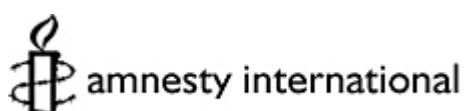


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## Amnesty International Annual Report 2011 - Serbia

Head of state: **Boris Tadic**  
 Head of government: **Mirko Cvetkovic**  
 Death penalty: **abolitionist for all crimes**  
 Population: **9.9 million**  
 Life expectancy: **74.4 years**  
 Under-5 mortality (m/f): **15/13 per 1,000**

War crimes prosecutions continued in Serbia, but little progress was made in establishing the fate of those missing since the 1999 war. Discrimination against minorities continued in both Serbia and Kosovo, where serious inter-ethnic violence occurred in the north. Roma were forcibly returned to Kosovo from EU member states.

### Background

In July, the International Court of Justice (ICJ) issued an advisory opinion that Kosovo's 2008 declaration of independence did not violate applicable international law. In September the UN General Assembly adopted a resolution on Kosovo, which envisaged the resumption of talks between Serbia and Kosovo, facilitated by the EU.

Serbia moved closer to EU membership in November when the European Commission sent the government a questionnaire to assess Serbia's readiness for EU candidate status. Progress remained conditional on Serbia's continued co-operation with the International Criminal Tribunal for the former Yugoslavia (Tribunal). Also in November, the Chief Prosecutor of the Tribunal urged Serbia to take more proactive measures to arrest former Bosnian-Serb General Ratko Mladic and former Croatian Serb leader Goran Hadzic.

### International justice

In March, the Serbian parliament narrowly adopted the "Srebrenica Resolution", which condemned crimes committed against the Bosniak (Bosnian Muslim) population of Srebrenica in July 1995, and apologized to the families of the victims, but failed to refer to genocide, as required by the 2007 ICJ decision in a case brought by Bosnia and Herzegovina (BiH) against Serbia.

Following Croatia's 2008 claim against Serbia, in January Serbia filed a counterclaim at the ICJ, alleging that Croatia had committed genocide against Croatian Serbs.

Closing arguments were heard in July at the Tribunal against former Assistant Interior Minister Vlastimir Dordevic, indicted for crimes against humanity and war crimes in Kosovo. He was charged with crimes leading to the deportation of 800,000 Albanian civilians, the enforced disappearance of more than 800 ethnic Albanians, and leading a conspiracy to conceal their bodies by transporting them to Serbia for reburial.

In the same month, the Tribunal Appeals Chamber ordered the partial retrial of Ramush Haradinaj, former commander of the Kosovo Liberation Army (KLA) and later Prime Minister of Kosovo, and two other KLA commanders. The Appeals Chamber judgement highlighted "the gravity [that] the threat of witness intimidation posed to the trial's integrity". In 2008, the accused were acquitted of joint criminal enterprise in the persecution and abduction of civilians suspected of collaborating with Serbian forces in 1998. A revised indictment issued in November focused on the alleged murders of Serbs, Roma and Ashkali.

Also in July, a UK court dismissed Serbia's extradition request for former Bosnian Presidency member, Ejup Ganic, on the basis of insufficient evidence. Ejup Ganic had been arrested in London on an indictment alleging his involvement in an attack on a Yugoslav National Army column in Sarajevo in May 1992.

## Serbia

### *Justice system*

The Belgrade Special War Crimes Chamber continued to try cases arising from the wars in BiH, Croatia and Kosovo.

The trial of the ethnic Albanian "Gnjilane/Gjilan Group" continued. The group was accused of the imprisonment, torture and abuse, including rape, of 153 civilians, and the murder of at least 80 of them in 1999. Eight of the accused were tried in their absence.

In September, nine members of the Jackals paramilitary unit were charged with war crimes for killing at least 43 ethnic Albanian civilians on 14 May 1999 in Cuska/Cyshk village in Pec/Peja in Kosovo.

- In October, the Serbian and BiH Government Commissions for Missing Persons reported that the remains of around 97 individuals, the majority of them Bosnian Muslims, had been recovered from the banks of Lake Perucac. The remains of six ethnic Albanians abducted in Dakovica/Gjakovë by Serb forces in 1999 were reportedly suspected to be among them.

### *Torture and other ill-treatment*

The European Commission expressed concern about continued impunity for torture and other ill-treatment in November. Serbia had not established a National Preventive Mechanism as required by the Optional Protocol to the UN Convention against Torture, nor adopted a 2009 by-law on the internal oversight of prisons.

- The Pozarevac Public Prosecutor rejected a complaint by "JD", that he was tortured by five guards at Zabela prison on 18 May; the incident had been recorded by surveillance cameras.
- Five Leskovac prison staff, arrested in November 2009 on suspicion of abusing and torturing detainees, returned to work in 2010. In November, in the absence of a response from the prosecutor, the Leskovac Committee for Human Rights filed a complaint to the Constitutional Court on behalf of "DB", who alleged that his arm

had been broken by prison guards.

