

**Flygtningenævnets baggrundsmateriale**

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# SERBIA

## REPUBLIC OF SERBIA

Head of state: Boris Tadic  
Head of government: Vojislav Koštunica  
Death penalty: abolitionist for all crimes  
International Criminal Court: ratified

Serbia's failure to arrest and transfer indicted suspects to the International Criminal Tribunal for the former Yugoslavia (Tribunal) led to the suspension of talks on a Stabilization and Association Agreement with the European Union (EU). Low-ranking officials were brought to justice in domestic war crimes trials. Discrimination continued against Romani and other minorities, especially in Kosovo.

## Political developments

On 2 May the EU suspended negotiations on the Stabilization and Association Agreement after the authorities in Serbia and Montenegro failed to arrest suspects indicted by the Tribunal - in particular Bosnian Serb General Ratko Mladić. Negotiations remained suspended. On 14 December Serbia was admitted to NATO's Partnership for Peace.

Following an independence referendum on 21 May, Montenegro seceded from the state of Serbia and Montenegro. The Council of Europe continued to separately monitor Serbia's compliance with conditions agreed on accession.

Just over 50 per cent of voters in a referendum in October favoured the new Serbian Constitution, which restated that Kosovo and Metohija were part of Serbian territory. The Albanian minority in southern Serbia boycotted the referendum, and ethnic Albanians in Kosovo were not eligible to vote.

## Final status of Kosovo

Following the failure to reach agreement between the Serbian and Kosovo authorities in talks from February to October, in November the UN Special Envoy for Kosovo - with the agreement of the UN Secretary-General - postponed a decision on the final status of Kosovo until after Serbian elections in January 2007. Kosovo remained part of Serbia and was administered by the UN Interim Administration Mission in Kosovo (UNMIK).

On 10 March, UNMIK began to transfer government responsibilities to the Provisional Institutions of Self-Government in Kosovo. On 1 June the Special Representative to the UN Secretary-General in Kosovo (SRSG) announced that UNMIK had begun preparations to leave Kosovo. The EU began preparing for UNMIK's handover to an EU Crisis Management Operation.

## Impunity for war crimes

Former Serbian President Slobodan Milošević died following a heart attack at the Tribunal Detention Unit on 11 March. He had been on trial before the Tribunal for war crimes and crimes against humanity in Kosovo and Croatia, and for genocide, war crimes and crimes against humanity in Bosnia and Herzegovina.

The Tribunal further restricted the conditions under which former Kosovo Prime Minister Ramush Haradinaj could engage in domestic politics. Indicted for crimes against humanity and war crimes on 24 February 2005, he had been provisionally released from the Tribunal in June 2005. He was re-elected leader of the Alliance for the Future of Kosovo on 20 May 2006.

In June, Carla del Ponte, Chief Prosecutor to the Tribunal, reported to the UN Security Council that Serbia's co-operation with the Tribunal remained "difficult and frustrating", although there were improvements in access to archives and documents. She expressed serious concerns at the lack of co-operation by UNMIK.

- On 21 June indictments were joined of charges of war crimes in Kosovo against six senior Serbian political, police and military officials. Proceedings started in July.
- On 27 February the International Court of Justice opened public hearings on genocide charges filed by Bosnia and Herzegovina against Serbia and Montenegro.
- On 17 November the Tribunal transferred to Serbia the indictment against Vladimir Kovačević, charged with six counts of

war crimes in connection with the bombing of Dubrovnik in Croatia.

## Serbia

### Domestic war crimes trials

Progress was made in bringing Serbs suspected of war crimes to justice in domestic proceedings at the special War Crimes Chamber of the Belgrade District Court, although the Supreme Court continued to overturn war crimes verdicts and send cases back for retrial.

- The trial continued of five former members of the paramilitary unit known as the Scorpions. They were charged with war crimes, together with three others, for the killing of six Bosniak civilians in 1995 at Godinjske bare near Trnovo in Bosnia and Herzegovina.
- On 30 January, Milan Bulić was sentenced to eight years' imprisonment for involvement in war crimes against Croatian civilians in 1991 in Croatia. Fourteen other defendants had been convicted and sentenced in December 2005.
- In March, at the request of the SRSG, an Interpol warrant requested by Serbia, for the arrest on suspicion of war crimes of Kosovo Prime Minister Agim Çeku, former Kosovo Liberation Army (KLA) chief of staff and commander of the Kosova Protection Corps, was withdrawn.
- In April the SRSG unsuccessfully challenged the Serbian court's jurisdiction in the case of Anton Lekaj, a former KLA soldier. On 18 September the court sentenced him to 13 years' imprisonment for war crimes, including the rape of a Romani girl in Kosovo and the murder of three Romani men.

