

FACULTY OF LAW
UNIVERSITY OF BELGRADE

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THE PREDICAMENT OF SERBIAN ORTHODOX HOLY PLACES IN KOSOVO AND METOHIA

Elements for a Historical, Legal and
Conservational Understanding



BELGRADE
2010

UNIVERSITY OF BELGRADE LAW FACULTY

Edition
MONOGRAPHS

41

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Publisher

University of Belgrade Law Faculty
Publishing and Information Center

For the Publisher

Prof. Dr. Mirko Vasiljević, Dean

Editor

Prof. Dr. Dragan M. Mitrović

Reviewer

Prof. Dr. Branko Rakić

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1. INTRODUCTION

The study attempts to provide a synthetic view on the unique problem of the precarious situation in which the sacral architecture in Kosovo and Metohia, which forms by far the most substantial part of the total Serbian cultural and spiritual heritage, has found itself since the armed conflict in the province of 1999. The subject predicament is conceptually complex because a great number of monuments and holy places have already been intentionally destroyed, while the present political and legal circumstances remain to be conducive for the continuation of such destruction of the remaining ones. In a number of significant cases, the architectural heritage forms home for live monastic communities and active pilgrimage. The destruction, on the other hand, may only be fully understood by assigning it to the intention of denying the very spiritual, cultural and ethical identity that these monuments provide to the Serbian Orthodox population. An optimal and objective understanding of the problem, therefore, needs to be found in the focal point of historical, legal and conservational perspectives.

Armed conflict in the Spring of 1999 over Kosovo and Metohia, led between NATO and Albanian guerrilla on one side and the FR of Yugoslavia on the other, which was by NATO qualified as a “humanitarian intervention”, and by the FR of Yugoslavia as an “aggression”, resulted, among other consequences, in the destruction of a number of medieval sacred structures – holy places. The war led to the establishment of a temporary UN administration for the province and in the commencement of the process aimed at determining the status of, and fulfilment of certain standards in this territory (UN SC Resolution 1244/99). Since in 1999 the territory formed part of Serbia as one of the two constituents of the Federal Republic of Yugoslavia, upon dissolution of the federal state in 2003 the territory remained to be claimed by independent and internationally recognized Serbia. Both on the grounds of the UN SC Resolution of 1999 and following its own Constitution, Serbia considers Kosovo and Metohia part of its sovereign territory, enjoying the status of an autonomous province (About the toponyms Kosovo and Metohia, see Section 6.1).

Serbia has not agreed with the unilateral declaration of independence of Kosovo, proclaimed in 2008. After the appeal by Serbia, the UN General Assembly requested from the International Court of Justice to present an advisory opinion on the legality of the self-proclamation of Kosovo independence (UN A/RES/63/3 2008). This opinion has not been given yet. On most of the territory of Kosovo and Metohia, Serbia *de facto* has not been since the end of hostilities in 1999 able to exert governmental powers, which would include protection and efficient conservation of sacred/holy places. As the ongoing

dispute pertains to the territory in which sacred/holy places of the Serbian spiritual heritage represent an obvious and genuine token of many centuries of local existence of Serbian culture, spirituality, statehood, thus affirming Serbian claims to the territory both in general and to individual properties, it is understandable that the two sides hold opposing views on the protection and conservation of the Serbian sacred/holy places (Mnemosyne 2003).

Most historians are unanimous in designating the area of Kosovo and Metohia as “the cradle” of the Serbian medieval statehood and spirituality. This is where the Serbian medieval state grew to its greatest strength, the seat of the first Serbian Patriarchate was located, and numerous Serbian rulers and church leaders lived and were buried (see Section 6.2).

One of the richest and most concentrated groups of sacred architecture and holy places inherited by the European, contemporary Christian and global cultures from the Christian East is situated on the territory of Kosovo and Metohia, as shown in the numerical data. According to the registers of protected cultural properties from 1986 and 1994, there were over 400 protected cultural properties in Kosovo and Metohia, whereby a significant had been protected previous to issuance of these registers. The only monuments in Kosovo and Metohia recognized by UNESCO as part of the world cultural heritage are the Serbian Orthodox sacred/holy places. Monastery Dečani was included in the World Cultural Heritage List by UNESCO in 2004, while three other prominent sacred monuments were added in 2006: Monastery Pečka Patrijaršija (Patriarchate of Peć), Monastery Gračanica and Church of Mother of God Ljeviška in Prizren. The inclusion in the World List of Cultural and Natural Heritage has confirmed the universal civilizational value of these sacred/holy places. Sadly, they were also included in the List of World Heritage in Danger, a fact clearly showing their precarious status (UNESCO 2006). The territory of Kosovo and Metohia is the center of cultural, sacred and artistic heritage of greatest value, testifying not only to the presence of various confessions and civilizations, but also about vital crossroads of cultures. This heritage belongs to the whole humanity and needs to be protected and saved regardless of the culture and confession it belongs to, according to the principle of European “common heritage”. Saving and protecting cultural heritage in Kosovo and Metohia, particularly eliminating existing to Christian heritage there, is a great challenge and an obligation for modern Europe, even more as many of these sites are sacred/holy places.

Kosovo represents a Holy Land to Serbs as well as to neighbouring Christian nations, both in its historical-national and cultural-artistic dimension and even more in the spiritual-religious context. The Serbian Orthodox Church regards Kosovo and Metohia as crucial for the national, spiritual, cultural, Christian and theo-anthropic identity of the Serbs (Holy Assembly of Bishops of the SOC 2003). The approximate picture on intensity and weight of the attribute becomes visible when the Serbian sacred and historical places are mapped (Gvoić 1999, Figure 1). There are over 1,500 red marks thickly distributed all over the territory of the Province, with several zones of greatest concentration. Another indicative map has been published by the Serbian

Orthodox Diocese of Raška and Prizren (Figure 2), showing only a few hundreds of the most important monasteries and churches built both before and after the fall of Serbian state under the Ottoman rule in the XV century (Diocese of Raška and Prizren). The Holy Assembly of Bishops of the Serbian Orthodox Church claims 1.300 Serbian Orthodox churches and monasteries in Kosovo and Metohia, dating from the Middle Ages to the present days (Holy Assembly of Bishops of the SOC 2003).

In spite of such a quantity and density of “holiness” in a rather confined area, numerous threats and violent actions against Serbian Orthodox Christian places in Kosovo have persisted since 1999 (Bold 2001; Council of Europe 2003). The maintenance of order after the war-time anarchy had been slow and never completed, although it represented a responsibility foreign (international) military forces. However, from June 15, 1999 to May 10, 2003, at least 40 Serbian Orthodox churches and monasteries were completely destroyed, while more than 70 were demolished, plundered and burned (Holy Assembly of Bishops of the SOC 2003). Then, in the March 2004 pogrom of Serbs, international forces, although armed to the teeth, turned out to be completely powerless against the well-orchestrated tide of nationalist rage directed against Serbs. In just two days several dozens of monasteries, churches and other Orthodox sacred/holy places were destroyed and devastated (Preliminary Report 2004; Technical Report 2004; 2004a). Even today, the opposing global and regional political interests paralyze or undermine the efforts to successfully solve the problems connected with protection and security of persons and objects, and to save and protect these holy places both for their devout population and the civilization as a whole (Bold & Pickard 2008; Pickard 2007; 2007a; 2007b; 2008; 2008a; Pickard & Pickerill 2007).

During the March 2004 Pogrom, apart from human casualties, seven Serbian villages were destroyed or depopulated. Thirty-five Serbian Orthodox churches and monasteries, some dating back to the 13th century, were razed or damaged beyond repair. UNMIK admits the March Pogrom shocked the mission “to its foundations.” The rapid spread of the violence “overwhelmed” UNMIK. It was so widespread and so clearly targeted against Serbian churches and villages that it had to have been coordinated, UNMIK concluded.

March 2004 violence obviously appears to have been planned. Over the past five years, in addition to nearly 1,200 Serbian inhabitants killed and 200,000 (half the total or more) forced to leave the province, nearly 150 Serbian Orthodox churches, monasteries and shrines were destroyed or robbed. Sacred artifacts such as ancient scriptures, icons and ornate relics have been permanently lost, defaced or sold on the black market. Since Serbs view Kosovo and Metohia as the birthplace of their nation and their faith, this means many of the symbols of their identity and values have been lost forever (Gunter 2004). The effects of the March Pogrom will have thus a prolonged impact, which had been its very goal: after the unilateral declaration of independence of Kosovo in 2008, Serbian sacred/holy places were suddenly put in a new administrative context that, after the experience from 2004, is viewed by believ-

ers and by the Serbian Orthodox Church as hostile and insecure. Occasional attacks on religious objects and pilgrims have continued to take place since.

One of the distinctive characteristics of Orthodox Christian holy places in Kosovo and Metohia is the fact that great many people feel a strong connection to them and understand them as their own living history. These are not the holy places made in foreign lands at the dawn of Christianity, visited by processions of pilgrims from all sides of the World once in a lifetime. The Christian Orthodox holy places of Kosovo and Metohia are domestic holy places, watched from the doorsteps of family homes, visited regularly, at holidays and for liturgies, visited by Orthodox Christians from various countries, with members of other confessions joining the ranks of Kosovo and Metohia monks. At the same time these are the places of material and spiritual experience of the national history of Serbs – *“un symbole représentatif de la spiritualité et des valeurs incarnant les idéaux européens”*, *“places of unique spiritual and religious interests”* (cit. in Benzo 2009) and unbroken history since the Middle Ages.



Figure 1. Kosovo map.

Red markings: Serbian monuments and religious objects (Gvoić 1999)



Main monuments and sanctuaries of Kosovo and Metohija – the Diocese of Ras-Prizren – from the Middle Ages to Modern Times. (Based on the map by Jovan Cvijić, The Balkan Peninsula.)

Monuments and sanctuaries predating 1459

Monuments and sanctuaries built from 1459

- existing monasteries
- ◐ ruins of monasteries
- existing churches
- ◑ ruins of churches
- △ hermitages

- existing monasteries
- ◓ existing churches
- ◒ ruins of churches

Figure 2.

Most important monasteries and churches in Kosovo and Metohia

2. APPROACH

The main findings have been made by conducting comparative analysis of 16 case studies of diverse Serbian sacred/holy places from the whole territory of Kosovo and Metohia, encompassing Serbian Orthodox churches and monasteries, as well as whole settlements or parts of settlements which have developed their present appearance during many centuries of existence of the autochthonous Serbian Orthodox community (Appendix 6), matching with the criteria suggested by A. Benzo. They primarily include those holy places that may be considered to have had a special role in the history of religion as a permanent and unique landmark (the Saints' relics, endowments, seat of the Patriarchate at its inception). They represent objects of veneration not only by the local communities but also by believers from different parts of the world and even by members of different religions, which secures them a universal dimension as well.

In selecting the holy places for this study we have completely abided by this provisional definition:

A holy place is a public area or an object traditionally and regularly visited by at least several generations of devotees due to its undisputed symbolical, religious, memorial or other spiritual significance, enabling multiple, direct or communicated experience of worship, religious identity, ethnical origin, national history and/or hope for salvation.

Holy (sacred) places have an important role in the history of a religion as its permanent landmarks, contributing to its unique identity by their spiritual, symbolic and social significance. Therefore, holy sites are among determinants of a religious identity in its entirety.

It sounds plausible that the concept of holy or sacred places should also allow for the possibility of broadening its territorial scope within "sacred zones" or "sacred areas". The case of Mt. Athos is an example of such situation, as the whole area of the peninsula is considered to be sacred, and not only particular monasteries and other sanctuaries. Similar situation seems to affect the case of Jerusalem, also due to high concentration of sacred sites. A holy place should therefore be viewed, perceived and defined in such context.

In certain cases and under certain circumstances, holy places may also include other categories of places of worship, as well as cemeteries and shrines. The sacred character of such sites may be grounded in oral tradition, teaching, history, myth, folklore or legend, being often associated with magic

and miracles. Spiritual value of holy places cannot be measured by politics, history or cultural significance only. The significance of holy places is multi-dimensional to contemporary societies, being not only particular, but also universal. Thus a proper general appreciation and protection of such significance would be a token of multi-religious harmony and religious diversity in any given society.

Keeping in mind these criteria, definitions and positions, the following holy places have been chosen for case analyses of this study:

A. Settlements and parts of settlements with a high concentration of sacred sites:

- Prizren, town center
- Sredačka župa
- Velika Hoča near Orahovac

B. Monasteries:

- Monastery of Saint Healers Cosmas and Damian, Zočište
- Monastery Gorioč (Figure 3)
- Monastery of Presentation of Mother of God, Dolac near Klina
- Monastery Budisavci
- Monastery Gračanica
- Monastery Visoki Dečani
- Monastery Devič, Devič near Srbica

C. Churches:

- Church of Saint Healers Cosmas and Damian, Podgrađe
- Church of Mother of God, Vaganeš
- Church of Mother of god Hodegetria, Mušutište near Suva Reka
- Church of St. Nicolas, Gnjilane
- Church of Presentation of Mother of God, Lipljan
- Church of St. George, Rečane near Suva Reka

In order to understand and acknowledge specific problems of conservation of Serbian Orthodox holy places in Kosovo and Metohia, we tried to comply with the wording and the spirit of applicable international documents, especially the Declaration on Cultural Diversity, The European Convention on Human Rights and The Ministers Committee Declaration on Human Rights, The European Cultural Convention, the World Heritage Convention and the Guidelines for its implementation, and also partially the standards of IUCN for Sacred Natural Sites (Wild. & McLeod, 2008).

Being aware of the sensitivity of the problem at hand and the risk of coming under the suspicion of bias, we have double-checked all information and compared the assessments with the conclusions and decisions of official

and neutral international missions (Bold 2001; Council of Europe 2003; Preliminary Report 2004; Technical Report 2004; 2004a; Kai Eide's Report 2005; Contact Group Guidance Principles 2005; Pickard & Pickerill 2007; Pickard 2007; 2007a; 2007b; 2008; 2008a; Bold & Pickard 2008; US Reports on Intl. Relig. Freedom).

We have presented problems and results in a standardized form, so that features common to several holy places, as well as those idiosyncratic to some of them may be more easily perceived.



Figure 3. Monastery Gorioč (XVI century), 2006-02-21

This study represents an attempt to address the following issues:

1. Limitations on transfer of ownership and enjoyment of property rights; obligations imposed upon owners of holy/sacred places;
2. Responsibilities and duties of owners and users (managers) to enable or limit access to sacred/holy places;
3. Responsibility for security of holy places and maintaining law and order; question of ex-territoriality of sacred/holy places;
4. Forms of management of sacred/holy places; autonomy of religious communities and cooperation with public officials;
5. Possibility of joint use of sacred/holy places by two or more religious communities;
6. Relevant fiscal questions.

The results were used to form assessments and conclusions as grounds for developing proposals for new legal framework for the sacred/holy places, especially along the lines of answers to the following questions:

1. Why is special protection of sacred/holy places necessary?
2. Are new legal solutions for protection of sacred/holy places necessary, or perhaps the already existing framework is sufficient?
3. What exactly should be subject of protection?
4. Which legal means would be most efficient for achieving the identified goals?



Figure 4. Prizren – Cathedral of St. George (XIX century) in March 2004, the church was burnt down and mined in the presence of the KFOR troops

3. HISTORICAL CONTEXT

Serbs, as one of the Slav tribes, inhabited central parts of the Balkan peninsula, including the territory of Kosovo and Metohia, approximately starting from end of VI, beginning of VII centuries AD, and underwent Christianization in the second half of IX century, first due to the influence from the towns on the Adriatic coast and then through the work of Byzantine missionaries Cyril and Methodius (Srejšović, D. et. al. 2000). The settlement of Serbs did not entail conflicts with indigenous population of nomad shepherds, but instead with Romanic population of towns and with Byzantium. Having had spent several centuries in intermittent loyalty to the Byzantine Empire and conflicts with it, Serbian state began taking over Kosovo and Metohia from the Byzantine Empire – led by Prince Časlav in X c. AD and under megajupanus Vukan at the end of XI century AD, approaching it from the North-West (Bogdanović, D. 2006). At the end of XII century, after the death of Byzantine Emperor Manuel I Komnenos, Serbian leader megajupanus Stefan Nemanja, the founder of the Nemanjić dynasty that ruled Serbia in the two centuries that followed, succeeded in establishing his rule in Kosovo and Metohia (Srejšović, D. et. al. 2000). Since then the territory formed part of the Serbian medieval state until its fall more than two and half centuries later, in mid-XV century (Bogdanović, D. et. al. 2000). However, the state enjoyed greatest vigor and progress under Nemanjić dynasty, which ruled it until the second half of XIV century. It was during that time that Kosovo and Metohia were central to the country's politics, commerce and spirituality, which was due to fertile land, great density of population and good communications (Ćirković, S. 1985).

