

07 MRS. 2001

U.S. DEPARTMENT OF STATE



Home | Contact Us | FOIA | Search
About the State Department | Travel & Living Abroad | Business Center | Other Services | Employment
Press & Public Affairs | Countries & Regions | International Topics & Issues | History, Education & Culture

Yugoslavia, Federal Republic of

Country Reports on Human Rights Practices -2000
Released by the Bureau of Democracy, Human Rights, and Labor
February 2001



The Federal Republic of Yugoslavia (Yugoslavia) [1], a constitutional republic consisting of the Republic of Serbia and the Republic of Montenegro, has a president and a parliamentary system of government based on multiparty elections. The new federal Government, which was formed on November 4, dropped any claim to being the sole successor state of the former Socialist Federal Republic of Yugoslavia (which dissolved in 1992), and was recognized by the international community. Vojislav Kostunica was elected President of the Federal Republic of Yugoslavia on September 24, and took office on October 7, after mass demonstrations by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and force a second election round led Milosevic to concede defeat. Prior to Kostunica's election, former Yugoslav President Milosevic had brought Serbia closer to open dictatorship than ever before. Immediately following the 1999 war in Kosovo, Milosevic moved to consolidate his weakened position in Serbia through a campaign of intimidation and violence against his political opponents, representatives of the independent media, student groups, civil society, and even, in certain cases, members of the regime. Prior to the September elections, Milosevic, who is also President of the Socialist Party of Serbia (SPS), continued to dominate all formal and informal governing institutions in the country. Although the SPS lacked majorities in both the Federal and Serbian Parliaments, it controlled key administrative positions. The SPS also controlled the governing coalition with the Yugoslav Left (JUL), controlled by Milosevic's wife, Mira Markovic, and the Serbian Radical Party (SRS), controlled by Vojislav Seselj, an extreme ultranationalist known for his radical politics during the wars in Croatia and Bosnia, who resigned from his government position in October. Milosevic also controlled the judiciary.

As a key element of his hold on power, President Milosevic until his electoral defeat effectively controlled the Serbian police, a heavily armed force of some 80,000 officers that is responsible for internal security. Having been forced to withdraw from Kosovo in 1999, the police then repressed opponents of the regime in Serbia. In addition, Milosevic ignored the constitutional role of the Supreme Defense Council, essentially establishing himself as commander in chief of the Yugoslav Army (VJ), which, along with the police, was employed in the brutal campaign against the citizens of Kosovo in 1999. Several times in the past, Milosevic had purged those officers in both the police and military who either failed to follow his orders or who directly challenged his policies in Kosovo, Serbia, or Montenegro. The security forces committed numerous, serious human rights abuses.

Following the war in Kosovo, international economic sanctions remained in place much of the year. The international community began to remove those sanctions after Kostunica's election. The economy inherited by the new Government suffered from continued exclusion from international financial institutions and from the damage inflicted on infrastructure during 10 years of war. Economic performance is poor due to the general inefficiency in the economy, corruption, and continued resistance to reform and privatization. Unemployment and underemployment remain high, reaching at least 60 percent, as the Milosevic Government was unable or unwilling to introduce necessary restructuring measures. The Milosevic Government also failed to implement needed sweeping economic reforms to help the economy, including privatization, due to the influence of the regime's crony system.

Under Milosevic the Government's human rights record remained extremely poor, and it continued to commit numerous serious abuses. Milosevic attempted to prevent citizens from exercising their right to change their government. The police were responsible for numerous serious abuses, including extrajudicial killings, disappearances, torture, brutal beatings, and arbitrary arrest and detention. Impunity for those who committed human rights abuses was a serious problem. Often, serious crimes such as murder remained uninvestigated and unsolved. The judicial system was not independent of the Government, suffered from corruption, and did not ensure fair trials. Under the Milosevic regime, there were many cases of political detainees and political prisoners. However, under Kostunica, the new Government released two prominent political prisoners—journalist Miroslav Filipovic in October and human rights activist Dr. Flora Brovina in November. In December Kostunica also pardoned opposition activist Bogoljub Arsenijevic, known as "Maki." Under the Milosevic regime, the authorities infringed on citizens' privacy rights. The Milosevic Government severely restricted freedom of speech and of the press and used overbearing police intimidation and economic pressure to control tightly the independent press and media. Most journalists continued to practice self-censorship. The Milosevic Government restricted freedom of assembly and association. Police repressed citizens who opposed the Milosevic regime and severely beat scores of democratic opposition protesters throughout Serbia, sending many to hospitals. The Milosevic Government infringed on freedom of worship by minority religions and restricted freedom of movement. The regime enacted legislation to manipulate the electoral process, most recently in the summer, when Milosevic made changes to the Constitution that allowed him to be elected by popular vote to another term as President of Yugoslavia. Milosevic banned objective international observers from monitoring the September 24 elections for Yugoslav President and attempted to falsify election results. The Federal and Serbian Governments' record of cooperation with international human rights and monitoring

organizations remained poor. The Milosevic Government routinely hindered the activities of local human rights groups.

