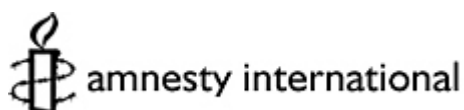


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Amnesty International Annual Report 2012 - Serbia

Head of state: **Boris Tadić**
 Head of government: **Mirko Cvetković**
 Death penalty: **abolitionist for all crimes**
 Population: **9.9 million**
 Life expectancy: **74.5 years**
 Under-5 mortality: **7.1 per 1,000**
 Adult literacy: **97.8 per cent**

Ratko Mladić and Goran Hadžić were arrested in Serbia and transferred to the International Criminal Tribunal for the former Yugoslavia (Tribunal). Forced evictions of Roma from informal settlements in Belgrade continued.

Background

Following the transfer of Ratko Mladić and Goran Hadžić to the Tribunal, the European Commission (EC) in October recommended that Serbia be granted EU candidate status.

EU-mediated talks between Serbia and Kosovo opened in March, aiming to resolve technical issues relating to regional co-operation, including customs agreements. Talks broke down in September after the Kosovo authorities in July opened customs posts at the boundary with Serbia. The subsequent violence triggered a political crisis; an agreement was reached in December on joint border management. In December, the European Council deferred their decision on Serbia's candidacy to February 2012, conditional on Serbia reaching an agreement on co-operation with Kosovo.

International justice

In February, former Assistant Interior Minister Vlastimir Đorđević was convicted of crimes against humanity and war crimes in Kosovo in 1999 for persecutions on political, racial or religious grounds, murder, deportation and forcible transfer. He was sentenced to 27 years' imprisonment. The Trial Chamber found that Vlastimir Đorđević was "instrumental" in efforts to "conceal the murders of Kosovo Albanians", and "gave instructions for the clandestine transportation of bodies".

Former Bosnian Serb General Ratko Mladić was arrested in Vojvodina on 26 May, and transferred to the custody of the Tribunal on 31 May (see Bosnia and Herzegovina (BiH) entry).

On 20 July, Croatian Serb Goran Hadžić, the last suspect to be surrendered to the Tribunal, was arrested in a national park in Vojvodina, where he was apparently in hiding, and transferred to the custody of the Tribunal on 22 July (see Croatia entry).

The partial retrial for war crimes of Ramush Haradinaj, former commander of the Kosovo Liberation Army (KLA), and later Prime Minister of Kosovo, along with Idriz Balaj and Lahi Brahimaj, opened in August. The retrial was ordered because of the threat that witness intimidation had posed to the trial's integrity, but once again, a key prosecution witness refused to testify.

Serbia

Crimes under international law

Proceedings continued at Belgrade Special War Crimes Chamber in relation to war crimes in BiH, Croatia and Kosovo.

In January, nine members of the KLA "Gnjilane/Gjilan group" were convicted of war crimes against Serbs and non-Albanians and sentenced to a total of 101 years' imprisonment. In 1999, they unlawfully imprisoned more than 153 people and subjected them to inhumane treatment, torture and rape. At least 80 people were murdered, and 34 remained missing; eight members of the group remained at large. The verdict was appealed.

Zoran Alić and others were indicted in February for torture, rape, sexual slavery and the murder of 23 Roma, including minors and a pregnant woman, in Zvornik municipality, BiH in 1992. In June, three Serbs were indicted for criminal acts against civilians in Bijelina, BiH, in 1992, including murder and rape.

Serbia's extradition request for Bosnian Army General Jovan Divjak, for war crimes in BiH, was rejected by an Austrian court in July on the basis that he was unlikely to receive a fair trial.

Nine members of the "Jackals" paramilitary unit, including Ranko Momić, extradited from Montenegro in April, were indicted by the Office of the War Crimes Prosecutor in May for the murders of 11 Albanian civilians in the village of Čuška/Qyshk in 1999. Another member of the group, Siniša Mišić, was arrested for the same crime in November.

Enforced disappearances

No progress was made in the identification of further grave sites in Serbia.

In March, the UN Human Rights Committee urged the authorities to "urgently take action to establish the exact circumstances, which led to the burial of hundreds of people in Batajnica region [in 1999]", to ensure that all those responsible were prosecuted, and that relatives received adequate compensation.

Torture and other ill-treatment

Detainees and prisoners remained at risk of torture and ill-treatment due to the lack of effective oversight mechanisms and a National Preventive Mechanism, required under the Optional Protocol to the UN Convention against Torture. Prisons remained underfunded, overcrowded, understaffed and with insufficient medical personnel.

In July, a 2007 video of police officers in Vrsac police station repeatedly kicking 17-year-old Roma Daniel Stojanović appeared on YouTube. The Minister of Interior agreed to re-open an internal investigation, but charges against the officers were dropped when Daniel Stojanović was arrested for stealing in the same month.

Racism

In January, 14 Partizan football club supporters received sentences totalling 240 years' imprisonment for the murder of French citizen Brice Taton in September 2009. In June, the Constitutional Court banned the extreme right-wing organization Nacionalni stroj (National Order).

