



June 26, 2008

The Honorable George V. Voinovich
United States Senate
Washington, DC 20510

Dear Senator Voinovich:

It was a great pleasure to meet with you. We found our meeting very constructive and are pleased with your personal follow-up on the Decani matter. We also met and discussed this issue with Deputy Assistant Secretary of State, Rosemary DiCarlo and her staff.

The case of the monastery cadastral records is emblematic of the lack of protection of the rights of Serbs and other non-Albanian minorities that still prevails in Kosovo. We fear that this is a continuation of the post-1999 reality when minorities had their human rights, property rights etc. violated by perpetrators who have not been held accountable. Inadequate monitoring, reporting and accountability mechanisms, enforcement power and lack of will by the international community reinforced Kosovo Albanian perpetrators' inclination to carry out these crimes. The problem was further exacerbated by Kosovo authorities who were complicit due to corruption and criminal connections.

Nothing can be expected to change unless and until these weaknesses and lack of mechanisms is corrected. We worry that in fact nothing has changed as the cadastral case so woefully demonstrates.

In May the UN ruled that the municipality had to restore the monastery cadastral records to *status quo ante* by May 27th. The Pristina government supported the UN ruling. The municipality did not restore the cadastral records but instead defied both its own government's and the UN's authority, by unanimously rejecting the ruling on June 4th and voting 2 UN Decani authorities *personas non-grata*, threatening and beating them. As far as we know our own government and UN officials as well as Decani monastery representatives have held discussions with the municipal authorities but they continue to defy the order with no consequences.

We have indications that the illegal cadastral manipulation is not unique to Decani but has in fact been similarly carried out in Pec and other areas in Kosovo. The Decani case is a test case not only as it involves cadastre manipulation but as a test of the limits of the will of both Pristina and international authorities to challenge violations of minority rights and the rule of law, to hold perpetrators and acquiescing authorities accountable and to enforce the law.

Peace in Kosovo will not have a chance if violators of others' rights and the victims of their crimes both understand that there is no higher authority capable or willing to hold violators accountable and that they can continue to carry out these acts with impunity.

We are concerned that the most fundamental elements needed to prevent continuing crimes against the Serbian Orthodox Church and the non-Albanian minorities are missing in Kosovo. These are listed in the attachment "Are the Conditions Necessary for the Protection of the Rights of Minorities Present in Kosovo". We are asking our government to tell us the status of these conditions. Without them nothing will change and a democratic Kosovo will remain a delusion.

We are researching this matter and will inform you as we learn more. Please find enclosed a copy of a letter to Father Sava. With facts in hand, the Serbian Unity Congress will work to bring this to the attention of our government. As the international stakeholder most trusted by the Kosovo Albanians, we the US can and should bring to bear our leverage and authority to see that this kind of violation ceases and that all the necessary conditions are put in place.

Your support through the years for the rights of minorities in Kosovo and elsewhere has been exemplary. We hope that with your stature and example and the commitment you have made to set this right our government will see that law and order prevail in Kosovo. We will do all that we can in our capacity to help.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mirjana Samardzija". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Mirjana Samardzija
President

cc: Father Sava

Enclosure

Are the Conditions Necessary for the Protection of the Rights of Minorities Present in Kosovo?

Background of the Decani Cadastre Case

In 2001 the Decani municipal authorities altered the Decani monastery cadastre records in order to take away the monastery title to its lands. No due process was followed and this act was illegal. In May of this year the KFOR authorities ruled that the municipality had to restore the monastery cadastral records to *status quo ante* by May 27th. The municipality did not restore the cadastral records but instead defied both its own government's and the UN's authority, by unanimously rejecting the ruling on June 4th and voting two UN Decani authorities *personas non-grata*, threatening and beating them. US government and UN officials as well as Decani monastery representatives have held discussions with the municipal authorities but they continue to defy the order with no consequences. This situation begs the following questions regarding whether the conditions necessary for the protection of the rights of minorities exist in Kosovo.

Hierarchy of Authority in Kosovo

- Who is the ultimate authority in Kosovo, the UN or the Pristina government?
- If the Pristina government does not hold the Decani municipality accountable for these violations, will the UN? How?
- Is the Pristina government responsible for seeing that the UN ruling that the Decani municipality restore the cadastre be carried out? If they fail to do so who will hold them accountable? How?
- What power does the UN have and what methods are at its disposal to enforce its ruling other than verbal reprimand?

Monitoring and Compliance Tracking Mechanisms

- Are there milestones and timelines defined that must be achieved? What are they? Where are they laid out?
- Are parties/institutions that are responsible for their achievement identified? Who are they?
- To whom is compliance or lack thereof reported and which authority is responsible to deal with noncompliance and how?
- Have all of the above been clearly communicated to the Kosovo people -- how, where and by whom?

Accountability Rules and Mechanisms

- Who is accountable for such illegal acts? Have they been identified and by whom?
- To whom are the violators accountable? Where is this specified, and how?
- Are consequences for these illegal acts clearly defined, where and how?
- Do municipality officials swear/agree to abide by the laws of the land? Is it clear that they are laid by and can be enforced by ultimate authorities?
- How is accountability judged, where and by whom?

Enforcement of the Rule of Law

- Who will enforce the UN ruling that the cadastral records be restored? How?
- Who will hold violators who illegally changed the cadastres responsible? How?
- If violators defy enforcement and Pristina fails to enforce the rule of law, will the international community do so and how?
- If Pristina leaders fail to enforce the rule of law, what consequences will they and Kosovo face for not doing so?
- If violators defy enforcement with the threat of violence and Pristina fails to enforce the law/ruling, will the international community allow them to get away with it? If not, what are they willing to do not to allow such illegal acts to prevail?