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SERBIA AND MONTENEGRO

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Head of state: Svetozar Marović»

Head of government: Vojislav Koštunica (Serbia), Milo Đukanović» (Montenegro)

Death penalty: abolitionist for all crimes

International Criminal Court: ratified

UN Women's Convention and its Optional Protocol: ratified

Overview - Covering events from January - December 2005

Background : War crimes: international prosecutions : [Serbia](#) : [Kosovo](#) : [Discrimination against minorities](#) :

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Serbia's co-operation with the International Criminal Tribunal for the former Yugoslavia (Tribunal) improved in the first half of the year under intense international pressure, with the apparent voluntary surrender of 11 suspects indicted by the Tribunal. However, in December the Tribunal's Chief Prosecutor reported that co-operation had deteriorated. The Prime Minister of Kosovo was indicted and surrendered to the Tribunal in March. Domestic trials and retrials of Serbs and Kosovo Albanians accused of war crimes continued. In Serbia trials continued of former officials accused of complicity in previous political crimes. Police torture and ill-treatment continued. Roma were deprived of many basic rights. Trafficking of women and girls for forced prostitution remained a serious concern.

Background

Serbia and Montenegro (SCG) continued to operate with separate governments and legal systems. On 3 October the European Union (EU) Council of Ministers authorized the European Council to start talks with the Union of SCG. These started on 7 November aimed at a Stabilization and Association Agreement with the EU. In October, a revised criminal code and a law on the police and on the Protector of Citizens (ombudsperson) were introduced, but legislative reform remained slow. The EU, through the Venice Commission, set out conditions for the Montenegrin independence referendum planned for April 2006.

The UN Interim Mission in Kosovo (UNMIK) continued to administer Kosovo. Some further competencies were transferred to the Provisional Institutions of Self-Government (PISG), and measures were taken towards decentralization. The presence of uniformed opposition groups was reported. The Self-Determination Movement organized non-violent demonstrations against UNMIK in which at least 186 people were arrested; some were reportedly ill-treated by the police. In October, the UN Secretary-General appointed a Special Envoy to Kosovo to conduct talks on the future status of the province.

War crimes: international prosecutions

The trial by the Tribunal of former President Slobodan Milošević», accused of responsibility for war crimes in Croatia, Bosnia and Herzegovina (BiH), and Kosovo, continued. In June the prosecution presented the court with footage of members of a Serb paramilitary unit (the "Scorpions") executing six Bosniak prisoners from Srebrenica on Mount Treskavica in BiH in July 1995. The "Scorpions" were alleged to be under the control of the Serbian authorities when the crimes were committed. In December, the Tribunal amended the indictment against Jovica Stanišić» and Franko Simatović» to include further charges related to this incident. Proceedings also opened on 20 December at the Belgrade war crimes court against five members of the "Scorpions" in relation to these executions.

The Serbian authorities failed to seek out and arrest suspects indicted by the Tribunal. However, under pressure from the EU and the US government, they adopted a policy of "encouraging" voluntary surrender and affording suspects official support.

In January, former commander of the Priština Corps Vladimir Lazarević» surrendered to the Serbian authorities; he was transferred to the custody of the Tribunal. He had been indicted along with three other former senior officers and government officials for individual criminal responsibility and for command responsibility for crimes against humanity and violations of the laws or customs of war in Kosovo in 1999. Two others – Sreten Lukić», former police general in Kosovo and later assistant Serbian Interior Minister, and Nebojša Pavković», former commander of the Armed Forces of the Federal Republic of Yugoslavia – voluntarily surrendered in April and May. The fourth man, Vlastimir Đorđević», former Assistant Minister of the Interior, was believed to remain at large in Russia.

Between February and April, eight suspects indicted by the Tribunal for charges including war crimes, crimes against humanity and genocide in connection with the war in BiH, surrendered to the Serbian authorities and

were transferred to the Tribunal. They included former Bosnian Serb Army officers Drago Nikolić, Vinko Pandurević, Ljubomir Borovčanin and Vujadin Popović, all of whom were indicted in connection with the killing of more than 8,000 Bosniak civilians in Srebrenica in July 1995 (see Bosnia and Herzegovina entry).

