types of usurpation of property for security purposes have appeared in the north of Kosovo in the last few months. Given the limited information, we will only classify them by type without a deeper legal analysis:

- entrusting the police forces with the use of facilities that are under the jurisdiction of the Privatisation Agency (the case of the Rajska Spa in Banjska²⁸) or that are the subject of confiscation in criminal proceedings (the case of the seized private facility at Lake Gazivode²⁹),
- construction of the road between the villages of Vidomiriće and Banov Do³⁰ without the expropriation procedure and without marking the works, apparently based on the cadastral documentation that did not pass the mandatory comparison and verification procedure, and which could potentially have a security function, and
- allocation of a plot at the so-called military overhaul facility to the police by the new municipal leadership in North Mitrovica³¹.

The common denominator for all these forms of usurpation is that the expropriation procedure is bypassed, which should be mandatory by law, sometimes with an apparently valid legal basis, but questionable legitimacy (the case of military overhaul), and sometimes without any legal basis (the case of the Vidomiriće - Banov Do road), that is, without a legitimate purpose (cases of luxury buildings in Banjska and Gazivode). Certainly, all these cases deserve a deeper legal analysis when more official documents become available, as is the case with the expropriation proceedings in question.

²⁸ Kosovo Sever Portal <https://kossev.info/rse-rajsku-banju-pod-zakup-uzeo-kosovski-mup/>

²⁹ Radio 021 <https://www.021.rs/story/Info/Srbija/354360/Radoiciceva-vila-izgradjena-na-drzavnom-zemljistu-Kosovo-planira-da-je-oduzme-evo-sta-ce-napraviti.html>

³⁰ Media centar, Čaglavica <https://www.medijacentar.info/uprkos-protivljenju-mestana-nastavljeni-radovi-u-banovom-dolu/>

³¹ Radio slobodna Evropa <https://www.slobodnaevropa.org/a/parcela-severna-mitrovica-mup-kosovo-srbija/32752390.html>

THE SELECTED POLITICAL AND SECURITY ASPECTS

In this section, for the reasons stated above, we will single out only the most important political and security aspects of the analyzed situation.

POLITICAL ASPECT

Undoubtedly, the most important political aspect is the implementation of the mentioned “Self-Determination” political program (the leader of the ruling party in Kosovo is Kosovo Prime Minister Albin Kurti) from 2012, focused on municipalities with a Serb majority in the north of Kosovo.³²

Among other things, as stated in part 2 above, point 2 of this programme foresees:

- Increasing the police presence in the north due to the state of emergency that exists there,
- Construction of a base of special police forces near the military overhaul facility,
- Construction of two bases of special police forces near crossings 1 [Jarinjë] and 31 [Brnjak].

Based on all this, we can conclude that this program was fully implemented, chronologically, by implementing the following measures:

- Increased deployment of security forces in the north in the observed period,
- By usurpation and then expropriation for the purposes of building bases near the Jarinjë (Leposavić) and Brnjak (Zubin Potok) crossings,
- By awarding the military overhaul facility by the (illegitimate) North Mitrovica Municipal Assembly.

Although it took 11 years to implement this program, and the implementation of these measures did not follow the sequence outlined in

³² Text of the Programme in Albanian is available at <https://shqiptarja.com/lajm/alternativa-e-vet-euml-vendosje-s-p-euml-r-veriun>.

the program, this does not affect the fact that Kurti and his Minister of Police, Xhelal Sveçla, in their public appearances, do not show their intention to give it up.

SECURITY ASPECT

Trust in security structures in Kosovo has decreased significantly among the citizens in majority Serb areas, while at the same time the security situation is one of the biggest priorities they have identified during the last year. According to a survey conducted by the non-governmental organization New Social Initiative³³, as key challenges, citizens in municipalities with a Serb majority population emphasize general security and stability (35%), political freedom (34%), freedom of movement (32%), employment and economic conditions (28%) and democracy (22%), while freedom of movement was one of their biggest concerns in 2023. Based on this survey, there is a noticeable change in citizens' concerns because in earlier surveys, economic problems, unemployment, and corruption ranked highest on the list of priority problems, while security occupied a lower position. This leads to the conclusion that security challenges and crises involving violent events contributed to the change in the priority list. The greatest intensity of crises in the north of Kosovo was in the period of the past two years.