Kosovo and Metohia towns of Prizren and Priština both served as state capitals during the Nemanjić period, and in the territory numerous palaces of Serbian kings and emperors were located. Although the first seat of the Serbian autocephalous archdiocese was in Žiča monastery, outside the province, the second archbishop Arsenius initiated the construction of the second seat, near Peć in Metohia (Ćirković, S. 1985). Peć became the seat of the Serbian Church upon its promotion to the dignity of Patriarchate in 1346. Numerous charters, dating from the 12th century on, show wide presence of Serbs, mostly as land farmers, throughout the province, as well as a much smaller presence of Vlachs and Albanians in bordering mountains, as shepherds (Lutovac, M. V. 1969). The Charter granted in 1330 to Dečani Monastery, which pertained to the largest Church estate in medieval Serbia after the one of Hilandar Monastery, encompassing significant areas of Metohia and present-day northern Albania, shows only 1.8% Albanian-owned properties in its catalogue of assets and subjects of the Monastery (Bataković, D. 1992, Bogdanović, D. 2006).

Mining had developed since XII century in Kosovo and Metohia towns, supplementing already rich commercial activity that was in the hands of merchants from towns on the Adriatic coast. The most prominent mining town and one of the strongest fortresses throughout the duration of the Serbian medieval state was Novo Brdo (Ćirković, S. 1985). Priština, Prizren, Peć and Novo Brdo remained the largest Serbian towns during most of the time Serbian state medieval state existed. (Lutovac, M. V. 1969).

Kosovo was in 1389 the scene of the second major battle between medieval Serbia and the Ottoman Turks, after the rulers of the Serbian southern provinces were defeated in 1371 in the battle on river Marica. Although both rulers, Prince Lazar and Sultan Murad I, died in the battle, and both sides incurred substantial losses, inability to recuperate on the part of Serbia amounted to a defeat. However, in the centuries that followed, in which Serbs were scattered over vast territories of Balkan Peninsula, from Trieste to Timisoara and from Buda to river Vardar, living without a nation-state, within the Austrian and Ottoman empires, the memory of the Battle of Kosovo grew into a primary designation of the national identity and ethos. The traditional ethnic myth assigned the defeat to Prince Lazar's preference for the Kingdom in Heaven over Kingdom on Earth, thus inextricably joining this instance of political history with religious and ethical identity.

The Patriarchate of the Serbian Orthodox Church was restored by way of official recognition from the Ottoman sultan in 1557, and its seat was restored to Peć in Metohia. The Patriarchate kept its seat in Peć for most of the Ottoman rule, until 1766, when it was abolished pursuant to a sultan's decree, which also granted jurisdiction over the Serbian Orthodox population to the Ecumenical Patriarchate.

Since the final fall of the remnants of the Serbian medieval state under the Ottoman rule in mid-15th century, until approximately the end of XVI and beginning of XVII centuries, non-Serbian population remained to be present in the territory of Kosovo and Metohia in minimal numbers, and mostly was made of Ottoman Turks in towns (Batakovic, D. 1992). The region was regularly referred to as "Serbia" by foreign travel writers throughout XVI and XVII centuries, while rivers Beli Drim and Crni Drim were considered to mark the border between Serbia and Albania. From the end of XVI century, however, ethnical structure in the western part, Metohia, began to change due to gradual arrival of Albanian settlers. Albanian settling took place amid constant incursions of Albanian bandit groups from Northern Albania (Lutovac, M. V. 1969).

The end of XVI century marks also the beginning of a wide-spread struggle and constant uprisings of the Serbian population against Ottoman rule (Samardžić, R. et al, 2000). Serbian population rebelled in coordination with Austrian military operations, which resulted in migrations to Austria, the two most notable examples of which were the two Great Migrations – in 1690

and 1738 – in which they fled together with the retreating Austrian armies, fearing retaliation from the Ottomans. The migrations resulted in the weakening of homogenous Serbian settlements in Kosovo and Metohia, and thus in their loss of capacity to withstand pressure by looters and new settlers. Ottoman administration, by the same token, both had become corrupt and thus unable to maintain law and order, and developed mistrust in the Serbs' loyalty (Lutovac, M. V. 1969). In the end of XVII and beginning of XVIII centuries, Albanian tribes colonized Kosovo and Metohia in more significant numbers, which coincided with the emergence of Islamization pressures on Serbian population (Lutovac, M. V. 1969; Bataković, D. 1992).

Serbian uprising in 1804 and its successful development into autonomous Principality of Serbia further incited ethnic Albanian pashas in Kosovo and Metohia, the region's hereditary rulers, towards large-scale oppression towards Serbs living in the region. Notwithstanding all the adverse circumstances, Serbs formed the largest ethnic group in Kosovo and Metohia until the Eastern Crisis (1875–1878), when the terror against Serbian population in the region escalated. The territory of Kosovo and Metohia had been continuously referred to simply as „Serbia“ from the Middle Ages until the fourth decade of XIX century, when the term „Old Serbia“ was introduced within the Principality of Serbia itself, for the purpose of differentiating the Principality from this historic Serbian region (Bataković, D. 1998). Approximately 150.000 Serbs fled Kosovo and Metohia between mid-XVIII century and 1912, lowering still the percentage of Serbian population to around one half. (Bataković, D. 1992).

Kosovo and Metohia became parts of Serbia and Montenegro, respectively, in 1912, as a result of the First Balkan War, and thus became part of the Kingdom of Serbs, Croats and Slovenes, formed in 1918. The new state abolished feudal estates on its territory, which pertained to Kosovo and Metohia as well. Between two world wars approximately 10.000 Serbian families, i.e. approximately 60.000 people – Serbs from the Kingdom's non-developed and mountaineous regions – settled on land properties in Kosovo and Metohia that became available by virtue of agrarian reform (Čavoski, K. 1995; Bataković, D. 1992). In World War II ethnic Albanians fought under the flags of Germany and Italy. They used the opportunity created by the occupation of the Kingdom to launch a campaign of terror against Serbs in Kosovo and Metohia: approximately 10.000 were killed, while more than 100.000 forcefully expelled (Bataković, D. 1992). The policy of the Communist Party of Yugoslavia towards Kosovo and Metohia had been set at least since the 1920-s, when in its official documents the region was identified as Albanian, annexed to the Kingdom of Serbs, Croats and Slovenes by “victorious imperialists of the Entente” (Čavoski, K. 1995, Bataković, D. 1998). Thus when communists gained power in Yugoslavia at the end of World War II on the heels of the Red Army advancement, the new authorities immediately forbade return of the expelled Serbs to the province and at the same enacted statutes on “revi-

sion of assignments of land in Macedonia and Kosovo and Metohia province to colonists”, effectively depriving of the land rights those Serbs who had settled in the province after World War I, (Čavoški, K. 1995). At the same time, Albanians who had settled in the province during World War II were allowed to remain there, and open border with Albania was kept until 1948, which encouraged new Albanian settlers to arrive. In post-World War II communist Yugoslavia, Kosovo and Metohia became an autonomous province within Serbia. In accordance with the Communist Party of Yugoslavia’s official agenda for quelling “Serbian hegemonism”, Serbia was the only Yugoslav republic whose territory was segmented in this manner. Constitutional changes of 1974 strengthened the autonomy of the province even further, so that its effective powers amounted to those of a federal unit. Until the fall of Berlin wall and the disintegration of communist Yugoslavia, the province was controlled by the Albanian-dominated Communist Party of Kosovo, which had been providing an aegis for continued terror against, and persecution of non-Albanian population, aimed at its expulsion (Bataković, D. 1992).



*Figure 5. Prizren, Monastery of Holy Archangels (XIV century).
In March 2004, the monastery was looted and torched
in a vandalistic assault by Albanian terrorists and the mob*

4. RESULTS

4.1. Profile of Serbian Orthodox Holy Places in Kosovo and Metohia

In order to arrive to a simple answer on what exactly should be protected in order to preserve a sacred/holy place, we have analyzed the “profile” of each studied sacred/holy place from the perspective of the respective attitudes and needs of the religious and cultural community it belongs to, keeping in mind the specificities of Kosovo and Metohia. In other words, we searched for an answer on what would be lost and who would suffer most harm if a sacred/holy place were destroyed, rendered inaccessible, looted, burned or violated. This analysis has not included benefits that are not directly related to the holy character of a site (classic value of monuments for cultural heritage and historical-artistic values, practical value for regular religious service, etc.)

4.1.1. *Places of gathering and destinations of pilgrimage*

Most of the sacred/holy places covered by the case studies (14) represent traditional places of gathering of local, regional or even national significance, in which Serbian Orthodox Christians experience “sabornost”, an important dimension of social, political and religious significance for them [Russ. *sobornost*, conciliarism, catholicity, a unity of persons in a loving fellowship in which each member retains freedom and integrity without excessive individualism]. Each of the old and well-known churches represents such a holy gathering place, so that it is irreplaceable for Serbian Orthodox believers, residing both in neighbouring areas as well as further away. Such holy places are called “svetinje” (“sanctities”). If one of the “svetinje” is destroyed, there are great chances that the local community would depart the region. Therefore such holy places are particularly prone to damage and destruction as a result of indirect activities aimed at displacement of Orthodox Christian population, mostly Serbs.

One of the best examples is Gračanica Monastery (Figure 6) , where on June 28 every year there is a gathering of several thousands (previously several tens of thousands) of Serbs, who attend Vidovdan [St. Vitus-day] Divine Service. Vidovdan is one of most important Serbian feasts. Its importance stems primarily from the Battle of Kosovo of 1389, when, according to tradition, Prince Lazarus died on the battlefield and thus favored the Kingdom in Heaven over the Kingdom on Earth. Since the beginning of the XX century,

St. Vitus Day also became a Church feast in honor of the Holy Martyr Prince Lazarus.

In addition to places of gathering, there is an almost equal number of holy places that represent destinations of pilgrimage for all Orthodox believers in Kosovo and Metohia and other areas, particularly for those who were forced to temporarily leave Kosovo as refugees and displaced persons. It is interesting that the strong impulse for pilgrimage is felt even by persons who do not consider themselves deeply religious, and even by those who are not Orthodox or Christians at all, most often in association with a hope of being cured from an illness.



Figure 6. Monastery Gračanica (XIV century) 2007-08-14

One of the best known holy places of pilgrimage is Visoki Dečani (on the front page). For Serbs, Monastery Dečani is the third most important destination of pilgrimage, just after the Jerusalem and Monastery Hilandar at Mt. Athos. Mass visits began after the canonization of Holy King Stefan Dečanski, just before mid-XIV century, and have not decreased during the last six centuries. Pilgrimage to Monastery Dečani is most often undertaken in spring and in late summer – early autumn. Pilgrims usually remain at the Monastery for 5–15 days.

4.1.2. Centers of Saints' cults

The sample includes two centers of Saints' cults, both very important for Orthodox Christians, as well as to followers of other concessions due to their perceived healing powers.

Monastery Devič is the center of the cult of St. Joannicius of Devič (Figure 7; Radojičić, 1952). Saint Joannicius was a Serb from Zeta¹. As a young

1 SW part of Medieval Serbia, today in Montenegro.

man, overwhelmed with love for Christ, he left his home and family and withdrew himself into a narrow cave in the region of river Ibar, at the mouth of the Black River, in which, according to tradition, before him, St. Peter of Korish lived an ascetic life. When his fame began to spread among the people, he fled to Drenica area and hid in the thick forest of Devič. There St. Joannicius spent years in solitude, silence and prayer. According to tradition, Serbian Prince George Branković brought his mentally ill daughter to the Saint, who then healed her. Out of gratitude, George built a monastery on this spot, known today by the name of Devič. The holy and wonder-working relics of St. Joannicius are kept in this monastery, in which, more recently, the famous nun Euphemia lived ascetically. Nun Euphemia is better known in the area of Kosovo and Metohia as Blessed Stojna. She died in 1895.

Obviously due to its importance, this holy place is a very common target for attacks and hate-motivated crimes. The monastery was looted in 1999 and burnt and destroyed in 2004 (Figure 8).

Visoki Dečani Monastery (Marjanović-Dušanić 2007; Popović 2006; Vojvodić 1995) is the center of cult of Serbian holy man and king Stefan Uroš III Dečanski (c. 1285 – November 11, 1331) who reigned from 1321 to September 8, 1331, the son of King Stefan Uroš II and Anna of Bulgaria. As a young man, Stefan Uroš was sent by his father as a hostage to Nogai Khan of the Golden Horde, and upon his return was entrusted with the governorship of Zeta (today Montenegro). After a conflict in 1314, his father sent him to Constantinople and ordered that he be blinded. Stefan Uroš was never blinded properly but had to wear black bandage over his eyes. In 1320 he was permitted to return to Serbia. After having defeated several pretenders to the throne, he was crowned in 1321.



Figure 7. St. Ioannicius of Devič (in the middle)



*Figure 8. Monastery Devič (XV century) 2004-04-20:
restoration of the burned and destroyed monastery*

Since the defeated claimants to the throne enjoyed foreign support, Stefan faced an alliance of the Bulgarian and Byzantine empires. The allies intended to join forces for a major invasion of Serbia in 1330. This led to the most significant event of Stefan Uroš III's reign, the Battle of Velbuzhd, in which he defeated the Bulgarian army and killed the Emperor Michael Asen III. Dečanski's conquests allowed him to push borders of Serbia further to the south into Byzantine Macedonia. Some of his courtiers, however, were not satisfied with his rule and conspired to dethrone him in favor of his son Dušan. Stefan Uroš III was imprisoned in the castle of Zvečan, where he died a violent death by strangulation.

The Serbian Orthodox Church canonized Stefan Uroš III as saint-martyr (Figure 9). His remains are kept in the church of Visoki Dečani Monastery, which was endowed by him. His feast day is 24 November.

The church of Visoki Dečani Monastery also hosts the relics of St. Helen, the sister of Stefan Dečanski, who died in mid-XIV century. She "presented herself" in 1692 through a miracle when she prevented the Turks from turning the Dečani church into a mosque (Pavlović 1965). The earthquake broke off a marble statue of a lion, killing a mufti, while a flame came out from the graves of Stefan Dečanski and Helen and burnt the Turks. A heavy storm joined in, and a lightning hit the bell tower where the Turks had kept their ammunition. After this event the Turks have never returned with the same intention.



Figure 9. King Stefan Uroš III

4.1.3. Places of miracles and of healing

The number of places of miracles and those of healing is the same – three (3). These are the sacred/holy places in which relics believed to cause unnatural events and phenomena are kept. This group also includes Monastery of Saint Joannicius at Devič because of the miraculous shrine of its church, as well as Visoki Dečani Monastery.



Figure 10. Visoki Dečani (XIV century)
2008-11-23

The Monastery of Saint Healers Cosmas and Damian at Zočište possesses both healing body relics of the Saint Healers and a spring of water in the monastery yard which had been believed by both Serbs and Albanians to heal the eye ailments. However, this was not an obstacle to the violent destruction of the monastery in 1999. Today Serbs may approach the site only escorted by KFOR, while

the Albanians are free to visit it at will. However, although the site belongs to the Serbian Orthodox Church, it is now visited by Roman Catholic Albanians. At the outside the church is covered with vegetation, but some traces of rudimentary continuation of rites and service are visible inside (Figure 12).