In October Tribunal Prosecutor Carla Del Ponte reported "complete satisfaction with Belgrade's co-operation" for the first time. However, neither Radovan Karadžić nor Ratko Mladić had surrendered by the end of the year. In December she reported that co-operation had deteriorated.

Ramush Haradinaj, former prime minister of Kosovo and Kosova Liberation Army (KLA) commander, resigned in March and surrendered to the Tribunal. He was indicted, with Lahi Brahimaj and Idriz Balaj, on 37 counts of crimes against humanity and war crimes against the Serb, Roma, Ashkali and "Egyptian" populations.

On 5 May, Beqa Beqaj was convicted and sentenced to four months' imprisonment for contempt of the Tribunal in connection with the intimidation of witnesses in the Limaj case. In November, in the same case, Haradin Bala was convicted of torture, cruel treatment and murder of prisoners in the Llapushnik (Lapušnik) area and prison camp in 1998. He was sentenced to 15 years' imprisonment. Two others were found not guilty.

Serbia

War crimes: domestic prosecutions

Of those indicted in connection with the Ovčara massacre near Vukovar in Croatia in 1991, 14 were convicted of war crimes by the special War Crimes Panel within the Belgrade District Court in December.

In a case investigated by the Tribunal and transferred to Serbia in 2004, nine men were indicted in August for the detention and torture of at least 174 Bosniak civilians and the murder of at least 15 men at Čelopek in BiH, and the deportation to Hungary of 1,822 Bosnian Muslims; three suspects remained at large.

On 14 May, former police officer Goran Veselinović was convicted at Kraljevo District Court of war crimes and sentenced to 40 years' imprisonment for the murder of two Serb and two Albanian civilians in Mitrovica in 1999.

On 17 May, Saša Cvetjan, a member of the "Scorpions", was again sentenced to 20 years' imprisonment at Belgrade District court for the killing of 14 Albanian civilians in Podujevo in 1999. The Supreme Court had ordered a retrial in January.

On 23 May, the Montenegro Supreme Court confirmed the conviction and sentence of Nebojša Ranisavljević for the abduction of 20 mainly Muslim civilians from a train at Čtrpci railway station in February 1993.

'Disappearances'

Investigations opened in January into the alleged mass cremation of the bodies of ethnic Albanians at the Matkatica factory in Surdulica in 1999. The Humanitarian Law Centre alleged that witnesses were intimidated by local police officers.

By November, Serbia had handed over to UNMIK 836 bodies of ethnic Albanians killed in Kosovo, who had been transferred to Serbia in refrigerated trucks and buried in mass graves in Batajnica near Belgrade, Petrovo Selo and Bajina Bašta. No indictments had been issued by the end of the year; investigations had opened in 2000. On 25 October, six serving Serbian police officers and three former officers were indicted on suspicion of the murder of 48 ethnic Albanians in Suva Reka in Kosovo in March 1999; some of the bodies identified at Batajnica originated from Suva Reka.

Possible extrajudicial executions

Slavoljub Ćeremić, Head of the General Criminal Division of the Montenegrin police, was murdered on 30 August. His family alleged official complicity and opened their own investigation.

The trial continued of Damir Mandić, the sole suspect – despite allegations of official complicity – in the murder in May 2004 of Duško Jovanović, editor-in-chief of the Montenegrin daily *Dan*.

Army of SCG

The Belgrade District Court opened investigations on 14 March into the unresolved deaths of two conscript sentries – Dražen Milovanović and Dragan Jakovljević – in October 2004 at a Belgrade military complex. Investigations continued with the German Wiesbaden Criminological Institute invited to assist in September, and the US Federal Bureau of Investigations in December.