The first incident in which special units of the Kosovo Police clashed with citizens was in mid-October 2021³⁴ during a coordinated action in what the police said was the prevention of smuggling. A man was injured on this occasion³⁵. The outcome of this action and the judicial process is not yet known to the public.

With the beginning of the construction of police bases and the increased presence of Kosovo Police units that do not belong to regular patrols,

³³ Draft version of the analysis with processed data is available to the authors.

³⁴ Kosovo Sever Portal <https://kossev.info/akcija-hapsenja-u-vezi-sa-svercom-u-kosovskoj-mitrovici/>

³⁵ N1 television <https://n1.info.rs/vesti/jedna-osoba-tesko-ranjen-na-severu-kosova-i-zivotno-je-ugrozena/>

citizens' complaints about the inappropriate behavior of police officers also began.³⁶ In the statements made by the citizens to the media, it was emphasized that when entering the territory of Kosovo, policemen suddenly stopped them with long pipes, during the day, as well as at night, and treated them harshly.

The citizens also stated that the members of the special units of the Kosovo Police communicated with them exclusively in Albanian, as well as that it often happened that this inappropriate behavior was in the presence of children who were disturbed by it. These statements by citizens refer to the events at the police base located not far from the Brnjak crossing where police officers are already controlling the passage of vehicles, goods, and people.

In mid-November 2022, the non-governmental organization "Aktiv" announced that the executive director of that organization, Miodrag Milićević, was subjected to physical and verbal harassment by members of the special units of the Kosovo Police. The headquarters of the Kosovo Police in Priština denied that there was any incident or harassment.³⁷

One of the now former members³⁸ of the Serb community also stated that there was inappropriate behavior by the special units of the Kosovo Police even before the Serbs in the north left this institution. According to his testimony, during a police action in the middle of 2022, there was a shooting in the territory of Leposavić municipality, during which a large number of bullets were fired in the direction of a person who did not resist. The employed Serbs from the north of Kosovo left the Kosovo Police in the same year, on 5 November.³⁹

³⁶ Kosovo Sever Portal <https://kossev.info/gradjani-se-zale-na-maltretiranje-od-strane-specijalaca-kp-sluzbenici-ne-provociraju-vec-osiguravaju-bezbednost/>

³⁷ Radio Televizija Srbije <https://www.rts.rs/lat/vesti/drustvo/5019551/miodrag-milicevic-nvo-aktiv-napad.html>

³⁸ Video, meeting between the Serbs from Kosovo and the president of Serbia <https://www.youtube.com/watch?v=Gz0phktfP0M&t=2904s>

³⁹ Kosovo Sever Portal <https://kossev.info/zvecan-poceo-sastanak-srba-sa-severa-ceka-se-odluka-o-nenapustanju-institucija/>

At the end of January 2023, members of the Special Unit of the Kosovo Police fired at a vehicle in which two Serbs were at a checkpoint (which has now become a base) on the Bistrica Bridge, and on that occasion one of them was wounded.⁴⁰ According to the official statement of the police, the driver of the passenger vehicle hit the police vehicle and refused to stop. The two men who were in the same vehicle continued to central Serbia.

Three months later, a shooting happened again in the same place, during which one man was wounded in the chest.⁴¹ The Kosovo Police initially denied that the shooting had taken place, but later announced that there was still a suspicion that a police officer had participated in the shooting. Along with him, three other officials who are suspected of having participated in the incident were suspended. Four police officers were arrested after the suspension, and all of them have since been released pending trial.

One of the more serious conflicts between the Kosovo Police and citizens took place on 26 May 2023 in Zvečan⁴², when members of the special units of the Kosovo Police forcefully brought Albanian mayors into municipal buildings in Zvečan, Leposavić, and Zubin Potok. On that occasion, tear gas was used and there was a conflict between the Kosovo Police and the gathered citizens, who pointed out that the behavior of the police was inappropriate and that they used disproportionate force.