Miraculous healings were also recorded at Devič Monastery and attributed to the relics of St. Joannicius. Among the numerous ailments, these relics were reported to be particularly successful with mental illnesses (Vukanović 1986). Pilgrims with mental illnesses, belonging to various ethnicities and religions, visit Devič, looking for cure through the miraculous phenomena of the St. Joannicius' relics. Pilgrims wash their faces at the monastery.

An important dimension of Devič Monastery is its significance for ending bloody feuds between families in the past. Together with the layman court, a "mission" of Devič monks visited villages and made peace between the estranged families. They carried "Devič holy relics" with them in their missions, which seem to have always been successful (Vukanović 1986). There are indications that peace was mediated between estranged Albanian tribes and families as well.

Both Serbs and Albanians believe that crawling under the shrine of the Holy King Stefan Uroš III (as it is raised above ground) at Visoki Dečani Monastery cures many illnesses, keeps good health, and particularly secures an easy delivery of newborns (Vukanović 1986). With the hope in miraculous healing, this monastery is visited by the deaf and mute, blind, mentally ill and patients with ear ailments, as well as by nursing mothers with breast illnesses and mothers bringing ill children wutg tgen. Numerous rituals are performed: kissing the sacred objects, kotowing, etc. (Ninković 1929).

The Mohammedans (whose religion forbids representation of human figures) seemed to believe that frescoes in Serbian monasteries, depicting saints and rulers, had miraculous powers, and



Figure 11. Frescoes of Monastery Gračanica (XIV century): Queen Simonida with purposefully made scratches little above (sic!) the eyes, detail of the representation of the Angel who reaches from the Heaven to give the crown to the Queen, 2007-06-18

seemed to think that mortar and paint dug out of the eyes of the pictured persons would cure poor eyesight or eye ailments. Thus many of the most beautiful frescoes (Figure 11) were stained during the Ottoman occupation. Some people believe that the Turks dug out eyes from the frescoes as they could not withstand the looks from the holy faces on the church walls.



Figure 12. The inside of the deserted Church of Saint Healers Cosmas and Damian (XVI century) at Pograđe shows that certain rites are carried on even in the absence of Serbs

4.1.4. Patriarchate of Peć

The Monastery of Peć – known as the Patriarchate of Peć due to its status of the historical seat of the Patriarchate of the Serbian Orthodox Church, has not been covered by case studies, but cannot remain unmentioned as it includes all aspects of significance of a holy place: it is a centre of a Saint's cult, as well as a place of gathering and pilgrimage, and is believed to possess miraculous healing powers (Petković 1982–1983).

One of the cults associated with the Patriarchate of Peć belongs to St. Arsenije I (Figure 13), who was Serbian archbishop from 1233 to 1263 and who founded the Monastery of Peć. His birthplace was in Srem (North Serbia). Several years after his death, miraculous phenomena started happening on his grave. Arsenije I “appeared” at the Patriarchate of Peć in the form of a strong earthquake that was heard and felt in the church one night. When the monks entered the church, they saw Arsenije's tomb broken apart. Together with archbishop Sava II, the monks opened the tomb, removed the



Figure 13. St. Arsenije I, archbishop of Serbia

relics and placed them in a casket in the Church of St. Peter and Paul within the Monastery (Vukanović 1986).

The first legendary miracle in connection with the relics of St. Arsenije I happened when a monk with a throat ailment visited his grave and was cured after touching the relics. Since then, many stories and legends on miraculous healings of ill persons (deaf-and-mute, mentally ill, with ailments of the digestive system) who have touched the relics of this holy person appeared. The cult of St. Arsenije I kept growing and thus many people began to use his holy name when making oaths and vows. Some miraculous events also happened on the grave of this saint from at the time of the attack by the Bulgarian tsar Šišman and his entry into Metohia. Half a century after the death of Arsenije I, a folk cult developed on top of the cult recognized by the Church. Ill and frail people would lie near the shrine for several hours, or would leave parts of their clothing on or around the shrine, sometimes overnight, hoping for cure when they put the clothing on. The monks read prayers in support of the healing.

4.2. Violations and Limitations of Ownership, Duty of Maintenance

Property of Serbian Orthodox Church in general was appropriated on a large scale during the communist rule, and this threatened also ownership of sacred/holy places. This happened primarily through nationalization, land reform and other types of forced deprivation of assets, as well as through infringements of religious rights, including attacks and pressures on clergy. The present government, as did the ones before, continues the violation of rights of the owner of sacred/holy places by the very lack of activities aimed at changing the situation.

4.2.1. *Nationalization during the communist regime*

On the grounds of the *Law on agrarian reform and colonization No. 64* from August 27, 1945, the state took away land and forests from the Serbian Orthodox Church and religious endowments (Clause 3. line 1. under “v” and Clause 26). “The surplus above 10 ha of the total area of fields, gardens, vineyards, orchards, commons and forests” was taken away from the churches, religious legacies, monasteries and religious institutions (Clause 8. line 1), with an exception that those of greater importance or historical value were left with up to 30 ha. According to Clause 7. line 1. of the *General law on managing expropriated and confiscated forest properties*, the owners were not given any compensation. Without any exception, even in the legal forms of appropriation in which a compensation was provided for, it amounted to only a symbolic sum.

Assets of endowments, both religious and secular, were also appropriated pursuant to the *Law on nationalization of leased buildings and building land*. All buildings passed to state ownership together with land they had been

built upon. Agrarian reform also consisted in large-scale confiscations, without any compensation for the owners.

Analysis of the available documentation has shown that the land of an area of at least 5,600 ha was confiscated in Kosovo and Metohia from the Serbian Orthodox Church, Diocese of Raška and Prizren.

In contrast to restitutions all over Eastern and Central Europe that ensued after the fall of the Berlin Wall, in Kosovo and Metohia restitution has not taken place to the present day, which represents the most significant limitation of ownership of religious institutions and the greatest impediment for the sustainability of their survival and continuation of service.

The Republic of Serbia enacted the *Law on Restitution of Religious Property* in 2006 [Zakon o vraćanju imovine crkvama i verskim zajednicama 2006], but the application of this statute on the territory of Kosovo and Metohia remains subject to the solution of the status of the territory, as well as to the coordination with the representatives of the international community. The nature of the matter, however, requires urgent implementation of a provisional ban on the disposal of nationalized religious property in Kosovo and Metohia.

4.2.2. *Limitations of ownership in public interest*

All sacred/holy places included in this analysis are protected pursuant to the laws of the Republic of Serbia as cultural monuments (mostly of the highest category), which entails certain limitations of property rights:

- limitations on structural and architectural changes,
- limitations on utilization purpose,
- ban on disposal.

At the same time, the owner is required to properly maintain immovable properties – land and buildings.

The regime requires that the owner performs all structural and architectural interventions in accordance with the directions and under the supervision of the competent protection / conservation authority. Changes in utilization purpose are not allowed, since continuity of purpose from the the Middle Ages to the present days is one of the key values of these cultural and religious assets. At the same time, such continuity of purpose is one of the main conditions for maintaining a recognized status of a sacred/holy place. As shown in recent years, pilgrims visit holy places even after they were physically destroyed or burnt and looted. The continuity of purpose is a key attribute of a protected Serbian Orthodox holy places in Kosovo.

In most cases the owner of sacred/holy places (religious institutions) included in the study has been maintaining the protected assets in accordance with all applicable standards in spite of difficult conditions created by high security risks. However, the clerics and monks of the Church of Mother of

God Hodegetria at Mušutište (Figure 14), Church of St. George at Rečani and Monastery of Presentation of Mother of God at Dolac were forced out of their properties and since 1999 have been unable to manage them.

4.2.3. *Property rights violations related to absence of public records and planning/zoning misuses*

A particular difficulty in protecting Serbian Orthodox religious and historical monuments, as well as property rights, arises from the fact that many municipalities in Kosovo and Metohia do not possess neither detailed zoning / regulation plans nor public real property records, so that individuals use existing legal vacuum to occupy as much land as possible, most commonly with full knowledge and support of municipal councils. In addition, certain municipalities do not respect basic norms of protection of cultural heritage, relevant decisions of UNMIK and the position of the international community as a whole, which all point in the direction of regarding protection of Serbian spiritual and cultural heritage to be of key importance for solving future status of Kosovo and Metohia. It is not rare that third persons build facilities of various purposes in immediate vicinity of the holy places, endangering property rights and use for religious purposes (Several examples are shown in Appendix 3). It is therefore necessary to pass and strictly implement prohibitions on or restrictions of development around holy sites.

Monks and nuns at some monasteries reportedly from time to time do not use parts of their institution's estate – particularly land outside monastery walls – due to safety concerns (US Report on Intl. Relig. Freedom 2009).



Figure 14. Church of Mother of God Hodegetria (XIV century) at Mušutište before it was destroyed

4.2.4. *The case of Dečani*

Limitations on property rights pertain to properties in immediate vicinity of sacred/holy places that are protected as cultural assets (Todić & Čanak-Medić 2005). For example, Executive decision No. 2005/5 on the Special Zone Area Dečani (UNMIK/IO/2005/5) defines the following limitations:

- There should be no building, reconstruction, industrial or commercial activity, including the exploitation of forests, water or mineral resources, without a proper authorization by UNMIK;
- The existing road, which remains under the supervision of KFOR, may not be widened without a proper authorization by UNMIK. The heavy commercial transport is not allowed on this road without the authorization by KFOR and UNMIK;
- The municipal government must undertake proper measures considering any structure built without a properly issued building permit;
- The activities in and around the monastery must completely match the conventions and directives by UNESCO.

In spite of the Executive decision No. 2005/5 on the Special Zone Area Dečani (UNMIK/IO/2005/5), a restaurant that had been built without any building permit in immediate vicinity of the monastery in 2005 was additionally expanded in late November 2006. The owner of the illegal building Naim Kući started building a new a new tourist facility (more than 30 m long) as well as wooden cabins that spoil the landscape around the monastery. To make the matter even worse, the Municipality of Dečani proclaimed the area around the monastery to be an urban development zone, which amounted to an ex post facto approval of the illegal building, directly contravening the cited UNMIK decision.

The diplomatic and legal struggle to have the illegally built edifices in vicinity of monastery Visoki Dečani removed was quite difficult due to the obstruction by the municipal government of Dečani. The solution was finally reached under strong international pressure, so that in January 2007 Kosovo Protection Corps members removed the illegal structures.

This case highlights the importance of securing that both the local authorities and the international community comply with the provisions on institutional protection of Serbian Orthodox holy places in Kosovo and Metohia. Informal centers of influence are working under the cover of local institutions, so that proper implementation of laws and regulations in this area requires constant pressure by international diplomatic and military circles.

4.2.5. *Virtual special protected zones*

On February 20, 2008, the Parliament of Kosovo adopted the *Law on special protected zones*. This law, among others, imposes protective zones for the historical center of Prizren, Velika Hoča (Figure 15), Monastery Gračanica,

Monastery Visoki Dečani and some other sacred/holy places, precisely along the lines of the previous Special Zone Areas. This law provides for the formation of a Council for Implementation and Monitoring for the law in general, as well as for formation of a Council for Implementation and Monitoring in each individual case. According to our sources, the councils have not been formed yet, and the statute specifies neither their structure nor procedure for their formation.



Figure 15. *Velika Hoča: Special protective zone*

4.2.6. *Property rights violations by denial of ethnic-cultural identity*

A peculiar method of violating property rights, as well as of the denial of the Serb ethnic-cultural identity, manifests itself in claiming Albanian provenance of local Serbian Orthodox religious and cultural heritage, particularly by way of changing toponyms. Although such attempts may seem naïve and ignorant when viewed separately, they can also be perceived as forming a carefully planned propaganda effort, designed to give birth to palpable results after a longer period of time, in synergy with destruction of assets, and bullying of the remaining population. The result of the effort is creation of appearance of an academic polemic over the identity of the local religious and cultural heritage between two sides possessing roughly approximate seriousness and argumentation. In fact, historical facts on Serbian Orthodox origin of local religious and cultural sites are faced with a plain political and nationalist program of instrumentalization of historical science.

The challenges of the Serbian Orthodox identity of holy places in Kosovo and Metohia are particularly clearly described by Clause 57 in the Report by the UN Special Envoy (Eide 2005): “The Serbian Orthodox Church is experiencing pressure against its identity. In addition to intimidation and threats, there are attempts to rewrite the history and origin of Serbian Orthodox heritage. They see uncontroversial and neutral names of streets in the vicinity of their sites being changed and “albanized”. The Kosovo Albanian leaders should react and bring a halt to these activities.”²

Holy sites reflect profound religious identities of individuals and religious groups, where religion, history and politics converge (Oslo Center 2008). In the case of the Serbian Orthodoxy they also mark an important part of national identity. Any form of contesting, changing, suppressing or violating such identity may have grave consequences. At the same time, attempts at creating a new cultural identity of the holy sites violate fundamental property rights.

4.3. Freedom of Access to Holy Places

As the continuity of purpose of a holy place is one of its most important traits, and as the exercise of *sabornost* and religious services represent principal purposes of the holy places, the freedom of access is the crucial precondition for maintaining the relationship between the holy place and the believers. Freedom of access represents the basic foundation of free and uninterrupted expression of individual and collective religious freedom.

The Serbian Orthodox Church as the owner and user of Serbian Orthodox holy places in Kosovo and Metohia does not limit or condition access in any way to any of the 16 analyzed places. Fees for entry are not charged, and the only condition is that bare skin on the body, arms and legs is covered before entering certain churches.

However, in many cases the owner does not have any power to guarantee free access to the Serbs. For example, the clerics and monks of the Church of Mother of God Hodegetria at Mušutište, Church of St. George at Rečani and Monastery of Presentation of Mother of God at Dolac were forced out of their properties and since 1999 have been unable to enter the holy places themselves. In most other cases, clerics and monks maintain the holy places in a hostile environment, so that, due to high security risk, every visit has to be arranged in advance and armed escort obtained from KFOR. The very complexity of these procedures amounts to restriction of access. As a result, the devotees visit these places less often, only during the most important religious holidays. Even on the Day of the Dead, when the internally displaced Serbs feel the need to visit their ancestral graveyards, the visitors are threatened by bullying, physical and death threats (US Report on Intl. Relig. Freedom 2009).

2 The whole text of the report at <http://www.unosek.org/docref/KaiEidereport.pdf>.

4.4. Security Responsibilities With Respect to Holy Places

Security of access to Serbian Orthodox holy places and public order at and around the holy places form part of the freedom of access. The main obstacle to freedom of access in the case of Serbian Orthodox holy places in Kosovo and Metohia is the lack of security, since these places face threats to their very essence:

- Regular and deliberate attempts at inflicting damage and destruction of religious buildings;
- Physical attacks on monks, nuns, priests, pilgrims and devotees;
- Difficult movement of monks, priests, pilgrims and devotees due to insecure environment;
- Difficult approach to real property due to unstable security conditions;
- Decrease in number, or complete pull out of international military forces securing religious facilities.

According to the latest available US Department of State Annual International Religious Freedom Report for Kosovo (US Report on Intl. Relig. Freedom 2009), numerous incidents directed against the Serbian Orthodox community and property continued to take place, including threats, thefts, and vandalism. The holy places in Kosovo and Metohia have been faced by consequences of open or hidden anarchy during a prolonged period of time, with the following most serious consequences:

- Illegal development on and general appropriation on land;
- Appropriation of rights on immovable property under auspices of local authorities;
- Lack of property restitution;
- Intentional destruction of damaged buildings that are inaccessible for monks and priests due to security reasons;
- Deprivation of assets through security threats and prevention of maintenance.

The destruction of religious objects results not only from the ethnic antagonisms but also from the traditionally different attitudes toward heritage between the natives protecting their ancestral holy places and the newcomers who tend towards clearing the space for new development. This leads to very frequent occurrence of:

- Support of vandalism for political, social, ethnic and religious reasons;
- Purposeful destruction of religious symbols;
- Purposeful destruction of religion-related buildings;

- Purposeful destruction of graveyards;
- Conflicts of different systems of values;
- Imposition of ignorance and systematic disinformation within the educational system;
- Systematic disinformation of the public through media.