### *Rights of lesbian, gay, bisexual and transgender people*

The first Belgrade Pride since 2001 took place in October. More than 5,000 police officers were deployed to protect 1,000 Pride participants from around 6,500 counter-demonstrators, who attacked the police and political party offices and caused more than a million euros' worth of damage. Some 124 police officers were injured by counter-demonstrators, of whom 249 were arrested, and 131 detained for further questioning under a hastily amended article of the Criminal Code increasing the period of detention from eight to 30 days. In December, 83 people were charged with causing violence. No one was arrested for attacks on activists which had taken place before and after the march.

### *Discrimination*

The parliament selected the Commissioner for Equality as envisaged in the 2009 Anti-Discrimination Law. Following a disputed nomination procedure, a lawyer supported by the ruling party was elected in May and had received around 119 complaints of discrimination by the end of the year.

### *Forced evictions*

Forced evictions of Romani people from informal settlements continued across Belgrade. Several other Roma communities remained at risk of forced eviction, including in Belvil, where infrastructure developments funded by European financial institutions are planned.

- In April, 38 Romani families were forcibly evicted from an informal settlement in Cukarica municipality. The majority were sent back to southern Serbia from where they originated.
- In October, 36 Roma, including 17 children, were evicted from 25 Vojvodjanska Street, Belgrade. Five of the families were subsequently rehoused in containers, which did not meet international standards for adequate housing.

### *Refugees and migrants*

Following the liberalization of EU visa arrangements, Roma, ethnic Albanians from southern Serbia (and ethnic Albanians from Kosovo who had illegally obtained Serbian registration documents) travelled to EU member states, reportedly seeking international protection; many were summarily returned. In October, the government strengthened border controls after intervention by the EU. Roma families threatened with forced eviction from a settlement at Vidikovac were among those who left the country.

### *Human rights defenders*

Human rights defenders and journalists continued to be subject to threats, attacks and hate speech. The authorities failed to respond to death threats made in April against Marko Karadzic, then State Secretary for Human Rights and Minorities.

In July, Teofil Pancic, a journalist for the weekly magazine *Vreme*, was attacked with metal bars by two men who were later arrested.

### *Violence against women and girls*

The 2009 Law on Domestic Violence and Strategy for Gender Equality was not fully implemented, placing women and children at risk of domestic violence.

## Kosovo

In September, President Sejdiu resigned after the Constitutional Court found that his leadership of the Democratic League of Kosovo (LDK) was incompatible with holding public office. In October, the government fell following a no-confidence vote in the Assembly. In December the Democratic Party of Kosovo (PDK) won parliamentary elections, which were marred by allegations of fraud, but with an insufficient majority to form a government.

In November, the European Commission expressed concern about corruption and organized crime, Kosovo's weak judiciary, and the lack of media freedom.

In December, a report for the Council of Europe alleged that Prime Minister Hashim Thaçi and other members of the KLA were complicit in the abduction, torture and other ill-treatment and murder of Serb and Albanian civilians transferred to prison camps in Albania in 1999. In one of the camps, detainees were allegedly murdered and their organs removed for trafficking.

### *Justice system*

The EU-led police and justice mission in Kosovo (EULEX) reported that the domestic justice system remained weak and subject to political interference. Judges and witnesses received threats, and protection mechanisms were rarely invoked.

EULEX restarted proceedings against Albin Kurti, leader of the NGO Vetëvendosje! (Self-determination!), which had been abandoned by the UN Interim Administration Mission in Kosovo (UNMIK) in 2008. He was convicted in June of obstructing officials during a demonstration on 10 February 2007 and sentenced to nine months' imprisonment, but released immediately. Other charges were dropped.

### *Crimes under international law*

In May, EULEX announced that only 60 of the 900 war crimes cases inherited from UNMIK were under investigation. Investigations into the abduction of non-Albanians after June 1999 were transferred to the local Special Prosecutor, on the basis that EULEX did not consider them war crimes.

Further arrests were made in January and July based on the testimony of Nazim Bllaca, who had been arrested in 2009. He claimed that he had participated between 1999 and 2003 in 17 cases of murder and attempted murder ordered by the Kosovo Information Service.

- In May, former KLA commander Sabit Geçi was arrested on suspicion of involvement in war crimes committed in 1999 in Drenica. According to media reports, he was also allegedly involved in the torture of ethnic Albanians and Kosovo Serbs at a detention facility in Kukës in Albania.

After his extradition from Norway in July, a Kosovo Serb, Vukmir Cvetkovic, was convicted of war crimes by Pec/Peja Court in November, and sentenced to seven years' imprisonment for driving ethnic Albanians from their homes in Klina/ë.

### *Enforced disappearances*

A draft Law on Missing Persons failed to include provisions for reparation, including compensation, to relatives of the disappeared. Around 1822 people were considered missing at the end of the year.