Attacks on Roma continued. In November, 120 Roma were made homeless when their settlement in Zvečanska Street was burned down. There was reasonable suspicion that the fire had been started by football supporters.

In March, a Romani minor was convicted of murdering a non-Roma, D.S., in the village of Jabuka in 2010 and sentenced to four years' juvenile detention. Also in March, six young men from Jabuka, who had been prominent in several days of attacks on the Romani community which followed the murder, were convicted of instigating ethnic, racial and religious hatred and given suspended sentences.

Discrimination

In September, the Bosniak Minority Council, unrecognized by the authorities, called on the government to end discrimination against the Bosniak minority, and in particular, economic discrimination in the Sandžak region. Albanians in southern Serbia continued to experience discrimination, including in education.

The Commissioner for Equality received 349 complaints from individuals and NGOs, under provisions of the 2009 Anti-Discrimination Law (ADL).

In June, the High Court ruled that the newspaper *Press* had violated the ADL by publishing homophobic comments on its internet site, which the court considered represented hate speech against the LGBT population. In November, member of parliament Dragan Marković Palma was convicted of discrimination on the basis of sexual orientation.

The government cancelled Belgrade Pride in October in violation of their obligation to guarantee freedom of expression and assembly, following threats by right-wing groups. Homophobic attacks continued: in Belgrade in October, a lesbian was attacked with a knife and severely injured and a gay man was attacked and left bruised and concussed in Novi Sad.

Forced evictions

Forced evictions continued across Belgrade.

- In August, 20 Roma, including 10 children, were forcibly evicted from a building in Skadarska Street, and left in the street with all their possessions.
- Two local activists were arrested in October for trying to peacefully prevent the forced eviction of a Kosovo Roma woman and her children from her home.
- In November, the forced eviction of 33 Roma families, including 20 families displaced from Kosovo, was postponed after interventions by local and international organizations. The Ministry of Human Rights agreed to draft procedures for the conduct of evictions.

Roma living at the Belvil settlement, who had been informed in April that they would be resettled in prefabricated houses, in advance of the construction of an access road funded by the European Investment Bank, remained at risk of forced eviction at the end of the year, pending the city's approval of an action plan.

Refugees and migrants

Under pressure from the EU, the government introduced border exit controls in order to prevent "abuse of the visa-free regime". This violated the right to freedom of movement of Serbian citizens, mainly Roma and Albanians, seeking to leave the country.

In May, the Interior Minister warned Roma that seeking asylum in the EU would damage Serbia's national interest. By 31 October, the numbers of Serbians claiming asylum had dropped to 3,000 from 17,000 in 2010.

Serbia received 2,700 applications for asylum; none were granted. In November, police allegedly beat Afghan and Pakistani migrants, and burned down their camp near Subotica, close to the border with Hungary.

Kosovo

A coalition government led by prime minister Hashim Thaçi took office in February. In April, Atifete Jahjaga, former Deputy Director of the Kosovo Police, was elected president, after the Constitutional Court annulled the February election of Behgjet Pacolli.

In October, the EC expressed concerns about the rule of law, corruption, the weakness of the judiciary and public administration, and economic sustainability. Despite the government's failure to implement a Reintegration Strategy for forced returnees – a condition for visa liberalization – in December the EC announced that a visa dialogue would start in January 2012.

The UN Secretary-General in October reported a 24 per cent increase in incidents affecting minority communities throughout Kosovo, including in the predominantly Serbian northern municipalities.

The situation in the north

In July, the Kosovo government retaliated against Belgrade's 2008 embargo on goods from Kosovo by banning Serb products, even in the north. The Kosovo authorities, in a clandestine operation led by the Kosovo Police (KP), took control of two border posts in the northern municipalities of Leposavić/q and Zubin Potok. Kosovo Serbs responded by setting up roadblocks which aimed to prevent the NATO-led Kosovo force (KFOR) and the EU-led police and justice mission (EULEX) from transporting government customs officials to the posts.

On 26 July, Enver Zymberi, a KP officer, was shot in the head and killed and another officer severely injured in a Serb attack on one border post. Another border post was set alight. The following day, a KFOR helicopter carrying KP officers was fired on.

In August, Kosovo Serbs refused to remove their barricade at the Jarinje/Jarinja border post, despite an agreement between both governments and KFOR, that Serbian KP officers should staff the border posts.

In September, seven Kosovo Serbs were seriously injured at Jarinje/Jarinja, after KFOR used tear gas and rubber bullets to disperse a crowd, some of whom had thrown stones. Four KFOR personnel were injured by a home-made bomb, one seriously. On 23 November, another 21 KFOR soldiers were injured when KFOR attempted to remove the barricade.

On 28 November, 25 KFOR soldiers were injured at Jagnjenica when they were attacked when attempting to remove another barricade; they responded with water cannon, tear gas and pepper spray. Between 30 and 50 Serbs were reportedly injured.