As a matter of principle, security of holy Serbian Orthodox places in Kosovo and Metohia has been confided to the international military forces (KFOR) and the temporary police forces since 1999. For example, at the Monastery Devič near Srbica, the International Military Forces guard the monastery complex, while the Temporary Police Force is responsible for securing the monastery land and the forests in the immediate vicinity. Without the permanent supervision by international military forces (KFOR), the survival of the monastic order would not have been possible due to high level of hostility and open hatred by the local community (Albanian majority). In the Spring of 1999 the monastery was looted, the plate on the shrine of St. Joannicius was broken, and the icons were desecrated. The problem is aggravated by the attitude of certain members of international forces in Kosovo and Metohia since 1999, which has been more one of passive bystanders than of active guarantors of safety. The drastic proof were the events in March 2004, when

the French forces of KFOR, after the announcement of a new attack, evacuated the sisterhood from the monastery without the consent of their monastic order, which was then followed by infliction of grave damage to the church and other buildings. The monastery was looted, burned and devastated, and the graveyard was desecrated. At the



Figure 16. Destroyed and burnt buildings of Monastery Devič (XV century) 2004-04-20

Church of Presentation of Mother of God the grave of St. Joannicius was broken and desecrated, the icon stand and movables were burnt, and the wall paintings were heavily damaged with a layer of soot and carved graffiti. The whole complex was destroyed completely and burned (Figure 16). The infrastructure was also destroyed: the systems of water supply and removal of waste water, as well as electric installations.

4.4.1. *The case of Prizren*

The lack of power and/or of decisive willingness on the part of forces in charge of security is particularly well visible in the case of consecutive series of destructive acts against Serbian Orthodox holy places in the old town of Prizren.

I

After the arrival of KFOR in 1999, medieval Church of St. Nicolas, from XIV century, was destroyed, and the Church of Sveta Tri Jerarha [St. Three Wise Men] (built in XIX c. on the foundations of a previous church from XIV c.) was damaged.

II

During the March pogrom in 2004, the following churches and buildings of the Serbian Orthodox Church in or near Prizren were heavily damaged, looted or destroyed:

1. Temple of Mother of God Ljeviška was burnt from inside, XII–XIV c. frescoes were heavily damaged, the altar area was desecrated, the top of the altar was broken (Figure 17), parts of structure and exterior, especially the ornaments around the windows and openings, were heavily damaged;
2. Temple of Christ the Savior (XIV c.) was burned and the frescoes were damaged;
3. Saborni Hram Sv. Đorđa [The Cathedral Temple of St. George] (1856) was burned and mined (Figure 18);
4. Church of St. Nicolas (Tutić, XIV c.) was burned inside and desecrated;
5. Church of St. George (Runović, XVI c.) was burned inside, while frescoes from XVI c. were heavily damaged;
6. Church of Holy Sunday at Potkaljaja (XIV c., later reconstructed) was burned;
7. Church of St. Pantelejmon at Potkaljaja (XVI c., later reconstructed) was burned;
8. Church of St. Cosmas and Damian at Potkaljaja (XIV c., later reconstructed) was damaged;
9. School of Theology of St. Cyril and Methodius was burnt and heavily damaged;
10. Bishop's Palace was burnt.



Figure 17. Prizren: Church of Mother of God Ljeviška (XIV century), burnt inside, altar space desecrated, top of the altar broken, 2004-03-22



Figure 18. Prizren: Cathedral Temple of St. George (XIX century) was burned and mined

III

As the process of renewal of churches in Prizren has been ongoing since 2005, numerous instances of stealing the roof topping made of lead tin occurred. For example, 50 kg of lead roofing was stolen from the Church of the Holy Virgin Ljeviska in October 2007, while 30 kg were stolen from the Church of Saint Kyriake, with the monetary value of €10,400 (US Report on Intl. Relig. Freedom 2008).

4.4.2. *Devastated holy places*

Destroyed and deserted holy places are left without any protection. One example is the deserted Church of Mother of God Hodegetria at Mušutište near Suva Reka, from early XIV c., which was mined and burned in 1999 (Figure 19). Since then, there have been no priests at the place and religious services have not been performed. All buildings around the church were burnt down, as well as the centennial pine tree forest in the churchyard. All this happened after the arrival of KFOR. Since that day this holy place has remained completely vacant. Looting and further devastation are highly probable.



Figure 19. The destroyed Church of Mother of God Hodegetria (XIV century) at Mušutište

The Church of St. George at Rečani near Suva Reka, from the second half of XIV c., was mined, destroyed and deserted in 1999, after the arrival of KFOR (Figure 20). Since then, this sacred place has remained completely vacant as well.

Exceptionally, the Monastery of Presentation of the Mother of God at Dolac near Klina is still guarded by Temporary Police Forces although it is deserted. The church built in late XIV c., commonly known as Sveta Prečista (the

Holy Most Pure), the bell tower and the lodges were destroyed with explosives and by mechanical means after the arrival of Italian forces of KFOR in 1999.

4.4.3. *Persistent attacks*

Due to a still very high degree of intolerance shown by the local majority Albanian population, the Monastery of Saint Healers Cosma and Damian at Zočište is guarded by combined efforts of International Military Forces (monastery complex; Figure 21) and Temporary Police Forces (monastery land and forests in immediate vicinity). On June 17, 1999 the church was burnt and the monastic brotherhood was forced out of the monastery. In September of the same year the church was completely destroyed with explosives and the monastery buildings were burnt (Figure 22). The monastery graveyard was also heavily damaged. The monastery was later restored (Figure 23), but physical access to it is extremely difficult for Orthodox devotees.



Figure 20. Rečane: Experts of UNESCO observe the Church of St. George (XIV century), completely leveled to the ground, 2003-03-16

Severity of problems related to protection and safety is clearly described in the report by the UN Special Envoy (Eide 2005). Clause 55 states: “The Serbian Orthodox religious sites and institutions represent a critical element of the spiritual fabric of Kosovo Serb society. The sustainability of the Serb community in Kosovo and Metohia is related to the preservation of its cultural and religious heritage. However, the Serbian Orthodox sites also represent more than an important part of Serb identity. They are a part of the world cultural heritage. Many of these sites have been seriously damaged or destroyed since 1999. Finally, the reconstruction is now about to start. However, they will continue to need protection. While the readiness of KFOR to maintain its protection of religious sites is essential, a durable solution cannot be built on military forces”³.

3 The entire text of the Report is available at <http://www.unosek.org/docref/KaiEidereport.pdf>.



Figure 21. Belo Polje, Church of the Presentation of the Holy Virgin in the Temple (XIV–XIX century). The Church was torched and plundered in 1999, after the arrival of KFOR



Figure 22. Zočište: Church of Saint Healers Cosmas and Damian (XIV century) was destroyed down to its foundations



Figure 23. Zočište: restored Church of Saint Healers Cosmas and Damian

The Church of Presentation of Mother of God at Lipljan (with the church of St. Flora and St. Lavra) is guarded by Temporary Police Forces. There is a constant tension due to open hostility of majority Albanian community toward the Serbs and Serbian Orthodox priests. Although KFOR units have prevented both churches from being burned during the March pogrom in 2004, provocations by local people are still common.

The attitude of the majority Albanian community toward the Serb devotees and Serbian Orthodox priests of the Church of St. Nicolas at Gnjilane



Figure 24. Lipljan: Church of Presentation of the Mother of God (XIV century) and Church of St. Flora and St. Lavra (in the background behind the police car)

(Figure 25) is very negative. The front wall and the southern facade of the church were damaged with a hand grenade in 2000, after the arrival of KFOR. On October 19, 2007 a flammable device (assumed to be a Molotov cocktail) was thrown at the church, but failed to produce significant effects.



Figure 25. Gnjilane: Church of St. Nicolas (XIX century)

Monastery Visoki Dečani is guarded by the International Military Forces (monastery complex) and Temporary Police Forces (monastery land and forests in immediate surroundings). Without the permanent protection by KFOR, survival of the monks would not be possible due to the high degree of hostility by the local community (Albanian majority). Grenades were thrown at the monastery for 4 times since 1999. The last of such cases happened on March 30, 2007. The grenade was thrown directly toward the altar. Out of the total of 23 grenades thrown at the monastery since 1999, that one fell closest to the church and its facilities.

The cited cases were mentioned only as the most drastic examples of security threats and violations, while attacks at priests, devotees and holy objects of lesser intensity have been much more numerous. Adequate protection of holy places and devotees has thus not been provided, and the feeling of insecurity is very pronounced.

Other factors threatening the holy places in Kosovo and Metohia are:

- Disrespect of regulations and laws imposed by the international community;
- Lack of appropriate institutions in the area of heritage protection;
- Lack of mechanisms for managing the protective zones;
- Lack of integration of heritage into development plans;
- Insufficient number of experts in the field of heritage protection;
- Lack of cooperation and coordination between experts and the local government;
- Lack of relevant bylaws.

It is obvious that the primary task in protecting holy places is to guarantee their basic security. Various aspects of security provision must be adequately regulated and implemented vigorously. As presently the feeling of insecurity among priests and monks of the Serbian Orthodox holy places, as well as among their prospective visitors is very pronounced, the issue of security should become the subject of serious involvement of local and international institutions.

4.5. Extra-Territorial Status and Scope of Self-Government

None of the Serbian Orthodox holy places has any kind of extraterritorial status.

However, while most holy places are surrounded by a Albanian majority, some of them are situated within enclaves of Serbian population. These enclaves are characterized by limited jurisdiction and powers of the Kosovo temporary authorities, for example Sredačka župa, Velika Hoča (Figure 26) near Orahovac (Vitošević 1995; Menković 2003) and Monastery Gračanica. The case of Gračanica is paradigmatic – as this holy place is surrounded by the greatest agglomeration of homogenous Serbian communities. Although encircled by a hostile majority, the Serbs feel safe near the legendary monastery. Vice versa, the existence of this community for many centuries has amounted to a guarantee of the safety and survival of the monastery, as well as for its continuous use as a living holy place and not just as a mere tourist attraction.



Figure 26. Velika Hoča: Church 2008-10-29

Serbian Orthodox religious community has limited religious freedom within the holy places that are not destroyed and deserted. In the “living” churches the priests are regularly performing religious services in accordance with the Constitution of the Serbian Orthodox Church and applicable canons. However, devotees have difficulties in reaching most of the holy places.

The degree and form of internal autonomy of the active monasteries is defined by the Constitution and other applicable rules of the Serbian Orthodox Church. Rights of self-governance are often reduced to within the monastery walls, as properties outside are often illegally usurped.

However, references to a certain form of extraterritoriality, meaning a specific form of separation and international responsibility for the protection of cultural and religious heritage, do appear in documents issued by certain authorities. Particularly important is the recommendation no. 55 by the UN Special Envoy (Eide 2005)⁴.

The idea of a special status for Serbian Orthodox holy places is also mentioned in the Principle no. 5 of the Guiding principles of the Contact Group for settlement of the status of Kosovo (Contact Group 2005).

In accordance with the s.c. Ahtisaari Plan, a law was passed in March 2008, forming special protective zones around 47 religious and cultural sites in the region, almost all of which were SOC churches, including the Monastery Visoki Dečani, whose zone had been previously established by UNMIK.

The issue may also consist in deciding whether religious organizations or state authorities can have full undivided sovereignty over the holy places, or a kind of shared sovereignty, similar to the Mt. Athos example, should be more appropriate.

4.6. Interaction With the Albanian Community and the Provisional Authorities

In none of the analyzed cases two or more religious communities shared the same holy place, although there are cases in which members of the Albanian community sought in Orthodox holy places help in need, particularly in connection with miraculous and/or healing properties.

Cases of cooperation with the provisional authorities in Kosovo and Metohia have not been recorded during the period covered by this study, apart from the communication and contacts with the members of the international armed forces present in the province.

4 There is a need to create a “protective space” around these sites in order to make them less vulnerable to political manipulation. Arrangements should be designed for putting Serbian Orthodox sites in Kosovo under a form of international protection. This would need to include guarantees of access, property rights, and community sustainability. It is important not only to protect individual sites as cultural and religious monuments, but also as living communities. The Council of Europe and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have particular expertise in this area and should be invited to play a role in such arrangements. The whole text of the report is at <http://www.unosek.org/docref/KaiEidereport.pdf>.

5. PROPOSALS FOR THE NEW LEGAL FRAMEWORK FOR HOLY PLACES

5.1. Present International Legal Framework for Cultural Heritage Protection

UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage listed principal international law provisions serving the purpose of protection of cultural heritage (UNESCO 2003). The rules applicable to armed conflicts encompass the 1954 The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two – 1954 and 1999 – Protocols (The Hague Convention 1954). Certain prominent members of the international community, i.e. the USA, have not signed the Conventions and its Protocols, but recognize that certain provision of the Convention form part of the international customary law (Gerstenblith, P. 2009). In addition, Article 53 of Protocol I, as well as Article 16 of Protocol II to the 1949 Geneva Conventions, both forbid directing hostilities at, as well as military use of “historic monuments, works of art and places of worship which constitute the spiritual and cultural heritage of peoples” (Additional Protocols to the Geneva Conventions 1977).

Peace-time protection should be directed by the principles and objectives of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage (Appendix), as well as by the 1956 Recommendation on International Principles Applicable to Archaeological Excavations, the 1968 Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works, the 1972 Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage and the 1976 Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas. The oversight of the implementation of the 1972 UNESCO Convention was confided to the World Heritage Committee, which in turn from time to time issues Operational Guidelines for the Implementation of the World Heritage Convention. Besides detailed provisions on listing properties as world heritage and maintaining them on the list, the Guidelines in greater detail define the criteria of authenticity and/or integrity that properties proposed for listed need to fulfil, as well as the requirements on protection and management of the protected properties (UNESCO 2008).

In addition, intentional destruction of cultural heritage is punishable under Articles 8(2)(b)(ix) and 8(2)(e)(iv) of the Rome Statute of the Inter-

national Criminal Court, as well as under Article 3(d) of the Statute of the International Criminal Tribunal for the former Yugoslavia, within chronological and geographical limitations applicable.

An indispensable supplement to binding treaties are the principles, recommendations and standards promulgated by ICOMOS – International Council on Monuments and Sites – an international non-governmental organization of professionals dedicated to the conservation of the world’s historic monuments and sites. The Venice Charter of 1964 is important for it clearly defined the concepts of a historic monument, conservation and restoration (ICOMOS 1964). The Charter for the Protection and Management of the Archaeological Heritage provided principles of recommended protection for a much wider target of “archaeological heritage”, defining it as all material heritage subject to archaeological methods (ICOMOS 1990). Besides protection, all remedial measures in connection with a monument can fall into two other categories: reconstruction and restoration. A number of declarations by ICOMOS or other similar international expert bodies have been issued, setting forth principles that should govern application of reconstruction and restoration. Among other documents, for Kosovo and Metohia issues of particular importance can be Recommendations for the Analysis, Conservation and Structural Restoration of Architectural Heritage (ICOMOS 2003).

5.2. The Need for Additional Protection

Several reasons for immediate and decisive protection of sacred/holy places in Kosovo and Metohia are almost equally important: the holy places belong to the common cultural heritage of humanity, they are indivisible from the protection of both the religious freedom and the minority rights of the community they belong to, the lack of regulation of their status is conducive to conflicts different religious groups, etc. A balanced approach to each of the cited (and other) reasons would lead to development and implementation of a new legal framework that would be elastic enough to be applicable to a great number of vastly different cases. In contrast to holy places situated in safe environments, such as Mt. Athos, Vatican or Mecca, the holy places in Kosovo and Metohia should be put under a special regime of protection, as most of them are located within in an insufficiently tolerant religious, political and social environment. Their owners and believers represent a religious minority in the present circumstances, so it is material that additional mechanisms of special protection be provided.

5.3. Protection and Politics

Some of the risks are highly idiosyncratic for the Orthodox holy places in Kosovo and Metohia, although probably in some other theaters of centennial historical conflicts there are probably analogous cases and similar cir-

cumstances under which holy places are more than cultural monuments and represent the cornerstones of religious and ethnic identity, giving them a particularly wide political importance. In an environment of political conflict, traditional legal concepts and existing mechanisms of protection turn out to be tragically useless. This brings to focus propositions for developing and establishing a new, internationally acceptable legal framework, which would preserve the common global and local heritage even in situations when all other means prove inefficient. This particularly includes holy places in foreign or hostile surroundings.