The Office of Missing Persons and Forensics (OMPF) was transferred from EULEX to the Kosovo Ministry of Justice in August. In September, the OMPF and Serbian Commission

for Missing Persons visited potential mass graves at Rudnica in Serbia and Belacevac in Kosovo. During 2010, OMPF exhumed the bodies of 34 individuals; identified 57 mortal remains and returned 103 bodies to families for burial. Some three wrongly identified bodies were re-identified by the International Commission on Missing Persons.

### *Torture and other ill-treatment*

The European Committee for the Prevention of Torture visited places of detention in Kosovo in June. In the same month several Vetëvendosje! activists were ill-treated and some hospitalized during a police operation to arrest Albin Kurti (see Justice system, above). The Kosovo Centre for the Rehabilitation of Torture Victims reported some improvements in prison conditions, but noted that prisoners alleged that corruption among prison staff often led to unfair disciplinary measures.

### *Inter-ethnic violence*

Violent incidents between Kosovo Serbs and ethnic Albanians continued in the predominantly Serbian northern municipalities, often fuelled by political developments.

In May, the Kosovo Police used tear gas to separate Serbs and Albanians during a protest by ethnic Albanians against the participation of Kosovo Serbs in Serbian local elections. On 2 July, 1,500 Serbs protested against the opening of a civil registration office in Bosnjacka Mahala, an ethnically mixed area of north Mitrovica/ë. An explosive device killed a Bosniak paediatrician and 11 Serbian protesters were injured. On 5 July, a Kosovo-Serb member of the Kosovo Assembly was shot and wounded in both legs in front of his house in north Mitrovica/ë.

Tension increased following the ICJ ruling on Kosovo's 2008 declaration of independence. In September, ethnic Albanians in north Mitrovica/ë requested additional police protection following several grenade attacks and the killing of Hakif Mehmeti on 7 September. A Serbian Kosovo Police officer was arrested three days later. On 12 September, Kosovo Force (KFOR) troops and EULEX police were deployed following Turkey's victory over Serbia in basketball, and Albanians from south Mitrovica/ë clashed with Serbs on the bridge over the river Ibar, separating the Serb and Albanian parts of the town. Two KFOR officers, a police officer and five civilians were injured. In the same month an ethnic Albanian baker in Zvecan was physically attacked three times, and his shop damaged by an explosive device.

### *Accountability*

In March, the Human Rights Advisory Panel declared inadmissible a complaint by the families of Mon Balaj and Arben Xheladini, killed by Romanian police, and by Zenel Zeneli and Mustafë Nerjovaj who were seriously injured, during a demonstration on 10 February 2007. The Panel's decision followed a 2009 Administrative Directive issued by UNMIK which effectively rendered inadmissible applications by plaintiffs who had been offered financial compensation under a UN third party claims process.

On similar grounds, the Panel declared inadmissible a complaint by 143 internally displaced Roma and Ashkali residents of UNMIK-administered camps in northern Mitrovicë/a that they had suffered lead poisoning and other health problems due to contamination of the camps where they had lived since 1999. Their third-party claim against the UN had been pending since February 2006.

- The Panel continued to consider complaints against UNMIK for failing to investigate the post-war abduction of Serbs.

### *Discrimination*

Discrimination remained pervasive against non-Albanian minorities, women and lesbian, gay, bisexual and transgender people. Roma, Ashkali and Egyptians experienced

cumulative discrimination, including in access to education, health care and employment and few enjoyed the right to adequate housing. Many remained without personal documents which would enable them to register citizenship and access basic services.

- In October, the lead-contaminated camp at Cesmin Lug was closed and some Roma, Ashkali and Egyptian inhabitants were resettled in the Roma neighbourhood in south Mitrovica/ë. In November, NGOs began to administer medical treatment for lead poisoning, as specified by the World Health Organization.

#### *Refugees and migrants*

Roma, Ashkali and Egyptians were forcibly returned to Kosovo from the EU and Switzerland, even though a revised return and reintegration strategy, published by the Ministry of Interior in April, had not been fully implemented. Many of those returned were denied basic rights and were at risk of cumulative discrimination amounting to persecution. Those without documentation were effectively stateless. In October, Roma attempting to return to Suvi do/Suhadol were reportedly threatened by Albanians, and refused to return on security grounds.

According to UNHCR, the UN refugee agency, 2,253 people from minority communities voluntarily returned to Kosovo in 2010, and 48 Kosovo Albanians, 77 Kosovo Serbs and 386 Roma, Ashkali and Egyptians, considered to be in need of continued international protection, were forcibly returned from western Europe.

#### *Violence against women*

Protection orders in domestic violence cases failed to provide adequate protection or were not issued. Violations of such orders were rarely prosecuted.

The NGO Medica Kosovo sought to amend the Law on Civilian Victims of War, to ensure that women raped during the war were given civilian victim status and eligible for compensation.

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