In October, the period of compulsory military service was reduced from nine to six months; alternative service was cut from 13 to nine months. Amendments to legislation allowing for conscientious objection,

introduced in February, breached Council of Europe standards allowing for application for conscientious objector status at any time.

Past political murders

On 29 June, Milorad "Legija" Ulemek-Lukovi» was sentenced to 15 years' imprisonment for his part in the murder of four people during the attempted murder of current SCG Foreign Minister Vuk Draškovi» in 1999. Former head of Serbian state security Radomir Markovi» was also sentenced to 10 years' imprisonment, along with eight other security officials. In July Milorad Ulemek-Lukovi» was sentenced to 40 years' imprisonment for the murder of former Serbian President Ivan Stamboli» in August 2000; Radomir Markovi» was sentenced to 15 years in prison for failing to prevent the murder.

The trial continued of Milorad Ulemek-Lukovi», accused of involvement in the murder in March 2003 of Prime Minister Zoran Đinđi». In April another suspect, Dejan "Bagsy" Milenkovi», was extradited from Greece and in July was given witness-associate status (became a prosecution witness) by the court.

Police torture and ill-treatment

Reports of police torture or ill-treatment apparently fell, but investigations into previous cases remained seriously flawed, and in a number of trials testimony allegedly obtained under torture was admitted in evidence. In May a Ministry of Interior report confirmed six cases of torture during "Operation Sabre" in 2003, although the Ministry was reportedly unable to identify the police officers concerned.

The UN Committee against Torture in both May and November found SCG to be in violation of the Convention against Torture in relation to complaints submitted on behalf of two Romani men, Jovica Dimitrov and Danilo Dimitrijevi». In December, Belgrade District Court found the Republic of Serbia in violation of its obligations under the Convention, in connection with the Committee against Torture's decision of 2001 in the case of Milan Risti».

Minorities

In May the UN Committee on Economic, Social and Cultural Rights expressed concern over the lack of anti-discrimination legislation, reported incidents of inter-ethnic violence and widespread discrimination against Roma. They urged SCG to take special measures to alleviate poverty among Roma, and ensure that Roma had access to adequate, affordable and secure housing, adequate sanitation and safe drinking water, and affordable primary health care. The Committee also expressed concern at the continuing uncertain residence status of refugees, returnees and internally displaced people, including Roma.

Attacks on Roma individuals and communities were regularly reported but few perpetrators were brought to justice.

Attacks in the Vojvodina region continued, predominantly against the Hungarian minority.

In July, eight men were sentenced to between three and five months' imprisonment for the burning of the Hadrovi» mosque in Niš in March 2004. The attack was one of several that month targeting minorities in Serbia which took place in the wake of widespread attacks on Serb communities in Kosovo.

Attacks on human rights defenders

Human rights defenders and non-governmental organizations seeking to challenge impunity for war crimes were subjected to increased threats and attacks. Repeated and apparently systematic intimidation took the form of public threats, apparent "burglaries" and what appeared to be malicious prosecutions, as well as physical attacks. There was increasing concern about the independence of the media. Few perpetrators were brought to justice.

Violence against women

Research conducted in 2003 by the Belgrade Autonomous Women's Centre, and published by the World Health Organization (WHO) in November, showed that intimate partner violence remained widespread. Some 24 per cent of the 1,456 respondents surveyed had experienced physical or sexual violence, but only four per cent had reported this to the police; some 78 per cent had never sought assistance from any agency.

A Family Law introducing protective measures for victims of domestic violence came into force in July.

SCG remained a source, transit and destination country for women and girls trafficked for forced prostitution.

Kosovo

War crimes: domestic prosecutions

In May, three members of the "Ka¹/₂anik" (Kačanik) group accused of war crimes were convicted by an

international panel at Priština District Court, and sentenced to between six and eight years' imprisonment. Four former members of the KLA known as the "Llap group", convicted and sentenced in 2003, were released in July after the Supreme Court annulled the verdict and ordered a retrial. In September, four Serb men were arrested in Gračanica (Ulpiana) for war crimes.