All the analyzed holy places in Kosovo and Metohia had legal protection pursuant to their statuses of cultural assets. Almost all of them (14) were in the highest category of conservation. However, that has not saved them from violence. Even more, all the three included in the UNESCO List of Cultural Heritage were also included in the List of World Heritage in Danger (UNESCO 2006). The Serbian Law on Cultural Assets, UNESCO listing and regulations of temporary authorities were all unable to secure protection for these holy places.

Existing laws and regulations have not been efficient because of incompleteness or poor wording, or because capacity for their implementation lacked, but primarily because there were political and other interests that obstructed their implementation. A disadvantage of these laws (when applied to holy places) is the fact that they deal primarily with the protection of materialization of artistical-historical values included under the term “heritage”, while they are inept to capture the unique interrelatedness of religious freedom, and national, cultural and spiritual identity with the physical protection of holy places. To this end a new approach to legal protection of holy places is needed.

5.4. Proposed Objects of the New Model of Protection

The study of the situation in which Serbian Orthodox holy places in Kosovo and Metohia are presently has shown that they are being subjected to continuous and systematic isolation from their religious community, mostly through:

- Emigration of Serbian Orthodox population;
- Changes in the ethnic structure in the surroundings of holy places;
- Illegal development in immediate vicinity of holy places.

ue its traditions in order to preserve cultural diversity and immaterial heritage.

By the same token, had the holy places been properly protected, it would have in turn substantially improved chances of survival and/or return of refugees to Serbian Orthodox communities in the region. Preserving holy places means at the same time protecting most basic human rights of the Serbian Orthodox believers.

The fact that Serbs consider the monuments of sacred heritage in Kosovo and Metohia to be their ethnic holy places, and the territory of Kosovo and Metohia to be their spiritual cradle and a sacred place of suffering, cannot be ignored, as cannot be treated the fact that holy sites in Kosovo and Metohia have been exposed to intentional destruction precisely due to their significance to the Serbian Orthodox population. This type of significance for national and ethnic identity should not be regarded as an anachronism and obsession with the past, but should instead be treated in accordance with relevant international human rights treaties and standards.

Therefore the object of protection should be the entire complex of rights, which includes property rights to buildings and land, preservation of the architectural/cultural environment of surrounding areas, safety of the holy places as such and of the monks and clerics who maintain their religious use, as well as of the believers whose religious freedom substantially consists in the right to access the holy places.

Along the proposed lines, the object of protection could be defined as an

the undeniable right of the (Serbian Orthodox) religious community to undisrupted, limitless and safe access to Orthodox holy places,

guaranteeing the protection of religious and cultural-historic values of the holy places,

as well as the safety, self-governance and economic functionality (sustainability) of the religious entities that use and maintain the holy places,

particularly including protection of pertinent property rights and preservation of architectural and cultural identity of the areas surrounding the holy places.

Such an approach would shift the focus of protection of the holy places from the domain of heritage into the domain of human rights. International pressure in favor of the respect of human rights seems to be much stronger and more efficient than consequences for breaking conventions and laws on heritage conservation, and, more importantly, the predicament of Serbian Orthodox holy places in Kosovo and Metohia, as it has been shown throughout this study, judging by its motives and direct consequences, deserves by all means to be treated within the framework of human rights and minorities protection.

5.5. Survival and Sustainable Preservation of Holy Places – Possible Paths

Three aspects, that can easily be referred to as 3Rs, stand out as crucial for enabling survival and sustainable preservation of the sacred places in Kosovo and Metohia and at the same time directly related to internationally recognized rights, along with those that directly fall within basic human rights framework, such as security, free access, etc:

RESTITUTION is indispensable if the property rights of the Serbian Orthodox community are to be respected. As His Eminence Cardinal Cottier said at the Conference on Holy Places and Religious Institutions, on December 10–11, 2008 in Rome, “il tema della proprietà è un problema fondamentale di libertà religiosa”. Respect for private property would be an important pillar of survival of the holy/sacred places (areas, zones). The fear of sanctions for violations of private property and of compensation for damages should join the set of instruments for preventing violation against holy places. Of course, it is also important to develop, at the same time, proper mechanisms for preventing the misuse of property rights related to sacred places. However, having in mind immense appropriations conducted under communist rule, the first and most important step towards affirmation of property rights related to sacred places would be the restitution of religious property.

RECONSTRUCTION (and preservation) is connected to the right to protection of cultural heritage. This issue is particularly important in cases in which intentional violent destruction of sacred sites took place. The issues that should be considered are: liability for reconstruction costs (the public authorities, the wrongdoer, or the religious community as the owner), who should decide on who is contracted for the works and who can the contractors be (what kind of qualifications should experts have – only technical and professional, or proper insight in religious, cultural, artistic features of the tradition to which destroyed sacred object had belonged), what kind of influence the religious institution as the owner should have on reconstruction etc. Reconstruction and preservation should be performed in accordance with the religious and overall identity of its owner and under his supervision, in order to secure that changes of the character and features of the destroyed or damaged holy site not be made.

REVITALIZATION is depends on the respect of the right of worship and right to access. It would be meaningless to reconstruct a sacred site as a tourist attraction and historical monument, so that it cannot any more serve the religious function of the believers, particularly

as a place of active pilgrimage and of living religion and community life. The goal should not be to recreate a static monument, but to preserve religious dynamics related to the holy site. Revitalization is a security issue too, and may contribute to political stability in the society. In the case of Kosovo and Metohia, the first precondition for revitalization is the fourth R – REPATRIATION of refugees and displaced persons who had originally inhabited such sacred areas. Unfortunately, instead of returning, the “internally displaced persons (IDPs)” continue to flee their “Holy Land” of Kosovo and Metohia⁵.

The idiosyncratic feature of the holy places in Kosovo and Metohia is that their protection is not merely a matter of cultural heritage protection, nor it is only a question of religious freedom, but also one of minority protection. In the course of promoting both freedom of religion and minority rights as fundamental human rights and a source of stability in all societies, it is particularly necessary to secure respect and protection for sacred places and areas of all religions. The holy/sacred places should be protected from desecration and other forms of violation, as well as from any kind of intimidation of, and threats to devotees. The most important issue is freedom of access of the devotees to places sacred to, so that holy sites can be preserved as venues of living religious experience by enabling individuals and groups to exercise their faith at holy places.

5.6. Toward a New Legal Framework

The new model of protection of holy places needs to be implemented in phases. A multilateral treaty, preferably under the auspices of the United Nations, would be ideal for securing grounds for regional and bilateral treaties, as well as national statutes and other legal instruments. Since the issues involved are quite complex, it is probable that the statutes would leave much room to bylaws and technical regulations, so a great care should be invested in ensuring that such acts be appropriately drafted. Finally, the specific synthesis of human rights and cultural heritage protections would demand that mechanisms for ensuring reliable, efficient and appropriate implementation of such legal framework be put in place.

In parallel, the gravity of the situation in which holy sites in Kosovo and Metohia, and, consequently, the Serbian Orthodox community whose identity is intrinsically related to these holy sites, are now, demands that modalities be developed for influencing all public authorities to stringently abide by and apply existing international legal standards and obligations, as well as existing laws and regulations on both human rights, minority and cultural heritage

5 About the internally displaced persons more in Section 6.5.

protection in respect of holy sites and communities whose identities are tied to such sites. Experience so far in the case of Kosovo and Metohia suggests that such implementation cannot be expected from the provisional authorities in the region without a substantial involvement and supervision by the international community.

Protection of holy places represents a focal point at which responsibilities and rights of religious organizations, local authorities, national government, and the international community intersect. The suggested approach, if applied by all stakeholders, may provide room for hope that the status of holy sites can be appropriately regulated, so that the holy sites cease to be the subject of conflicts and become venues of mutual understanding and landmarks of common religious heritage.

6. CERTAIN KEY ASPECTS AND CASE STUDIES

6.1. The Meaning of Names KOSOVO and METOHIA

In most cases the term “Kosovo” includes the whole territory of the Autonomous Province Kosovo and Metohia, as this area is defined by the Constitution of Serbia. Serbs usually insist on the two-part name “Kosovo and Metohia” due to geographic and cultural-historical reasons. These are two completely different regions from the climate-landscape and hydrographic perspectives. Metohia (the smaller, south-western/western part of the Province) belongs to the divide of the Adriatic Sea and is influenced by Mediterranean climate. On the other side, Kosovo (the larger, eastern/north-eastern part) belongs to the divide of the Black Sea and is influenced by continental climate. In an even narrower sense, Serbs use the term “Kosovo” for the spacious, semi-steppe grassland (without forests) in the lowland plains (“polje” meaning “field”) in the catchment of rivers Sitnica and Lab. This includes the immediate and broader vicinity of Priština.

The name METOHIA derives from the Greek word (*metohion*, pl. *metohia*) denoting monastery estates. In the Middle Ages all most important Serbian Orthodox monasteries in the region had their estates in Metohia, which is the area with the most fertile land and the mildest (sub-Mediterranean) climate. The word “Metohia” is particularly important for Serbs as the greatest number of the most important and the oldest holy places are grouped in Metohia. Therefore they are particularly sensitive in case of omission of this part of the name. On the other hand, any insistence on omitting this part of the region’s name cannot be defended from the suspicion that it is aimed at hiding the long-standing historical presence and property rights of the Serbian Orthodox Church.

The communist regime eliminated the traditional name Metohia from the full name of the region due to its policy of suppressing Serbian presence in Kosovo and Metohia, as well as due to its general anti-religious attitude. Now the omission continues to be done by provisional authorities formed by Kosovar Albanians, representing one of the forms of negation of the religious importance of the region as a whole. The Albanians and, regretfully, most of the international public, use the shorter term “Kosovo” (without “and Metohia”), the former for national propaganda reasons, the latter in most cases due to practical reasons.

Shortening of two-part names is not rare in other areas as well. There is a similar example with the two-part name of Bosnia and Herzegovina, which is widely called just “Bosnia”, and its inhabitants are called “Bosniaks” (instead

of “Bosniak-Hercegoviniaks” or by some other proper term). In the same way, although we usually say just United Kingdom, the UK, or Britain, instead of United Kingdom of Great Britain and Northern Ireland, we always keep in mind the special value of the final part “and Northern Ireland”.

In a romantic fashion the word Kosovo is assumed to derive from the Serb word *kos* (*kos-ovo* – belonging to *kos*) which means a *blackbird*. The famous battle of Serbs and Turks in XIV c. took place at the Field of Blackbirds (Kosovo Polje). However, it is difficult to imagine that the open field would have got its name from a forest bird that likes shady and moist habitats. There is a toponym, Kosovi Lug (Blackbird’s Grove) in Montenegro, but that is not a field. It is much more plausible that the word root *kos-* in *Kosovo polje* stems from the root of Serbian (Slavic) word *kos-iti* (Engl. *to scythe*, *to mow*, Rus. *kosit’*, *косу́ть*, Pol. *kosić*, češ. *kosit*, Slov. *kositi*, Rom. *cosi*), so that toponym would mean a place for mowing, a place with good grass, yielding good hay. There are other Serbian toponyms elsewhere (Kosovo in Dalmatia, Koševo in Sarajevo). In Albanian language the word *kosovo*, *kosova* has no original meaning, apart from the proper name of the area. It is interesting that the Albanians, after they came to Kosovo, learned the mowing process and use of tools from Serbs, adopting the Serbian word both for the tool (Eng. *scythe*, Serb. and Rus. *kosa*) and for the verb “to mow”, although these two languages are not related. In general, over 90% of terms used in agriculture, names of settlements and geographical names in today’s Kosovo are of Serb origin. Names of cities and villages have only their Albanian equivalent of Serb toponyms (Mališevo/Malisheva, Pec/Peja, Prizren/Prizreni, Priština/Prishtine etc).

6.2. The Relics of Serbian Saints

Physical remains of the first martyrs for the Christian faith have been respected as sacred since the earliest days of Christianity, and places of worship have been built above them. The cult of relics, as an essential element of the Saints’ cult, had a particular growth in VI c., when bodies of many holy persons were located and moved around. In the Eastern Christian world, the details of this practice, especially the procedure of *elevatio* and *translatio* of relics, became certain in the Middle Byzantine time. The theological foundation of respecting the relics was laid by the most prominent fathers of the Church (Ephrem the Syrian, Gregory of Nazianzus, Cyril of Jerusalem), and the dogmatic rules were agreed on during the Seventh Ecumenical Council. According to the teachings of the Eastern Church, relics are bodies in earthly but announced shape, “spiritualized bodily abodes of God” (John of Damascus).

The cult of relics developed among Serbs as an integral part of the holy persons’ cults, so the *announced* bodies could belong only to state rulers and heads of the Church. There was an exception with the relics of St. Petar

Koriški, the only Serbian hermit from the Middle Ages included among the holy persons. According to the accepted beliefs of the Eastern world, the relics of Serbian holy persons could be in form of bones or whole bodies. Examples of such embalmed bodies were those of King Stefan Prvovenčani, Archbishop Sava Nemanjić, Queen Jelena, King Milutin, King Stefan Uroš III Dečanski, Prince Lazar, archbishops Arsenije and Jevstatiej I. After the announcements, bodies of Serbian holy persons were placed in a shrine called “kivot” (casket-like object with the specific purpose of storing a holy person’s relics; the only Middle Ages specimen preserved to this day is the kivot of King Stefan Uroš III Dečanski, which is a representative specimen of artistic woodwork from tXIV c.), which was placed in front of the altar in the church of the Monastery Visoki Dečani. The relics were announced by miracles, and their particularly important feature was their healing power. Myrrh-exuding, as the most valuable characteristic, was found only in the relics of St. Simeon Nemanja, the founder of the Nemanjić dynasty. The custom of dividing the relics, widely present in Christian world, is supported by sources in the case of St. Petar Koriški.

The importance of the relics of Serbian holy persons exceeded the boundaries of religious practice. In the Middle Ages they were an important element of dynastic ideology, while in the period of Ottoman rule they were a key factor of the preservation of national identity (Ćirković et al. 1999).

6.3. Examples of Threats to Holy Places Related to Zoning, Development and Public Records

Regarding the illegal building near Gazimestan, Gorioč and Velika Hoča, the Special Envoy for Kosovo Martti Ahtisaari sent a letter to the head of UNMIK Joachim Rucker on October 5, 2006, suggesting Rucker to “consider the measures that would include, if possible, a freeze on building other structures around the [*three above-mentioned*] objects until the decisions on protective zones are not finalized in the negotiation process”... According to Ahtisaari’s opinion, “there are reasons to believe that building activities (around these objects) may have a goal to create facts in the area, which would complicate the negotiations and the later implementation of agreements”. In the Albanian-language press the representatives of temporary Kosovo institutions have negated that they were given any direction on this topic, so it remains unclear if the Ahtisaari’s proposal was accepted by UNMIK and if these measures have already, or will be implemented at all.

Simultaneously with the continuation of building near Gazimestan, terrain was cleared near Monastery Gorioč, in the area which, according to the proposal by UNOSEK, should be within the protective zone of the monastery. The nuns noticed a bulldozer clearing the bushes and digging a trench. There is a serious possibility that an edifice is about to be built without the

approval of the municipality government, which is a tried and true method for creating the situation of *fait accompli*, as Ahtisaari wrote to Rucker. Two swimming pools were also recently built in the immediate vicinity of Monastery Gorioč, and music was played loudly all summer, disturbing the prayer rituals at the monastery.

Two years before (in 2004) a restaurant was illegally built near Monastery Visoki Dečani, in a similar fashion, without an approval but with knowledge of the municipal government, and that was one of the direct reasons why the protective zone of UNMIK was formed around the Monastery.