An even more serious incident occurred on 29 May, when citizens and members of KFOR clashed.⁴³ The conflict was preceded by several hours of tension, the arrest of two protesting men, and then a clash during which dozens of KFOR members were wounded. On the same day, not far from the municipal building in Zvečan, a member of the Serbian community from the north of Kosovo was wounded.⁴⁴

⁴⁰ Kosovo Sever Portal <https://kossev.info/bistricki-most-policija-pucala-nakon-sto-je-autom-udareno-u-njihov-auto-petkovic-mladici-nisu-zeleli-da-ih-iko-maltretira/>

⁴¹ Kosovo Online <https://www.kosovo-online.com/vesti/hronika/jovanovic-prosao-sam-pored-punkta-policije-cuo-se-pucanj-i-osetio-sam-bol-u-ramenu-11>

⁴² Radio Kontakt Plus <https://radiokontaktplus.org/vesti/video-zvecan-26-maja-nasilan-ulazak-specijalaca-u-opstinsku-zgradu/24919/>

⁴³ Al Jazeera Balkan <https://www.youtube.com/watch?v=5x-MC-el0bY>

⁴⁴ Radio KIM <https://radiokim.net/vesti/politika/184516-vucic-posetio-ranjenog-galjaka-u-bolnici-u-beogradu/>

In mid-June 2023, the Office for Kosovo and Metohija of the Government of the Republic of Serbia announced that members of the special units of the Kosovo Police in the village of Žitkovac, in the municipality of Zvečan, had beaten up two children, brother and sister K.R. (15) and D.R. (17).⁴⁵ The mother of these children also testified about this incident⁴⁶, while the Kosovo Police denied that the police beat the minors.⁴⁷

On 24 September 2023, an armed group of Serbs clashed with the Kosovo Police in the village of Banjska.⁴⁸ According to the information known so far, a group of Serbs entered this village from the direction of central Serbia and planted explosives at the entrance to the village. The first victim was a Kosovo policeman of Albanian nationality, after which there was an armed conflict between a group of Serbs and the Kosovo Police during which three men from the north of Kosovo, of Serbian nationality, were killed.

In November 2023, an activist of the civil initiative “Za Zubin Potok” (For Zubin Potok) was detained and released after several hours of detention and questioning at the police station in Zubin Potok.⁴⁹ He stated that he was beaten and had visible injuries, while the police stated that he shouted at the officers and resisted arrest, and that they had to “use the necessary physical force”.

Common to all the mentioned cases is that none of them has a legal epilogue yet. The two-year tensions are often cited as the reason why citizens from the north of Kosovo decide to leave. The number of people who moved out is mostly guessed, and according to the claims of the Serbian state leadership, in 2023, precisely because of the presence and

⁴⁵ Insajder <https://insajder.net/prenosimo/srpska-lista-decak-i-devojcica-pretuceni-u-opstini-zvecan>

⁴⁶ Kosovo online <https://www.kosovo-online.com/vesti/drustvo/majka-pretucene-dece-zatekla-sam-decu-sa-puskama-iznad-glave-18-6-2023>

⁴⁷ Radio Goraždevac <https://www.kosovo-online.com/vesti/drustvo/majka-pretucene-dece-zatekla-sam-decu-sa-puskama-iznad-glave-18-6-2023>

⁴⁸ Radio Slobodna Evropa <https://www.slobodnaevropa.org/a/kosovo-pucnjava-policijac-ubistvo-sjever-kosova/32606824/1b111bi0.html>

⁴⁹ Kosovo Sever Portal <https://kossev.info/priveden-aktivista-gi-z-potok-bisevac-pretukli-ga-ima-povrede-kp-upotrebili-smo-neophodnu-silu-opirao-se-privodjenju/>

behavior of the Kosovo Police, 11 percent of people from the north of Kosovo moved out. The analysed events show that the security in the north of Kosovo has become worse, and citizens are rightly expressing concern for their future in these municipalities.

