

Republic of Serbia

Submission to study on intentional destruction of cultural heritage

Being a country with rich history and abounding in diverse cultural heritage, the Republic of Serbia has always advocated the respect for cultural rights and the preservation of cultural heritage. We uphold the global efforts aimed to protect cultural heritage, hoping that this will help raise awareness of the importance of this issue, through education and culture, in order to preserve our heritage for the future generations. This implies, at the same time, awareness-raising of the interrelatedness and interdependence between the protection of cultural heritage and human rights. Acknowledging the importance of enjoyment of cultural rights, the Republic of Serbia has co-sponsored the Joint Statement on Cultural Rights and the Protection of Cultural Heritage at the 31st regular session of the Human Rights Council.

The cultural rights policy of the Republic of Serbia is based on freedom of expression in cultural and artistic creativity, the autonomy of cultural entities, open access to cultural content for the public, respect for European cultural and democratic values, national tradition and diversity of cultural expression. The cultures of national minorities are considered to be an integral part of the national culture, and the objective is to foster all of them individually, as well as generally in the broader context.

Unfortunately, in the Serbian Autonomous Province of Kosovo and Metohija problem of intentional destruction of cultural heritage has persisted ever since the conflict of 1999 and subsequent placement of the Province under UN administration.

Since June 1999, i.e. following the cessation of armed conflicts, up to this day, 236 churches, monasteries and other buildings owned by the Serbian Orthodox Church, including the cultural and historical monuments, have been subject to attack. Out of the said number, 61 enjoy the status of a cultural monument, while 18 are of exceptional importance for the Republic of Serbia. 174 religious objects and 33 historical cultural monuments were destroyed, more than 10000 icons, ecclesiastic, artistic and religious service objects have been stolen; 5,261 headstones have been either demolished or damaged in 256 Serbian Orthodox graveyards, and not a single undamaged headstone can now be found at more than 50 of them. Monuments honouring historical figures such as Miloš Obilić, Prince Lazar of Serbia, Vuk Karadžić, Dositej Obradović, Petar Petrović Njegoš and many other great individuals who marked the Serbian history and culture, have all been torn down at some point. The extent of the destruction of anything that reminded in any way of the centuries of the Serbian presence in Kosovo and Metohija is illustrated by the fact that the pine that used to stand in the village of Nerodimlje near Uroševac, believed to have been planted in 1336 by the medieval Emperor Dušan himself, was cut down in 1999. Today, no town south of the Ibar River has a street that bears the name of a Serbian historical figure. At the same time, not a single monument was damaged, let alone destroyed, at the Albanian graveyard situated in the northern part of Kosovska Mitrovica, populated mostly by Kosovo Serbs.

Unfortunately, the presence of international forces has not helped to prevent such conduct, which peaked in the 2004 pogrom. Over the three days of the Kosovo Albanians' violence against the Serbs, on 17, 18 and 19 March 2004, ten Serbs were killed, more than 900 people were gravely injured, and more than 4 000 Serbs were driven out of six cities and nine villages. Thirty-five churches and monasteries (including 18 monuments of special cultural importance), 935 Serbian buildings, out of which 738 Serbian houses, 10 public facilities, schools, post-offices and health

stations were knocked down and set on fire. All these incidents occurred in spite of the presence of 38 000 KFOR troops from 39 countries, as well as 8 000 UN police officers from 52 countries.

Monuments under UNESCO protection – World Heritage in Danger

Both in Serbia and abroad, there are many examples bearing witness to the fact that cultural and religious heritage are intertwined, thus constituting the essential element of national identity and part of the valuable historical and civilizational heritage of modern Europe and the world. Due to being exposed to attacks **UNESCO placed four Serbian cultural monuments from Kosovo and Metohija under its protection, inscribing them on the List of World Heritage in Danger**, for reasons of their exceptional importance for global culture, science and education: the Church of the Virgin of Ljeviš (14th century), the Monastery of Gračanica (14th century), the Patriarchate of Peć Monastery (13th-14th century), Visoki Dečani (14th century). They are closely related to other monuments protected by UNESCO in Serbia - Stari Ras, Studenica, Sopoćani, with which they constitute an indivisible historical whole.