There have been similar problems in the settlement Velika Hoča, the only one in the Province with a heritage of 13 medieval churches and monasteries from XII to XIX centuries and the only remaining examples of traditional secular architecture. Activities on building a new factory of cardboard packages have continued without any pause. Inhabitants of Hoča are particularly worried as the factory is close to their centuries-old famous vineyards. In addition, one businessman managed to lease a small factory of plastic mass “18. novembar” (built before the war in order to employ local Serbs) in a very dubious way from UNMIK’s Privatization Agency. The inhabitants of Hoča say that an Albanian flag was placed on top of the factory, only about fifty meters from the closest Serbian houses. A court trial started at the municipality court in Orahovac regarding title to the factory land, as the family of Djordje and Stajko Mavrić from Velika Hoča produced documentation showing that the factory had been built on their land. As in the present situation it is difficult to enjoy even basic personal rights, it seems probable that the two factories will close the entrance into this only remaining Serbian village in Orahovac municipality, with places of worship appearing in endowments of Serbian kings since XII c. (Church of St. John, Church of St. Nicholas, Church of St. Stefan from the later period etc.).

6.4. Examples of Disruption and/or Prevention of Access to Holy Places

The holiday Zadušnice (All Souls’ Day) at Kosovo and Metohia is a regular annual opportunity for each Serb to pay respect to the souls of his or her ancestors and deceased family members, regardless if he or she has remained in the Province or has become an internally displaced person. This day is always painful and solemn. However, on November 4, 2006, several dozens of Albanians used vehicles and logged trees to block the road in the immediate vicinity of the graveyard in the village Lešane near Suva Reka, blocking access for the refugees and internally displaced Serbs who wanted to visit the graves of their relatives on Zadušnice – All Souls’ Day (Tanjug 2006).

After the prayer for the souls of the dead on November 4, 2006, lighting the candles and placing flowers on the graves of their closest, the Serbs also planned to visit the destroyed church in the Serbian Street in the center of

Đakovica, but they were not allowed by the members of KPS (Kosovo Police Service), allegedly because safety could not be guaranteed to them (KIM Info-služba 2006).

Zadušnice (All Souls' Day) in Kosovo, June 6, 2009: "In Klina, Serbs had a more peaceful Zadušnice than in the previous years. In the villages in vicinity of Klina, Serbs came upon the new sight of broken tombstones... The graves in most Orthodox cemeteries are overgrown with weeds. About two dozen Serbs, without the protection of police and KFOR, visited graves of their dead at the graveyard in Priština this morning. The Orthodox cemetery in Priština is not managed by anyone. Several dozen tombstones were destroyed. Many could not find the graves of their family... The inhabitants of Staro Gracko, where in 1999 UCK had killed 14 Serbs during the harvest activities, also visited the graves of their beloved. In 2006 a landmine was found at the graveyard at Staro Gracko just before the Zadušnice. 32 tombstones were destroyed that year. Due to the mine threat, KFOR had not allowed the Serbs from Staro Gracko to visit the graveyard for two years. The new owner of the land plot only about 20 m from the village graveyard, an Albanian, started building an aqua park. The Serbs from Staro Gracko are not comfortable with such purpose of the building. They stress that they see it as another type of pressure by local Albanians." (B92 2009a).

According to the US Department of State Annual International Religious Freedom Report for Kosovo of 2008 (US Report on Intl. Relig. Freedom 2008), Serbian pilgrims traveling by bus from Serbia to attend services at Dečani Monastery often had rocks thrown at their vehicles, usually by children. In the western municipalities of Peć, Dečani, Đakovica, Istok, Klina, and Srbica and also in south Mitrovica (areas that include the monasteries of the Peć Patriarchate, Dečani, Gorioč, Budisavci, and Devič), clergy requested and received KFOR escort. Clergy stated that they could not visit Church members in the west (where the most important SOC holy sites are located) without an escort, and members cited threats to their security as impediments to their ability to visit holy sites.

6.5. Internally Displaced Persons

Internally displaced persons or *IDPs* is a euphemism for the people forced to escape from the hostile and dangerous environment, leaving property, including ancestral homes, lands and sacred places in Kosovo and Metohia. In March 2000, the Serbian Commissariat for Refugees, in cooperation with UNHCR conducted for the first time a registration of IDPs from Kosovo and Metohia, when 187,129 such persons were registered in Serbia. The number of these refugees is not decreasing at all (although the reports of the Temporary Government of Kosovo regularly mention returnees), but, on the contrary, is on the rise. During the period 2000–2005, additional 20,000 persons fled from Kosovo and Metohia. So, by the end of 2005, the number of IDPs in

Serbia was 209,021. In March 2008 that number was about 209,700 IDPs (CRS 2009). The total number of persons who have left Kosovo, however, including those who also found refuge in Montenegro and in other neighbouring or far-away countries is much greater. On the occasion of the World Refugee Day, data on 236,000 IDPs from Kosovo and Metohia (B92 2009) were released. This number does not include only Serbs, but also other “non-Albanians” that looked for safety and help in Serbia and elsewhere. On the other hand, Albanian sources deny such figures and cite a several times smaller number of refugees and IDPs. However, even the UN Secretary General, in his Report on the results of the Interim Administration Mission in Kosovo had to admit that “returns statistics for 2008 show a dramatic decline in the number of voluntary minority returns to Kosovo compared to earlier years.”

7. CASE STUDIES

7.1. Prizren, town center

Inhabited since classical antiquity, includes protected mahalas.

Category of Cultural Asset SRB

I–III

Criteria for UNESCO List of World Heritage in Danger

Included in WHL Church of Our Lady of Ljeviš, within the **Medieval Monuments in Kosovo**, included in WHL in 2006 (WHC Decision 30COM8B.53)

Included in WHL in Danger Church of Our Lady of Ljeviš, within the **Medieval Monuments in Kosovo**, included in WHL in Dangerous (WHC Decision 30COM8B.54)

Criterion (ii): The Patriarchate of Peć Monastery, the Gračanica Monastery and the Church of Our Lady of Ljeviš played a decisive role in the development of ecclesiastical building and mural painting in the Balkans between the 14th to the 16th centuries, in the discrete Balkan Palaiologian Renaissance architectural style, which reflects a fusion of eastern Orthodox Byzantine with western Romanesque styles.

Criterion (iii): The wall paintings in the three churches are an exceptional testimony to the manifestations of the cultural tradition of the Palaiologian Renaissance of Byzantium in the Balkans. They show the height of the development of Balkan art from the first half of the 14th century in Gračanica and Ljeviš, similar only to the church of the Holy Apostles in Thessaloniki and the Monastery of Protaton at Mount Athos, while the paintings at the churches at Peć, dating from around 1300 until 1673–74, are a powerful demonstration of the emergence of this style and its aftermath.

Criterion (iv): The Patriarchate of Peć Monastery, the Gračanica Monastery and the Church of Our Lady of Ljeviš reflect the development of a discrete Palaiologian Renaissance style of architecture and mural decoration in the Balkans in the 14th century, when the combined forces of Church and State were harnessed to create a strong identity for Serbia, in line with its political orientations.

The place is considered sacred/holy as it represents

The destination of pilgrimage

Traditional gathering place

Limitations to ownership rights

Limit on expropriation,

Limitation of building-architectural changes

Limitation in changes of purpose/use.

All the building-architectural interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments.

On February 20, 2008, the Parliament of Kosovo adopted a Law on Special Protected Zones (No. 03/L-039, published in Off.bulletin of Kosovo No. 28 / June 2008). This law (Clause 8) states that the municipality government of Prizren, in cooperation with Council for implementation and monitoring (not formed yet), will form a protective zone for the historical center of Prizren.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

Owner / user guarantees the access to the holy place

Access is free, but restricted for Serbs for security reasons

Owner / user conditions the access to the holy place

Owner does not condition access.

Access is restricted for Serbs for security reasons.

Security risk is the reason of restricted access.

For the safety and public order in the holy place the responsible party is

Temporary Police Forces

I After the arrival of KFOR in 1999, the medieval Church of St. Nicolas from XIV century was destroyed while the Church of Saint Healers (built in XIX century on the foundations of a XIV century church) was damaged.

II During the March pogrom in 2004, all the churches and objects of Serbian Orthodox Church were heavily damaged, looted or destroyed:

1. Temple of Our Lady of Ljeviš was burnt from inside, XII–XIV centuries frescoes were heavily damaged, the altar area was desecrated, the top of the altar was broken (Figure 17), parts of architecture, especially the ornaments around the windows and openings, were heavily damaged;
2. Temple of Christ the Savior (XIV century) was burnt and the frescoes were damaged;

3. The Cathedral Temple of St. George [Saborni Hram Sv. Djordja] (1856) was burnt and mined (Figure 18);
4. Church of St. Nicolas (Tutić, XIV century) was burnt from inside and desecrated;
5. Church of St. George (Runović, XVI century) was burnt from inside, while frescoes from XVI century were heavily damaged;
6. Church of Holy Sunday at Potkaljaja (XIV century, later reconstructed) was burnt;
7. Church of St. Pantelejmon at Potkaljaja (XVI century, later reconstructed) was burnt;
8. Church of St. Cosmas and Damian at Potkaljaja (XIV century, later reconstructed) was damaged;
9. School of Theology of St. Cyril and Methodius was burnt and heavily damaged;
10. The Bishop's Palace was burnt.

III As the process of renewal of churches at Prizren has been ongoing since 2005, there are numerous instances of stealing the roof topping made of lead tin. For example, 50 kg of lead roofing was stolen from the Church of Our Lady of Ljeviš in October 2007, while 30 kg were stolen from the Church of Saint Kyriake.

Some form of exterritorial status of the holy place includes

It does not have an ex-territorial status. It is situated in an enclave with limited implementation of temporary government

Freedom of self-government of the religious community at the holy place

Partial

Date when information was collected

June 04, 2009

7.2. Sredačka Župa

Group of settlements dating from XIII century, individual settlements since 1445.

Category of Cultural Asset SRB

I-III category

The place is considered sacred/holy as it represents

Traditional gathering place

Limitations to ownership rights

Limit on expropriation

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

Owner / user guarantees the access to the holy place

Safe access is not guaranteed to Serbs.

Owner / user conditions the access to the holy place

No conditions.

For the safety and public order in the holy place the responsible party is

Nobody.

Some form of extraterritorial status of the holy place includes

It is situated in an enclave with a limited implementation of temporary government.

Freedom of self-government of the religious community at the holy place

No.

Date when information was collected

June 04, 2009

7.3. Velika Hoča near Orahovac

The settlement represents a preserved historical urban settlement, with 14 churches from XII to XIX c.

Category of Cultural Asset SRB

I-III

The place is sacred/holy as it represents

Destination of pilgrimage

Traditional gathering place

Limitations to ownership rights

Limit on expropriation,

Limitation of building-architectural changes

Limitation in changes of purpose/use.

All the building- architectonic interventions must be performed according to the directions and under the supervision of the Institute for Protection of Cultural Monuments.

On February 20, 2008, the Parliament of Kosovo adopted a Law on Special Protected Zones (No. 03/L-039, published in Off.bulletin of Kosovo No. 28 / June 2008). This law provides for the formation of the protective zone of Velika Hoča.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

Owner / user guarantees the access to the holy place

Access for Serbs is restricted for security reasons.

The safety risk is the reason for restricted access by Serbs from other parts of Serbia.

Owner / user conditions the access to the holy place

No conditions

For the safety and public order in the holy place the responsible party is

International military forces

Temporary Police Forces

Some form of extraterritorial status of the holy place includes

No extraterritorial status; it is situated in an enclave with a limited implementation of temporary government.

Freedom of self-government of the religious community at the holy place

Partial.

Date when information was collected

June 04, 2009

7.4. Church of Mother of God, Vaganeš

Church from mid-XIV century, deserted, not guarded, Serbian-populated surroundings.

Category of Cultural Asset SRB

I

The place is considered sacred/holy as it represents

Traditional gathering place

Limitations to ownership rights

Limitation on building-architectonic changes

Limitation on changes of purpose/use

Limit on expropriation.

All the building-architectonic interventions must be performed according to the directions and under the supervision of the Institute for Protection of Cultural Monuments, as the church is Cultural Monument of I Category.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land (AIF).

Owner / user guarantees the access to the holy place

Free to anyone in any time of day or year.

Owner / user conditions the access to the holy place

No conditions

For the safety and public order in the holy place the responsible party is

Temporary Police Forces.

Some form of extraterritorial status of the holy place includes

No extraterritorial status

Freedom of self-government of the religious community at the holy place

Partial

Date when information was collected

June 04, 2009

7.5. Church of Mother of God Hodegetria, Mušutište near Suva Reka

Church from early XIV century, mined and burned in 1999, deserted. There is no clergy at the holy place, and the religious services have not been held since 1999.

Category of Cultural Asset SRB

I

The place is considered sacred/holy as it represents

Destination of pilgrimage

Traditional gathering place

Limitations to ownership rights

Limitation on building-architectonic changes

Limitation on changes of purpose/use

All the building- architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments, as the church is Cultural Monument of I Category. Change of purpose/use is not allowed as the continuity of purpose since the XIV century is one of the key values of this cultural asset.

The owner was evicted from the property and unable to manage it since 1999.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

The owner is unable to fulfill his obligations due to being forcefully evicted from own property.

Owner / user guarantees the access to the holy place

Free to anyone at any time, but restricted to Serbs due to security reasons.

There are no limitations on approach. The holy place is deserted – anyone can come and do anything he wants without any supervision. Nobody takes care of the holy place. It is inaccessible to Serbs due to security reasons.

Owner / user conditions the access to the holy place

No conditions.

For the safety and public order in the holy place the responsible party is

No one; or, the Temporary Police Forces.

There is no clergy. The security of this holy place is maintained by the temporary government bodies, as in any other place at Mušutište.

The church was mined and burned, as well as the centennial pine trees in the churchyard, in 1999 after the arrival of KFOR. All the buildings in the churchyard were burned down. Since then nobody lives in this holy place. It is completely accessible for looting attempts.

Some form of exterritorial status of the holy place includes

There is no exterritorial status.

Freedom of self-government of the religious community at the holy place

None.

Date when information was collected

June 4, 2009

7.6. Church of Presentation of Mother of God, Lipljan

With the Church of St. Flora and St. Lavra

Category of Cultural Asset SRB

I

The place is considered sacred/holy as it represents

The destination of pilgrimage and the traditional place of gathering.

Since 1999, the churchyard with these two churches is the only place where the few Serbs remaining at Lipljan may gather. That is the reason why this place is of special, not only religious but also broader social importance for Orthodox Serbs.

Limitations to ownership rights

Limitation on building-architectonic changes

Limitation on changes of purpose/use

All the building-architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments, as the church is Cultural Monument of I Category. Change of purpose/use is not allowed as the continuity of purpose since the XIVth century is one of the key values of this cultural asset.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

The owner is maintaining the property in good order in accordance with the limited possibilities.

Owner / user guarantees the access to the holy place

Free to everyone at any time, restricted for Serbs due to security reasons. Serbs from other parts of Kosovo and Metohia find the access difficult due to security reasons.

Owner / user conditions the access to the holy place

Access not conditioned.

For the safety and public order in the holy place the responsible party is

Temporary Police Forces.

The majority Albanian community has a negative attitude toward the Serbs and Orthodox clergy.

The attempt by Albanians to burn both churches during the March pogrom in 2004 was prevented by KFOR units.

High-intensity provocations of local community.

Some form of exterritorial status of the holy place includes

No exterritorial status

Freedom of self-government of the religious community at the holy place

Partial.

The eparchy priest, whose house is in the churchyard, regularly performs the religious service according to the Constitution of SOC and Serbian Orthodox canon law. The devotees have problems in having access to the holy place.

Date when information was collected

June 01, 2009

7.7. Church of Saint Healers Cosmas and Damian, Podgrađe

The church originates from XIV or XVI century; people consider it dedicated to St. Dimitrije.



Figure 27. Podgrađe: Church of the Saint Healers (XVI century)

Category of Cultural Asset SRB

I

The place is considered sacred/holy as it represents

Traditional gathering place.

The church has a function of graveyard chapel.

Limitations to ownership rights

Limitation on building-architectonic changes

Limitation on changes of purpose/use

All the building-architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments, as the church is Cultural Monument of I Category.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

Owner / user guarantees the access to the holy place

Free to everyone at any time, restricted for Serbs due to security reasons.