CONCLUSION AND RECOMMENDATIONS

From everything mentioned above, it is clear that there is a security crisis in the north of Kosovo, which is closely related to the institutional one. This crisis can be seen on several levels, from the increase in the presence of security forces, their stationing through illegal expropriation and other forms of usurpation, all of which are either directly illegal or at least questionable, and through numerous incidents and, as a result of all this, the depopulation of the north Kosovo.⁵⁰ The only way this can be corrected is the withdrawal of security forces, along with the restoration of institutional and security arrangements that include members of the Serb community in a legal and legitimate manner.

The given framework for such correction is currently represented by the Brussels process, where the Implementation Annex of the Agreement on the Road to Normalisation of Relations between Kosovo and Serbia⁵¹ from March 2023 foresees both the revision of the content/criteria of Chapter 35 for Belgrade and the formulation of the agenda of the Special Group on Normalisation for Priština. Since the Agreement⁵² itself contains a provision on the implementation of all previously reached agreements, and that the First Agreement, as one of them, was rendered meaningless by the abandonment of the institutions, it is to be expected that the agenda will also include measures to resolve the institutional crisis.

Although the Brussels process does not deal directly with security matters, the deterioration of the security situation is very much mentioned as a necessary precondition for the full implementation of what was agreed, in the context of de-escalation in four municipalities in the north of Kosovo,

⁵⁰ These allegations are often made by citizens from the north of Kosovo, based on direct and indirect knowledge, and according to the claims of the President of Serbia, 11 percent of citizens left the north of Kosovo in 2023.

⁵¹ Text in English available on the official website of the European External Action Service, https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between_en.

⁵² Text in English available on the official website of the European External Action Service, https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-agreement-path-normalisation-between-kosovo-and-serbia_en.

in a series of official announcements by EU representatives - from 3 June 2023⁵³, 19 September 2023⁵⁴, and 3 October 2023⁵⁵.

Bearing in mind the dual nature of the current crisis in the north of Kosovo, as well as the current framework for its solution, i.e. Brussels process, the following recommendations can be made at this point regarding the resolution of both the institutional and security aspects of the crisis:

- Achieving a political agreement on the return to institutions, followed by a general and broad amnesty,
- Withdrawal of brought police forces, as well as removal of all checkpoints and bases,
- Conducting legitimate local elections in four municipalities in the north of Kosovo,
- Filling the police forces in a legal way that reflects the ethnic structure in the north of Kosovo (this includes the establishment of a special unit of the Kosovo Police for the northern region that reflects the ethnic structure in these four municipalities),
- Suspension of illegal expropriation, as well as invalidation of the aforementioned other forms of usurpation, with return to the previous state and compensation for damages,
- Formulation of effective international guarantees of application of all the above, and

⁵³ Text in English available on the official website of the European Commission, <https://www.consilium.europa.eu/en/press/press-releases/2023/06/03/statement-by-the-high-representative-on-behalf-of-the-eu-on-kosovo-and-latest-developments/>.

⁵⁴ Text in English available on the official website of the European Commission, <https://www.consilium.europa.eu/en/press/press-releases/2023/09/19/belgrade-pristina-dialogue-statement-by-the-high-representative-on-behalf-of-the-european-union-on-expectations-from-serbia-and-kosovo/>.

⁵⁵ Text in English available on the official website of the European External Action Service, https://www.eeas.europa.eu/eeas/kosovoserbia-speech-high-representative-vice-president-borrell-ep-assembly_en.

- Formulation of appropriate transitional arrangements that would be applied in the period between reaching appropriate agreements and implementing all the above.

In order for these recommendations to be methodologically more deeply grounded, the findings of this practical policy proposal should be supplemented by collecting more detailed data on the structure of the security forces in the north of Kosovo, as well as on other types of usurpation of property, through direct communication with Kosovo structures, and through the procedure of sending requests for the availability of information of public importance. On the basis of such completed data, a deeper analytical overview of the situation could be carried out, which would enable the topic that was only started in this text to be treated at the same level as, for example, expropriation, which would enable a more efficient operationalisation of the recommendations.



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