'Disappearances' and abductions

In April, a mass grave, reportedly containing the remains of non-Albanians killed in 1998, was found in Klina. Despite the resumption of talks, little progress was made in bringing to justice those responsible for both the "disappearances" of ethnic Albanians and the abduction of Serbs, Roma and other minorities.

Ethnically motivated crimes

There were regular reports of attacks on Serbian communities, including the use of tear gas, hand grenades and other explosive devices, arson, beatings and shootings.

According to the Organization for Security and Co-operation in Europe (OSCE), 426 people were charged with criminal offences in connection with the March 2004 violence in which 19 people died and 954 civilians and 184 police and security personnel were injured. As of November, some 209 people had been convicted and 12 acquitted, with 110 cases still pending and 95 charges dropped. The OSCE reported in December that criminal investigations had been hindered by problems including witness intimidation, loss of material evidence and poor co-operation between the police and the prosecution.

- In May, six Albanians were sentenced to a total of 38 years' imprisonment at Gnjilane (Gnilanë) District Court for the murder of Slobodan Periç and his mother, Anka Periç, in March 2004.
- On 7 April, 12 ethnic Albanians were convicted and sentenced for the murder of former police officer Hamez Hajra, his wife and three children in 2001; four received 30-year sentences.
- On 13 April, Florim Ejupi was arrested in Albania, and charged with the murder of 12 Serbs and six other offences in connection with the bombing of the Niš Express bus in March 2001; he was also charged with the murder of UNMIK and Kosovo Police Service (KPS) officers in February 2004.

Politically motivated crimes

Sadik Musa, a former protected witness, was shot on 31 January in Pejë (Peja), and died on 1 February.

On 4 June Abdhyl Ayeti, a journalist associated with the Democratic League of Kosovo, was shot and wounded; he died on 25 June. A suspect was arrested on 15 June.

UNMIK and KPS officers were targeted in shootings and explosive devices were placed under police vehicles.

- Umar Ali Karya, a Nigerian UNMIK police officer, was killed by a car bomb on 13 January in Prizren.

Discrimination against minorities

In April a Memorandum of Understanding between the German government and UNMIK allowed the forcible return of Ashkali and "Egyptian" individuals from Germany. Voluntary returns remained low.

On 2 June, UNMIK submitted a report to the Council of Europe on measures taken to implement the Framework Convention for the Protection of National Minorities. This failed to note that internally displaced Roma, Ashkali and "Egyptian" people living near the former Trepça Mines lead-smelting site in Zvečan (Zveçan) municipality had been found by the WHO in 2004 to have dangerous levels of lead in their blood. There was grave concern at the failure of UNMIK and the PISG to respect and fulfil their right to health; despite international calls for their urgent relocation, they had not been moved by the end of the year.

Trafficking of women and girls for forced prostitution

An Administrative Directive implementing the 2001 trafficking regulation promulgated in February failed to guarantee trafficked women and girls an automatic right to protection and assistance. A trafficking action plan published in May failed to fully meet AI's 2004 recommendations on protecting the human rights of trafficked women and girls.

Arrests of groups of suspected traffickers were reported in March and May.

- In May a senior member of the UN High Commissioner for Refugees was convicted and sentenced for sexual exploitation of minors under 16 years, but charges related to trafficking were dropped.

Serbia and Montenegro
Archive information

Amnesty International's concerns on the implementation of the "completion strategy" of the International Criminal Tribunal for the former Yugoslavia
(AI Index: EUR 05/001/2005)

Serbia and Montenegro: A wasted year – The continuing failure to fulfil key human rights commitments made to the Council of Europe
(AI Index: EUR 70/005/2005)

Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2005: Serbia and Montenegro
(AI Index: EUR 01/012/2005)

Serbia and Montenegro. The writing on the wall: human rights defenders at risk
(AI Index: EUR 70/016/2005)

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