Crimes under international law

EULEX prioritized the investigation of organized crime and corruption leading to continuing impunity for outstanding war crimes cases. Few cases were conducted by local prosecutors. The lack of effective witness protection persisted.

EULEX established a Brussels-based Task Force, headed by the former Head of the UN Interim Administration Mission in Kosovo (UNMIK)'s Department of Justice. It aimed to investigate allegations in a report adopted by the Parliamentary Assembly of the Council of Europe in January, including that in 1999, Prime Minister Hashim Thaçi and other KLA members were responsible for the abduction, torture, ill-treatment and murder of Serb and Albanian civilians transferred to prison camps in Albania, some of whom were killed and their organs removed for trafficking.

- In August, former KLA commander Sabit Geçi was convicted of war crimes, and sentenced to 15 years' imprisonment. With three others, he was found guilty of the torture and ill-treatment of Albanians at a prison camp near Kukës, in Albania.

The trial of former Minister of Transport and ex-KLA leader Fatmir Limaj and nine others opened in November. They were charged with war crimes, including ordering the torture and killing of at least eight prisoners, mostly Serbs, at Klečka/Kleçkë prison camp in Drenica/Drenicë in 1999. An arrest warrant issued in March against Fatmir Limaj, a parliamentary deputy, was not enforced until the Constitutional Court ruled in September that deputies did not enjoy parliamentary immunity for actions outside their official responsibilities.

In September, Agim Zogaj, a witness in the Klečka/Kleçkë case, committed suicide in Duisburg, Germany. He left a letter which accused EULEX of psychological torture. EULEX declined to confirm whether he had been a protected witness.

Enforced disappearances

The Law on Missing Persons, promulgated in August, applied to all persons reported missing up to December 2000, including Serbs and Roma abducted after the war. The law provided for the right of relatives to know the fate of their family members and for a database of missing persons. The Law on the Status and Rights of the Heroes, Invalids, Veterans and Members of the KLA, Families of Civilian Victims of War, adopted in December, discriminated against the relatives of missing civilians, who received less than half the monthly compensation payable to the relatives of military victims. Some 1,799 missing people were still unaccounted for in November.

The Department of Forensic Medicine (DFM) was run by EULEX and the Ministry of Justice. In September, the DFM and the Serbian Commissioner for Missing Persons visited potential mass graves at Rudnica in Serbia and exhumations at the Belačevac mine in Kosovo, where at least 25 Kosovo Serbs were reportedly buried. The DFM exhumed the bodies of 42 individuals; 51 missing persons were identified and 79 bodies were returned to families for burial. Fourteen mis-identified bodies were exhumed, most of which were re-identified, and returned to their relatives.

EULEX war crimes police investigated enforced disappearances, but lacked resources to effectively address the backlog of outstanding cases.

Torture and other ill-treatment

The European Committee for the Prevention of Torture reported in October that in June 2010 it had received "numerous and consistent allegations of physical ill-treatment by KP

officers from persons who were or had recently been taken into custody", and highlighted the ill-treatment of activists from the NGO Vetëvendosje! during and after arrest.

The Kosovo Rehabilitation Centre for Torture Victims in February reported on inadequate conditions and a lack of professional staff in mental health institutions and that women detained in Pristina Psychiatric Clinic were kept tied to their beds.

Lack of accountability

In August, the UN Under Secretary-General for Legal Affairs rejected a compensation claim by 155 Roma and Ashkali who had suffered lead poisoning after UN agencies including UNMIK had moved them in 1999 to camps on lead-contaminated land in north Mitrovica/ë.

Over the year, the Human Rights Advisory Panel ruled admissible over 40 complaints, mainly by Serbs from Kosovo, that UNMIK had failed to effectively investigate the abduction of their relatives during or after the conflict.

Discrimination

Roma, Ashkali and Egyptians experienced cumulative discrimination including in access to education, health care and employment; few enjoyed the right to adequate housing. In May, the OSCE reported that "Kosovo institutions fall short of fulfilling their commitments to create appropriate conditions for the integration of Roma, Ashkali and Egyptian communities".

Refugees and migrants

According to UNHCR, the UN refugee agency, 1,143 people from minority communities voluntarily returned to Kosovo; 25 Kosovo Albanians, 64 Kosovo Serbs and 430 Roma, Ashkali and Egyptians, considered by UNHCR to be in need of continued international protection, were forcibly returned from western Europe, while 166 minority returnees were subject to "induced return".

While registration improved, returnees without documentation remained effectively stateless. In the absence of a case-management system for forcibly repatriated people, only a small percentage of a 2.4 million euro "re-integration fund" was spent. Many returnees were denied basic rights and remained at risk of cumulative discrimination amounting to persecution. Returned children continued to be denied access to education.

Violence against women

The law relating to civilian victims of war did not include provisions, proposed by NGOs, for women raped during the war to be afforded civilian victim status and appropriate compensation.

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