### Enforced disappearances

Human rights groups in February called for a parliamentary inquiry into an alleged official cover-up of the transfer from Kosovo to Serbia of the bodies of ethnic Albanians killed in 1999. Some were hidden in mass graves, others allegedly burned at the Mačkatica smelting plant. On 30 June the last of the bodies of more than 700 ethnic Albanians exhumed from mass graves were returned to Kosovo. Police investigations were opened, according to reports in September, but no indictments were published by the end of 2006.

- On 2 October, the trial started at the War Crimes Chamber in Belgrade of eight former police officers - including Radoslav Mitrović, former Kosovo special police commander and Radojko Repanović, police commander in Suva Reka - indicted on 25 April for the murder of 48 ethnic Albanian civilians, all but one from the same family, in Suva Reka in March 1999. Some of their bodies had been exhumed at Batajnica.
- On 13 November the trial opened of two former police officers indicted in August for the murder of three Kosovo-Albanian brothers with US nationality.

### Torture and ill-treatment

The new Serbian Criminal Code, which entered into force on 1 January, introduced a specific criminal offence of torture.

Numerous detainees alleged torture and other ill-treatment aimed at extracting "confessions", mostly at the time of arrest and during the first hours of detention at police stations, according to a report by the European Committee for the Prevention of Torture published in May. Reported methods included "falaka" (beating on the soles of the feet).

- In November police allegedly used excessive force against a prison protest at the government's failure to implement an amnesty law. Lawyers and relatives were reportedly unable to visit some of the 50 prisoners who had been hospitalized or placed in solitary confinement.

### Political killings

- In May the Serbian Supreme Court ordered the retrial of Milorad Ulemek and former secret police chief Radomir Marković, citing serious violations of procedure. The two men had been convicted of the attempted murder of government minister Vuk Drašković and the murder of four other men, and sentenced to 15 and 10 years' imprisonment respectively, in June 2005.
- In November, Aleksandar Simović was arrested for the murder in June of Zoran Vukojević, a witness at a separate trial of Milorad Ulemek and others on charges of murdering former Serbian Prime Minister Zoran Đinđić. Others indicted for the

murder of Zoran Đinđić remained at large.

- On 10 September municipal election candidate Ruđdija Durović was killed in a shooting incident at a polling station in Novi Pazar in the Sandžak region. The killing was believed to be politically motivated. Three others were injured. Two suspects were arrested within 24 hours and remained in detention in November. Four people were injured in November when an explosive device was thrown into the home of a Democratic Action Party official.

## Human rights defenders

Prosecutions believed to be malicious and politically motivated were opened in several proceedings against Biljana Kovačević-Vučo, director of the Lawyers Committee for Human Rights, and Humanitarian Law Centre director Nataša Kaédi. The charges included defamation.

## Discrimination against minorities

- In October, eight football fans were indicted in Čačak for racial abuse of a Zimbabwean player, and 152 Belgrade fans were arrested for racial abuse during a football match against the mainly ethnic Bosniak team from Novi Pazar.

- On 6 February Šabac Municipal Court convicted Bogdan Vaslijević of "violating the equality of citizens" for preventing three Romani people from entering a swimming pool on 8 July 2000. He received a suspended three-month prison term.

- On 6 March the UN Committee on the Elimination of Racial Discrimination found that Serbia and Montenegro had failed to provide an effective remedy in the case of a Romani man, Dragan Durmić, refused entry to a Belgrade discotheque in March 2000.

## Violence against women

Violence against women, including domestic violence and trafficking for the purposes of forced prostitution, remained widespread. On 10 January, the Ministry for Labour, Employment and Social policy published a draft strategy on combating violence against women but failed to consult women's organizations.

## Kosovo

An UNMIK regulation in February effectively withdrew the jurisdiction of the Ombudsperson's Office over UNMIK. The Human Rights Advisory Panel, proposed as an alternative mechanism on 23 March, failed to provide an impartial body which would guarantee access to redress and reparations for people whose rights had been violated by UNMIK. It had not been constituted by the end of 2006.

Recommendations to strengthen protection for minorities by the Advisory Committee on the Framework Convention for the Protection of National Minorities, made public in March, were not implemented. The UN Human Rights Committee criticized the lack of human rights protection in Kosovo following consideration of an UNMIK report in July.

In November the European Court of Human Rights considered the admissibility of a case against French members of the NATO-led Kosovo Force (KFOR) brought by the father of a 12-year-old boy killed in May 2000 by an unexploded cluster bomb that the troops had failed to detonate or mark. His younger son was severely injured.

## Inter-ethnic violence

Impunity continued for the majority of perpetrators of ethnically motivated attacks. Most attacks involved the stoning of buses carrying Serb passengers by Albanian youths. In some cases, grenades or other explosive devices were thrown at buses or houses, and Orthodox churches were looted and vandalized.