Owner / user conditions the access to the holy place

Not conditioned.

For the safety and public order in the holy place the responsible party is

Nobody.

Some form of exterritorial status of the holy place includes

No exterritorial status.

Freedom of self-government of the religious community at the holy place

Partial.

The church is not functional since 1999, when the Serbian population was evicted.

Date when information was collected

June 01, 2009

7.8. Church of St. George, Rečane near Suva Reka

Church from the second half of XIV century, destroyed and deserted in 1999.

Category of Cultural Asset SRB

I

The place is considered sacred/holy as it represents

Center of the Saints' cult,
Destination of pilgrimage, and
Traditional gathering place.

Limitations to ownership rights

Limitation on building/architectonic changes,
Limitation on change of purpose/use, and
Ban of expropriation.

All the building-architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments, as the church is Cultural Monument of I Category. Change of purpose/use is not allowed as the continuity of purpose since XIV century is one of the key values of this cultural asset.

The owner is evicted from the property and since 1999 unable to manage it.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

The owner is unable to fulfill the obligations due to being forcefully evicted from his own property.

Owner / user guarantees the access to the holy place

Free to anyone at any time, but restricted to Serbs due to security reasons.

There are no limitations to approach. The church was purposefully destroyed in 1999, and the holy place is deserted – anyone can come and do anything he wants without any supervision. Nobody takes care of the holy place. It is inaccessible to Serbs due to security reasons.

Owner / user conditions the access to the holy place

No conditioning.

For the safety and public order in the holy place the responsible party is

Nobody.

The church was mined in 1999 after the arrival of KFOR. Since then nobody is permanently present in this holy place.

Some form of exterritorial status of the holy place includes

No exterritorial status.

Freedom of self-government of the religious community at the holy place

None.

There is no clergy at the holy place and the religious services have not been performed since 1999.

Date when information was collected

June 04, 2009

7.9. Church of St. Nicolas, Gnjilane

This church was built in 1861; it is well-preserved, with a collection of icons, books and recipient vessels.

Category of Cultural Asset SRB

III

The place is considered sacred/holy as it represents

Destination of pilgrimage and

Traditional gathering place

Since 1999, the churchyard is the only place where the few Serbs remaining at Gnjilane and vicinity may gather. That is the reason why this place is of special, not only religious but also broader social importance for Orthodox Serbs.

Limitations to ownership rights

Limitation on building/architectonic changes,

Limitation on change of purpose/use, and

Ban of expropriation.

All the building- architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments. Change of purpose/use is not allowed.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

The owner maintains the property in the best possible way in respect of the limited opportunities.

Owner / user guarantees the access to the holy place

Free to anyone in any time of day or year

Restricted to Serbs from security reasons.

Serbs from other parts of Kosovo and Metohia find the access difficult due to security reasons.

Owner / user conditions the access to the holy place

Exposed body parts must be covered.

For the safety and public order in the holy place the responsible party is
Temporary Police Forces.

The majority Albanian community has a negative attitude toward the Serbs and the Orthodox clergy.

In 2000, after the arrival of KFOR, a hand grenade was thrown at the church, damaging the front part and the southern façade.

On October 19, 2007 an explosive device (assumed to be a Molotov cocktail) was thrown at the church, without making significant damage.

Some form of exterritorial status of the holy place includes

No exterritorial status.

Freedom of self-government of the religious community at the holy place

Partial.

The eparchy priest regularly performs religious service according to the Constitution of SOC and Serbian Orthodox canon. The devotees find the access to the church very difficult.

Date when information was collected

June 04, 2009

7.10. Monastery Budisavci



Figure 28. Monastery Budisavci (XIV–XVI century) 2009-04-02

Category of Cultural Asset SRB

I

The place is considered sacred/holy as it represents

Destination of pilgrimage

Traditional gathering place

Limitations to ownership rights

Limitation on building/architectonic changes,

Limitation on change of purpose/use.

All the building-architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments, as the church is Cultural Monument of I Category. Change of purpose/use is not allowed as the continuity of purpose since the XIVth century is one of the key values of this cultural asset.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

The owner is properly maintaining the property in difficult conditions of high security risk.

Owner / user guarantees the access to the holy place

With the approval of the monastery officials.

Access of the devotees of Serbian Orthodox Church is restricted for security reasons.

The only reason for restriction is the high degree of security risk. In order to approach the monastery it is necessary to contact the monastery officials in advance and get their approval, and the devotees must travel to the monastery escorted by KFOR. Therefore the visits are mostly restricted to the main religious holidays.

Access restrictions have been present since 1999. The procedure of accessing the monastery is agreed with the KFOR.

Owner / user conditions the access to the holy place

Not conditioned.

For the safety and public order in the holy place the responsible party is

International military forces.

Some form of extritorial status of the holy place includes

No extritorial status.

Situated in the zone under the temporary protection.

Security risks, absence of rule of law.

On February 20, 2008, the Parliament of Kosovo adopted a Law on Special Protected Zones (No. 03/L-039, published in Off.bulletin of Kosovo No. 28 / June 2008). This law determines a protective zone for Monastery Budisavci, assuming some special procedures for using this area. This law provides for the formation of a Council for Implementation and Monitoring, which should enable the implementation of the law. According to our sources, this council has not been formed yet, and the law does not specify norms on its structure or the procedure of its formation. Therefore it may be concluded that the implementation of this law had not started yet.

Freedom of self-government of the religious community at the holy place

Partial

Date when information was collected

June 01, 2009.

7.11. Monastery Devič, Devič near Srbica

Church from mid-XIV century, looted and desecrated in 1999, later restored

Category of Cultural Asset SRB

I

The place is considered sacred/holy as it represents

Center of St. Joannicius' cult,

Miracle place,

Destination of pilgrimage, and

Healing place.

Limitations to ownership rights

Limitation on building/architectonic changes,

Limitation on change of purpose/use, and

Ban of expropriation.

All the building-architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments. Change of purpose/use is not allowed as the continuity of purpose/use since the XV century is one of the key values of this cultural asset.

The owner is appropriately managing the property in difficult conditions of high security risk.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

The owner is unable to appropriately manage and exploit the land and forests belonging to the monastery due to impossibility of physical access. All the property outside of the fenced monastery complex (guarded by KFOR forces) is illegally usurped by local Albanian community. Therefore the monastery is shortchanged as a significant source of income. This situation is ongoing since 1999.

Owner / user guarantees the access to the holy place

With the approval of monastery officials. The devotees of the Serbian Orthodox Church have restricted access due to security reasons.

The only reason for access limitations is the high degree of security risk. The immediate surroundings of the monastery show strong hostile attitudes toward the sisterhood, as shown by the numerous cases of physical molestation, as well as partial destruction of monastery buildings which happened many times both recently and in the past. In order to visit the monastery, it is necessary to contact the monastery officials in advance and get their approval, while the devotees of SOC arrive to the monastery with the escort by KFOR. Therefore the visits are usually scheduled only on the most important religious holidays.

The restrictions of access started in 1999. The procedure for visiting the monastery is agreed with KFOR.

Owner / user conditions the access to the holy place

Exposed body parts must be covered.

For the safety and public order in the holy place the responsible party is

International military forces (for the monastery complex)

Temporary police forces (for the monastery land and the forests in the immediate vicinity)

Without permanent protection by the international military forces (KFOR) the survival of monks would be impossible due to high degree of hostility by the local community – Albanian majority. The last drastic evidence of this approach were the events in March 2004, when the French forces within KFOR, without their consent, evacuated the nuns from the monastery, and heavy damage was thereafter inflicted upon the church and other monastery buildings.

1. In the Spring of 1999 the monastery was looted, the plate on the shrine of St. Joannicius was broken, and the icons were desecrated.
2. In March 2004 the monastery was looted, burned and devastated, while the graveyard was desecrated. At the Church of Presentation of Mother of God the grave of St. Joannicius was broken and desecrated, the icon stand and movable church furniture were burnt, and the wall paintings were heavily damaged with a layer of soot and carved graffiti. The whole complex was completely destroyed and burned. The infrastructure was also destroyed: system of water supply and removal of waste water, electro-energetic equipment and installations that bring electric energy to the monastery. The gravestones within the monastery were destroyed and devastated.

Some form of extritorial status of the holy place includes

No extritorial status.

Under the temporary protection.

Security risks, absence of rule of law.

Religious life fully complies with the Constitution and other rules of SOC. However, other questions related to the “civil” areas of life (security, building, traffic, provision of supplies, infrastructure, trade...) are resolved *ad hoc* rather than in a systematic and permanent way. KFOR is guarding the monastery complex, but the duration of its mandate is unknown. Laws of Serbia cannot be implemented. Process of restoration of damage inflicted in the Pogrom of 2004 follows *ad hoc* mechanisms devised by the European Council with support by UNMIK. Responsibility for protecting the cultural heritage is not defined.

On February 20, 2008, the Parliament of Kosovo adopted a Law on Special Protected Zones (No. 03/L-039, published at Off.bulletin of Kosovo No. 28 / June 2008). This law determines a protective zone for Monastery Devič, assuming some special procedures for using this area. This law provides for the formation of a Council for Implementation and Monitoring, which should enable the implementation of the law. According to our sources, this council was not formed yet, and the law does not specify any norms on its structure or the procedure of its formation. Therefore it may be concluded that the implementation of this law had not started yet.

Freedom of self-government of the religious community at the holy place

Partial freedom.

Degree and form of self-government of monastery complies with the constitution and other rules by SOC. Right of self-government at the monastery land is denied as this property was illegally usurped.

Date when information was collected

June 04, 2009

7.12. Monastery Gorioč (Figure 29)



Figure 29. Monastery Gorioč (XVI century), November 25th 2007

Category of Cultural Asset SRB

I

The place is considered sacred/holy as it represents

Traditional gathering place.

Limitations to ownership rights

Limitation in building/architectonic changes,

Limitation in change of purpose/use.

All the building-architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments, as the church is Cultural Monument of I Category. Change of purpose/use is not allowed as the continuity of purpose since XVI century is one of the key values of this cultural asset.

The owner is properly managing the property in difficult conditions of high security risk.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

Owner / user guarantees the access to the holy place

With the approval of monastery officials. The devotees of the Serbian Orthodox Church enjoy restricted access due to security reasons.

The only reason for access limitations is the high degree of security risk. In order to visit the monastery, it is necessary to contact the monastery officials in advance and get their approval, while the devotees of SOC arrive to the monastery with the escort by KFOR. Therefore visits are usually scheduled only on the most important religious holidays.

The restrictions of access started in 1999. The procedure for visiting the monastery is agreed with KFOR.

Owner / user conditions the access to the holy place

Not conditioned.

For the safety and public order in the holy place the responsible party is

International Military Forces.

Some form of extraterritorial status of the holy place includes

No extraterritorial status.

Under the temporary protection.

Security risks, absence of rule of law.

On February 20, 2008, the Parliament of Kosovo adopted a Law on Special Protected Zones (No. 03/L-039, published in Off.bulletin of Kosovo No. 28 / June 2008). This law determines a protective zone for Monastery Gorioč, assuming some special procedures for using this area. This law provides for the formation of a Council for Implementation and Monitoring, which should enable the implementation of the law. According to our sources, this council was not formed yet, and the law does not specify any norms on its structure or the procedure of its formation. Therefore it may be concluded that the implementation of this law had not started yet.

Freedom of self-government of the religious community at the holy place

Partial freedom.

Date when information was collected

June 01, 2009.

7.13. Monastery Gračanica

Category of Cultural Asset SRB

I

Criteria for UNESCO List of World Heritage in Danger

Included in WHL 2006 (WHC Decision 30COM8B.53)

Included in WHL inDanger 2006 (WHC Decision 30COM8B.54)

I After the decision by WHC 30COM8B.53 from 2006, the cultural asset Monastery Dečani was increased in size and its name was changed. The included cultural asset was named Medieval Monuments in Kosovo. This extension led to the inclusion of Patriarchy of Peć, Monastery Gračanica and Church of Our Lady of Ljeviš.

II After the decision by WHC 30COM8B.54 from 2006, the Medieval Monuments in Kosovo were included in the List of World Heritage in Danger. This list was updated and retention of Medieval Monuments in Kosovo was approved by decisions 30COM8C.1 (2006), 31COM7A.28 (2007) and 31COM8C.2 (2007).

Criterion (ii): The Patriarchate of Peć Monastery, the Gračanica Monastery and the Church of Our Lady of Ljeviš played a decisive role in the development of ecclesiastical building and mural painting in the Balkans between the 14th to the 16th centuries, in the discrete Balkan Palaiologian Renaissance architectural style, which reflects a fusion of eastern Orthodox Byzantine with western Romanesque styles.

Criterion (iii): The wall paintings in the three churches are an exceptional testimony to the manifestations of the cultural tradition of the Palaiologian Renaissance of Byzantium in the Balkans. They show the height of the development of Balkan art from the first half of the 14th century in Gračanica and Ljeviš, similar only to the church of the Holy Apostles in Thessaloniki and the Monastery of Protaton at Mount Athos, while the paintings at the churches at Peć, dating from around 1300 until 1673–74, are a powerful demonstration of the emergence of this style and its aftermath.

Criterion (iv): The Patriarchate of Peć Monastery, the Gračanica Monastery and the Church of Our Lady of Ljeviš reflect the development of a discrete Palaiologian Renaissance style of architecture and mural decoration in the Balkans in the 14th century, when the combined forces of Church and State were harnessed to create a strong identity for Serbia, in line with its political orientations.

The place is considered sacred/holy as it represents

Destination of pilgrimage,

Traditional gathering place and

Miraculous place.

Traditional gathering place for celebration of Vidovdan (St. Vitus Day).

Limitations to ownership rights

Limitation on building/architectonic changes,

Limitation on change of purpose/use.

All the building-architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments, as the church is Cultural Monument of I Category. Change of purpose/use is not allowed as the continuity of purpose since XIV century is one of the key values of this cultural asset.

The owner is properly managing the property in difficult conditions of high security risk and malfunctioning of legal system.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

Owner / user guarantees the access to the holy place

Access restricted for Serbs for security reasons.

The only reason of access restriction is the high level of security risk. Although the monastery is situated in the largest Serbian enclave in central Kosovo, there is a risk during the transport through the areas occupied by majority Albanian community around the enclave. The limitations of access started in 1999. The procedures of visiting the monastery were agreed with KFOR.

Owner / user conditions the access to the holy place

Not conditioned

For the safety and public order in the holy place the responsible party is

International Military forces and Temporary police forces.

Some form of extraterritorial status of the holy place includes

There is no extraterritorial status, and it is situated in the enclave with a limited implementation of temporary government.

On February 20, 2008, the Parliament of Kosovo adopted a Law on Special Protected Zones (No. 03/L-039, published in Off.bulletin of Kosovo No. 28 / June 2008). This law determines a protective zone for Monastery Gračanica. This law provides for the formation of a Council for Implementation and Monitoring, which should enable the implementation of the law. According to our sources, this council was not formed yet, and the law does not specify any norms on its structure or the procedure of its formation.

Freedom of self-government of the religious community at the holy place

Self-government allowed.

Degree and form of self-government of the monastery are enjoyed in accordance with the Constitution and other rules of SOC.

Date when information was collected

June 01, 2009

7.14. Monastery of Saint Healers Cosmas and Damian, Zočište

Church from the first half of XIV century. It is believed that the toponym originates from the cult of healing water, which had a spring in the churchyard and supposedly healed eye ailments (“for eyes healing”). The monastery is widely respected by people of all ethnicities in the area. The local Albanians, who used to bring their ill to the monastery, looking for a prayer and healing, continued to visit this holy place after the destruction in 1999.

Category of Cultural Asset SRB

III category

The place is considered sacred/holy as it represents

Healing place,

Center of cult of Saint Healers Cosmas and Damian, and

Traditional gathering place.

Limitations to ownership rights

Limitation in building/architectonic changes,

Limitation in change of purpose/use, and

Ban on expatriation.