Unfortunately, the destruction trend targeting the Serbian cultural heritage in Kosovo and Metohija has perpetuated up to this day; the provisional institutions of self-government in Kosovo and Metohija have practically done nothing to bring perpetrators to justice, with sporadic efforts invested in the cultural heritage rehabilitation and recovery process. In addition to tolerating acts of vandalism against and destruction of cultural monuments, the provisional institutions of self-government in Kosovo and Metohija actively work to forge history with an attempt of erasing the centuries-long Serbian presence in Kosovo and Metohija.

Between June and August 2004, the Council of Europe set up a Mission and subsequently organized the Donors' Conference, in tandem with UNESCO and UNMIK. The published report

stated the estimation of damage and the assessment of the funds needed to restore the monuments of culture and the religious sites destroyed in the March pogrom of 2004, including the proposal of emergency measures, i.e. the short-term and long-term measures for the protection and rehabilitation of monuments and religious buildings. Among the monuments destroyed/subject to severe damage, mentioned in the Mission's Report, the following are included: the Church of the Virgin of Ljeviš (14th century, now under the protection of UNESCO), the Church of Saint Nicholas (14th century), Saint George's Church (15th century), the Monastery of the Holy Archangels (14th century), the Serbian part of the old town of Prizren (19th-20th centuries), the Cathedral Church of the Holy Trinity (19th century), the Church of the Dominion of the Mother of God (16th – 20th century), the Devič Convent (15th- 20th century), Saint Nicholas Church (19th century).

In 2013, UNESCO performed restoration of frescos in the Church of the Virgin of Ljeviš in Prizren, which had been burnt down and vandalized in the riots of March 2004. Reconstruction works at three UNESCO locations were finished as well, namely monasteries of Visoki Dečani, Gračanica and Patriarchate of Peć.

OSCE Mission in Kosovo (OMIK), in response to incidents against cultural heritage, with other international organisations and stakeholders, have voiced concerns with regard to protection and preservation of cultural heritage. The OMIK Report "Challenges in the Protection of Immovable Tangible Cultural Heritage in Kosovo" (May 2014) was based on the regular monitoring activities of the OSCE in the field of protection and promotion of cultural heritage conducted between January 2010 and February 2014. As stated in the Report "Neglect and vandalism of sites, uncontrolled urban growth and little consideration of how to balance cultural and religious heritage protection with the rights of individuals and communities living around the sites, threaten this heritage".

OSCE urged Kosovo authorities to ensure full implementation of the legal framework on cultural heritage protection, as well as the full staffing and effective functioning of all relevant institutions. Moreover, they encourage institutions to ensure immediate condemnation of all security incidents affecting cultural heritage sites, in particular of non-Albanian communities, and timely outreach activities with the aim of reassuring affected communities.

Destruction of cultural heritage and its impact on human rights

In the Province of Kosovo and Metohija, freedom of religion and enjoyment of cultural rights is inseparably intertwined with the freedom of movement and right to life. This is best reflected in the fact that ever since 1999 when over 230,000 Serbs and other non-Albanians were forced to leave the Province (or were displaced within the Province) and despite 17 years of international presence, less than 1.8 % returned to their homes. Representatives of Serbian community are exposed, on a daily basis, to discrimination, physical attacks, destruction of property and cultural monuments. They live in fear, not being able to freely participate or organize cultural activities in every-day life. All of this constitutes an attempt at suppressing identity of ethnic communities and individuals, having direct impact on the exercise of their fundamental human rights and freedoms.

Serbian cultural heritage in Kosovo and Metohija is the most vulnerable cultural heritage in modern-day Europe. The territory of Kosovo and Metohija hosts more than 1 300 temples, more churches and monasteries than any other part of Serbia. However, the intolerance towards the Serbian population and the Serbian cultural heritage in Kosovo and Metohija has not waned even over decade and a half after the ethnic conflict and the March 2004 pogrom. Attacks against the Serbian population and the cultural, religious and historical sites, graveyards and Serbian houses, on an almost daily basis, testify to this fact.