Three predominantly Serbian municipalities declared a "state of emergency" on 2 June following attacks they considered ethnically motivated, and announced a boycott of the UNMIK police and the Kosovo Police Service (KPS). Additional international police were deployed and ethnic Albanian KPS officers withdrawn.

- On 1 June, a Serbian youth was shot dead on the road between Zvečan/Zveçan and Zitkovac/Zhitkoc.

- On 20 June, a 68-year-old Serbian man who had returned the previous year to Klinë/a was reportedly shot dead in his own house.

- In June, two Romani families reportedly left the village of Zhiti/Zitinje after an incident in which an ethnic Albanian was later arrested.

## War crimes trials

Impunity for war crimes against Serbs and other minorities continued.

- On 11 August former KLA member Selim Krasniqi and two others were convicted before an international panel of judges at Gnjilanë/Gjilan District Court of the abduction and ill-treatment at a KLA camp in 1998 of ethnic Albanians suspected of collaborating with the Serb authorities. They were sentenced to seven years' imprisonment. A visit to Selim Krasniqi in prison by Prime Minister Agim Çeku provoked an outcry.

UNMIK police failed to conduct investigations into outstanding cases of abducted members of minority communities. On 13 October the bodies of 29 Serbs and other non-Albanians exhumed in Kosovo were handed over to the Serbian authorities and to families for burial in Belgrade.

## Excessive force by police

- On 25 May, 33 women, 20 children and three men required treatment for exposure to tear gas and other injuries after UNMIK police beat people and used tear gas in the village of Krusha e Vogël/Mala Kruša. Women had surrounded a convoy of armoured UNMIK vehicles escorting defence lawyers for Dragoljub Ojdanić, indicted by the Tribunal with responsibility for the murder of over 100 men and boys in the village in 1999. An UNMIK inquiry found that the police had used reasonable force, but acknowledged that the incident could have been avoided with adequate preparation.

On a number of occasions, UNMIK and KPS officers used excessive force in peaceful demonstrations against UNMIK and the Kosovo status talks by members of the non-governmental Vetëvendosje! (Self Determination!) organization.

- On 23 August, 15 people were reportedly ill-treated following arrest at Pristina police station. The Acting Ombudsperson asked the prosecutor to open an investigation in the case of one man whose arm and nose were broken and eyes injured.

- On 6 December the commander of Peja/Peć KPS and two KPS officers were suspended following a detainee's death in custody.

## Discrimination

- Most Romani, Ashkali and Egyptian families living on lead-contaminated sites near Mitrovicë/a voluntarily moved to a former military camp at Osterode at the beginning of 2006. Some Roma remained at one site until it was destroyed by fire. There was a lack of meaningful consultation with the communities before relocation and on the rebuilding of their former homes in the Romani neighbourhood of south Mitrovicë/Mitrovica. Some of the community returned to newly built houses in December.

In February the European Court of Human Rights decided it was not competent to rule on a petition by the communities that their economic and social rights had been violated, on the grounds that UNMIK was not a party to the European Convention on Human Rights.

- In early 2006, a senior KPS officer was reportedly removed from his post and other officers given training after a complaint to the UNMIK police commissioner by two gay men. After being assaulted on 31 December 2005 in a village outside Pristina, they had been taken to hospital by KPS officers and asked to file a complaint, but were later subjected to insulting and degrading abuse when their sexual orientation was discovered. Officers told them, incorrectly, that homosexuality was unlawful in Kosovo.

## Refugee returns

The rate of return of people displaced by the conflict in Kosovo remained low, although it was reported in June that some 400 Serbs had agreed to return to Babush village near Ferizaj/Uroševac. Those forcibly returned to Kosovo from EU member states were rarely provided with support and assistance by the authorities.

## Violence against women

Up to three cases a day of domestic violence were reported by the UNMIK police. The Ministry of Justice and Social Welfare agreed in July to provide funding for the women's shelter in Gjakova/Đakovica, and promised financial support for other shelters.

Trafficking for the purposes of forced prostitution continued to be widespread. Reportedly, 45 criminal proceedings related to trafficking were taking place in July. Little progress was made in implementing the Kosovo Action Plan of Trafficking, published in 2005.

## AI country reports/visits

### Reports

- Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2006 (AI Index: EUR 01/017/2006)
- Kosovo/Kosova (Serbia): Human rights protection in post-status Kosovo/Kosova - Amnesty International's recommendations relating to talks on the final status of Kosovo/Kosova (AI Index: EUR 70/008/2006)
- Kosovo (Serbia and Montenegro): United Nations Interim Administration Mission in Kosovo (UNMIK) - Conclusions of the Human Rights Committee, 86th Session, July 2006 (AI Index: EUR 70/011/2006)
- Kosovo (Serbia): The UN in Kosovo - a legacy of impunity (AI Index: EUR 70/015/2006)6)

### Visit

AI delegates visited Kosovo in April.