All the building-architectonic interventions must be performed according to the directions and under supervision of Institute for Protection of Cultural Monuments, as the monastery is a Cultural Monument. Change of purpose/use is not allowed as the continuity of purpose since the XIV century is one of the key values of this cultural asset.

The owner is properly managing the property in difficult conditions of high security risk.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

The owner is unable to appropriately manage and exploit the land and forests belonging to the monastery due to impossibility of physical access. All the property outside of the fenced monastery complex (guarded by KFOR forces) has remained inaccessible since 1999.

Owner / user guarantees the access to the holy place

Access for the devotees of the Serbian Orthodox Church is restricted for security reasons, and it is allowed with an approval by Monastery officials.

The only reason for access limitations is the high degree of security risk. In order to visit the monastery, it is necessary to contact the monastery officials in advance and get their approval, while the faithful of SOC arrive to the monastery with the escort by KFOR. Therefore visits are usually scheduled only on the most important religious holidays.

The restrictions of access started in 2004, when the monastery became active again. The procedure of visiting the monastery is administered by KFOR.

Owner / user conditions the access to the holy place

Not conditioned.

For the safety and public order in the holy place the responsible party is

The international military forces (for the monastery complex) and the Temporary police forces (for the monastery land and forests in the immediate vicinity).

Reasons: There is still a high degree of hostility by local, majority Albanian community.

The church was burned on June 17, 1999, and the monk brotherhood was evicted from the monastery. The monastery graveyard was also highly damaged. In September of the same year the church was completely destroyed with explosives, and the monastery buildings were burned down.

Some form of exterritorial status of the holy place includes

It is situated in the zone under military protection (security risks, lack of rule of law).

The monastery does not have an exterritorial status.

The religious fully complies with the Constitution and other rules of SOC. However, the other questions related to the “civil” areas of life (security, building, traffic, provision of supplies, infrastructure, trade...) were determined *ad hoc* rather than in a systemic permanent way. KFOR is guarding the monastery complex, but the duration of its mandate is unknown.

Freedom of self-government of the religious community at the holy place

Partial.

Degree and form of self-government of monastery complies with the constitution and other rules of the SOC. The rights of self-government on monastery land are denied as this property was illegally usurped.

Date when information was collected

June 04, 2009

7.15. Monastery of Presentation of Mother of God, Dolac near Klina

Church from the end of XIV century, destroyed, deserted (Figure 30). People called it the church Sv. Prečista (St. Most Holy).



Figure 30. Monastery Dolac (XIV century): above: the church before it was destroyed; below: the remains of the church destroyed to the ground

Category of Cultural Asset SRB

I

The place is considered sacred/holy as it represents

Destination of pilgrimage and

Traditional gathering place

Limitations to ownership rights

Limitation on building/architectonic changes,

Limitation on change of purpose/use, and

Ban on expatriation.

All the building-architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments, as the church is a Cultural Monument of I category.

The owner was evicted from the property and since 1999 has been unable to manage it.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

The owner is unable to fulfil the obligation due to being evicted from own property.

Owner / user guarantees the access to the holy place

Free to anyone at any time, but restricted to Serbs due to security reasons.

There are no limitations on approach. The holy place is deserted – anyone can come and do anything he wants without any supervision. Nobody takes care of the holy place. It is inaccessible to Serbs due to security reasons.

Owner / user conditions the access to the holy place

Not conditioned

For the safety and public order in the holy place the responsible party is

Temporary police forces.

The church, the bell tower and the monks' lodges were destroyed by explosives and mechanical means after the Yugoslav Army retreated and the Italian forces of KFOR came in 1999.

Some form of extraterritorial status of the holy place includes

There is no extraterritorial status.

On February 20, 2008, the Parliament of Kosovo adopted a Law on Special Protected Zones (No. 03/L-039, published in Off.bulletin of Kosovo No. 28 / June 2008). This law determines a protective zone for Monastery Dolac within a perimeter of 50 m!

Freedom of self-government of the religious community at the holy place

None.

Monks have been absent from the holy place since 1999.

Date when information was collected

June 04, 2009

7.16. Monastery Visoki Dečani

Category of Cultural Asset SRB

I

Criteria for UNESCO List of World Heritage in Danger

Included in WHL 2004 (WHC Decision 28COM14B.47),

Included in WHL inDanger 2006 (WHC Decision 30COM8B.53)

2006 (WHC Decision 30COM8B.54)

Criterion (ii): Dečani Monastery represents an exceptional synthesis of Byzantine and Western medieval traditions. The monastery and particularly its paintings also exercised an important influence on the development of art and architecture during the Ottoman period (WHC Decision 28COM14B.47, 2004).

Criterion (iv): Dečani Monastery represents an outstanding example of the last phase of the development of the Serbian-Slav architecture. The construction has integrated Eastern Byzantine and Western medieval traditions (WHC Decision 28COM14B.47, 2004)

I After the decision WHC 30COM8B.53 from 2006, the cultural asset Monastery Dečani was increased in size and its name was changed. The cultural asset included in the list is named Medieval Monuments in Kosovo. It includes the Patriarchy of Peć, Monastery Gračanica and the Church of Our Lady of Ljeviš.

II After the decision by WHC 30COM8B.54 from 2006, the Medieval Monuments in Kosovo were included in the List of World Heritage in Danger. This list was updated and retention of Medieval Monuments in Kosovo was approved by decisions 30COM8C.1 (2006), 31COM7A.28 (2007) and 31COM8C.2 (2007).

The place is considered sacred/holy as it represents

- The center of the cult of Holy King Stefan Uroš III Dečanski
- Destination of pilgrimage
- Miraculous place
- Place of healing.

Limitations to ownership rights

- Limitation on building/architectonic changes,
- Limitation on change of purpose/use

All the building-architectonic interventions must be performed according to the directions and under supervision of the Institute for Protection of Cultural Monuments. The change of purpose/use was not allowed, as the continuity of purpose since the XIV century is one of the key values of this cultural asset.

I The executive decision No. 2005/5 on the special zone area of Dečani (UNMIK/IO/2005/5) defines the following limitations:

- No building, reconstructing, industrial or commercial activity, including the exploiting of forests, water and mineral resources may be performed without a proper approval by UNMIK;
- The existing road, which remains under the supervision by KFOR, may not be widened without a proper approval by UNMIK. The heavy commercial transport is not allowed on this road without the approval of KFOR and UNMIK;
- The municipality government must implement proper procedures about any existing building and structure built without the properly issued building permit;
- Activities in and around the monastery must fully comply with the conventions and directives by UNESCO completely.

II On February 20, 2008, the Parliament of Kosovo elected a Law on Special Protected Zones (No. 03/L-039, published in Off.bulletin of Kosovo No. 28 / June 2008). This law determines a protective zone for Monastery Visoki Dečani, which is the same as the previously determined Special Zone Area. This law provides for the formation of a Council for Implementation and Monitoring, which should enable the implementation of the law.

According to our sources, this council has not been formed yet, and the law does not specify any norms on its structure or the procedure of its formation.

The owner properly manages the property under difficult conditions of high security risk.

In spite of the Executive decision No. 2005/5 on Special Zone Area Dečani (UNMIK/IO/2005/5), a restaurant, built without any building permit in the immediate vicinity of monastery in 2005, was additionally expanded in late November 2006. The owner of the illegal building Naim Kući started developing a new tourist area (more than 30 m long) as well as wooden cabins that would spoil the landscape around the monastery. The Municipality of Dečani proclaimed the area around the monastery to be a zone of urban development, which amounted to an approval of the illegal building and contravened the UNMIK decision.

The diplomatic and legal battle to remove the illegally built sites in vicinity of monastery Visoki Dečani lasted for more than a month, due to the obstruc-

tion of the local government – the municipal government of Dečani. The decision was finally reached under a strong international pressure. In January 2007, Kosovo Protection Corps removed the illegally built constructions.

Obligations of the owner

There is an obligation to maintain the immovable assets – buildings and land.

This obligation is prescribed by relevant laws.

The owner is unable to properly manage and exploit the land and forests belonging to the monastery due to the high security risks. Therefore the monastery is losing significant income. This condition lasts since 1999.

The monastery has numerous problems with ownership rights for certain immovable assets. In 1997 the Government of Serbia returned to the monastery 25 ha of land that had belonged to it before 1946 when it was confiscated and became public land. Until early 1990s these land plots were used by public-owned firms “Apiko” (beekeepers’ cooperative) and the “Visoki Dečani” Hotel. As these firms stopped working in 1997, the Government returned the land to the Monastery. As nobody appealed from the decision within the statute of limitations, the new situation as to land ownership became final in 1998 and the Monastery recorded its title to the land plots.

However, the land cadastre authority of Dečani municipality changed the records and reinstated the status of 1997 (without any legal standing), denying property rights of the monastery.

After many years of efforts by monastery officials to have this property returned, on May 17, 2008 UNMIK issued an executive decision, ordering the municipal land cadastre authority to restore land ownership records to the situation in 1999 and 1998, which encompassed the land returned in 1997.

Owner / user guarantees the access to the holy place

With the approval of monastery officials. The devotees of Serbian Orthodox Church have restricted access due to security reasons.

The only reason for access limitations is the high degree of security risk. The immediate vicinity of monastery is extremely hostile toward the monastery brotherhood. In order to visit the monastery, it is necessary to contact the monastery officials in advance and get an approval, while the devotees of SOC arrive to the monastery with the escort by KFOR. Therefore the visits are usually scheduled only on the most important religious holidays.

The restrictions of access started in 1999. The procedure of visiting the monastery is agreed with the KFOR.

Owner / user conditions the access to the holy place

Not conditioned.

For the safety and public order in the holy place the responsible party is

International Military Forces (for the Monastery complex), the Temporary Police Forces (for the Monastery land and the forests in immediate vicinity).

Without permanent protection by KFOR, the survival of monks would be impossible due to high degree of hostility of local community (Albanian majority). The monastery has been hit by grenades 4 times since 1999. The last of such cases happened on March 30, 2007. The grenade was thrown directly toward the altar of the church, and if it had fallen over the wall it would have damaged the famous trifora of Devič, a magnificent three-part altar window with relief from 14 century. Out of 23 grenades thrown at the monastery since 1999, this one fell closest to the church and to the monks' housing.

Some form of exterritorial status of the holy place includes

No exterritorial status. It is situated in the zone under temporary protection.

Security risks, lack of rule of law.

Freedom of self-government of the religious community at the holy place

Partial.

Degree and form of self-government in the monastery matches the Constitution and other rules by SOC. The self-government rights at the monastery property are denied as regular access and exploitation are impossible.

Date when information was collected

June 01, 2009.

8. APPENDIX: 1972 UNESCO WORLD HERITAGE CONVENTION

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Adopted by the General Conference at its seventeenth session

Paris, 16 november 1972

English Text

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session,

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific, and technological resources of the country where the property to be protected is situated,

Recalling that the Constitution of the Organization provides that it will maintain, increase, and diffuse knowledge by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions,

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto,

Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this sixteenth day of November 1972 this Convention.

I. DEFINITION OF THE CULTURAL AND NATURAL HERITAGE

Article 1

For the purpose of this Convention, the following shall be considered as “cultural heritage”:

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

Article 2

For the purposes of this Convention, the following shall be considered as “natural heritage”:

natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3

It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 4

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Article 5

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavor, in so far as possible, and as appropriate for each country:

- (a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
- (b) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
- (c) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;
- (d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and

- (e) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

Article 6

1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.
2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and presentation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.
3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III. INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 8

1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called “the World Heritage Committee”, is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.

2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.
3. A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other inter-governmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.

Article 9

1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.
2. The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.
3. States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

Article 10

1. The World Heritage Committee shall adopt its Rules of Procedure.
2. The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.
3. The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 11

1. Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for

inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.

2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of "World Heritage List," a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.
3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.
4. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "list of World Heritage in Danger", a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately.
5. The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.
6. Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.
7. The Committee shall, with the agreement of the States concerned, co-ordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this article.

Article 12

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

Article 13

1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists mentioned referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.
2. Requests for international assistance under paragraph 1 of this article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.
3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.
4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.
5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.
6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.
7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, particularly the International Centre for the Study of the Preservation and Restoration of

Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.

8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

Article 14

1. The World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.
2. The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.

IV. FUND FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 15

1. A Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Fund", is hereby established.
2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.
3. The resources of the Fund shall consist of:
 - (a) compulsory and voluntary contributions made by States Parties to this Convention,
 - (b) Contributions, gifts or bequests which may be made by:
 - (i) other States;
 - (ii) the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other inter-governmental organizations;
 - (iii) public or private bodies or individuals;

- (c) any interest due on the resources of the Fund;
 - (d) funds raised by collections and receipts from events organized for the benefit of the fund; and
 - (e) all other resources authorized by the Fund's regulations, as drawn up by the World Heritage Committee.
4. Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.

Article 16

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the World Heritage Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the regular budget of the United Nations Educational, Scientific and Cultural Organization.
2. However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instrument of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.
3. A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States parties to the Convention.
4. In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis, at least every two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election.

The terms of office of any such State which is already a member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

Article 17

The States Parties to this Convention shall consider or encourage the establishment of national public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

Article 18

The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE

Article 19

Any State Party to this Convention may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession and as will enable the Committee to come to a decision.

Article 20

Subject to the provisions of paragraph 2 of Article 13, sub-paragraph (c) of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

Article 21

1. The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of

urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.

2. Requests based upon disasters or natural calamities should, by reasons of the urgent work which they may involve, be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.
3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

Article 22

Assistance granted by the World Heritage Fund may take the following forms:

- (a) studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;
- (b) provisions of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;
- (c) training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;
- (d) supply of equipment which the State concerned does not possess or is not in a position to acquire;
- (e) low-interest or interest-free loans which might be repayable on a long-term basis;
- (f) the granting, in exceptional cases and for special reasons, of non-repayable subsidies.

Article 23

The World Heritage Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

Article 24

International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the protection, conservation, presentation and rehabilitation of the natural and cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned.

Article 25

As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this.

Article 26

The World Heritage Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided, shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to protect, conserve and present the property so safeguarded, in observance of the conditions laid down by the agreement.

VI. EDUCATIONAL PROGRAMMES

Article 27

1. The States Parties to this Convention shall endeavor by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention.
2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of this Convention.

Article 28

States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

VII. REPORTS

Article 29

1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.

2. These reports shall be brought to the attention of the World Heritage Committee.
3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

VIII. FINAL CLAUSES

Article 30

This Convention is drawn up in Arabic, English, French, Russian and Spanish, the five texts being equally authoritative.

Article 31

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.
2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 32

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the Organization to accede to it.
2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 34

The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:

- (a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central

legislative power, the obligations of the federal or central government shall be the same as for those States parties which are not federal States;

- (b) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 35

1. Each State Party to this Convention may denounce the Convention.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

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Layout
Irena Đaković

Proof-reading
Ass. Dušan Rakitić, LLM

Front cover photo
Ass. Nikola Selaković, LLM

Prepress
Dosije studio, Belgrade

Printing
Planeta print, Belgrade

ISBN 978-86-7630-229-1

Print-run
500 copies

Address of Editorship
University of Belgrade Law Faculty
Publishing and Information Center
Bulevar kralja Aleksandra 67
Tel./Fax: 30-27-725, 30-27-776
e-mail: centar@ius.bg.ac.rs
web: www.ius.bg.ac.rs

CIP – Каталогизација у публикацији
Народна библиотека Србије, Београд

271.222(497.115)-523

726.54(497.115)

The PREDICAMENT of Serbian Orthodox Holy Places
in Kosovo and Metohia : elements for a historical, legal and
conservational understanding / Sima Avramović ... [et al.]. –
Belgrade : Faculty of Law, Publishing and Information Center,
2010 (Belgrade : Planeta print). – 112 str. : ilustr. ; 24 cm. – (Edition
Monographs / University of Belgrade Law Faculty ; 41)

Tiraž 500. – Bibliografija: str. 107–112.

ISBN 978-86-7630-229-1

1. Avramović, Sima, 1950– [аутор]

a) Цркве – Косово и Метохија

b) Манастири – Косово и Метохија

COBISS.SR-ID 175568140



ISBN 978-86-7630-229-1