The Federal Government remained uncooperative with the International Criminal Tribunal for the Former Yugoslavia (ICTY). It again failed to meet its obligations under numerous U.N. Security Council Resolutions to comply fully with the Tribunal's orders, and failed to transfer or facilitate the surrender to the Tribunal of persons on its territory indicted for war crimes or other crimes against humanity under the jurisdiction of the Tribunal. (These persons include Milosevic and four of his top aides, who were indicted in 1999 for their role in the Kosovo war). Violence and discrimination against women remained serious problems. Police repression and official and societal discrimination against Muslims in the Sandzak region, Roma, and other minorities persisted. The regime limited unions not affiliated with the Government in their attempts to advance worker rights. There was some child labor. Serbia is a source, transit, and destination country for trafficking in women and girls, and trafficking is a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and other Extrajudicial Killing

Police committed extrajudicial killings. In November the Democratic Opposition of Serbia (DOS) Minister of the Interior, Bozo Prelevic, reported that he had received evidence suggesting that the head of the Republican State Security service, Rade Markovic, was involved in the April 1998 killing of Slavko Curuvija, the publisher of an independent Belgrade tabloid newspaper and weekly news magazine (see Section 2.a.).

The number of political and extrajudicial killings increased, and there were many indications of complicity at the highest political levels. The targets of such attacks were not limited to opposition activists. Numerous deaths of persons close to the regime in the first half of the year suggested efforts on the part of the Government to consolidate its authority and remain in power. Typically no one was arrested for such killings.

The most notable politically motivated killing was that of Zeljko Raznatovic, also known as "Arkan"—a notorious paramilitary commander from the Croatian and Bosnian wars who was indicted by the ICTY. Raznatovic was killed inside Belgrade's Intercontinental Hotel in January. After his death, rumors began circulating of a falling out with the Milosevic regime. There was an official investigation into his death; however, it yielded no conclusive results.

A number of other prominent political figures were killed during the year. In view of the high level of corruption among the political elite, the precise mix of criminal and political motives for these crimes was difficult to determine. Pavle Bulatovic, the former Yugoslav Minister of Defense and a close associate of the Milosevic family, was killed while dining in a restaurant in February. Another close Milosevic associate, Zika Petrovic, the head of Yugoslav Airlines, was shot and killed in April while walking his dog near Belgrade's central police station.

Belgrade investigative judge Nebojsa Simeunovic was reported missing in early November. On December 3, police in Belgrade found his body washed up on the banks of the Sava River. Judge Simeunovic had refused to sign warrants for the arrest of DOS party leaders and striking miners during the October popular campaign to unseat Milosevic. He also was in charge of the investigation of several politically sensitive cases, including the 1997 killing of Radovan Stojicic-Bazda and the February killing of Pavle Bulatovic.

Eight Albanians taken from Kosovo by withdrawing Yugoslav forces and detained in prisons within Serbia died in detention during the year (see Section 1.c.).

In March, criminals Branislav "Dugi" Lainovic and "Bata" Vucurovic were killed in Belgrade and Vojvodina, respectively. Neither apparently was involved in politics when killed, but both played significant roles in paramilitary operations in Croatia in the early 1990's and had links to former Serbian State Security leaders.

On November 21, two Serbian police officers were killed and several were wounded in an attack by the so-called Liberation Army of Presevo, Medvedja, and Bujanovac (UCPMB), an offshoot of the disbanded Kosovo Liberation Army (KLA). On November 27, a 10-year-old boy was killed by an antitank mine planted by the Yugoslav army as his family fled the Presevo valley region for Kosovo. These incidents escalated tensions that had been building throughout the year in the region of southeastern Serbia that borders on Kosovo and encompasses the municipalities of Presevo, Bujanovac, and Medvedja. This region is populated by both ethnic Albanians and Serbs. In November thousands of ethnic Albanians fled the region for neighboring Kosovo and Macedonia, due to fear of a buildup of Serbian police and military forces. Skirmishes between Serbian police and armed Albanian UCPMB members occurred throughout the year, resulting in the reported deaths of several Serbian police as well as some UCPMB members and a few civilians.

b. Disappearance

Police were responsible for disappearances.

The most notable disappearance was that of former Serbian President Ivan Stambolic, who disappeared while on a daily jog in a park near his home in Belgrade in August. Many observers noted that the timing of

Stambolic's disappearance (only a few weeks ahead of scheduled elections), and the fact that state-run media remained largely silent on the issue, suggested complicity by the Milosevic regime and the Serbian security service. The Serbian State Prosecutor's office began an investigation into the case in late November, but it had not yielded any results at year's end.

In April Jan Svetlik, an opposition councilor from Zrenjanin, was abducted by two unknown assailants and kept outside of town for several hours during a session of the local parliament. The abduction allowed the ruling SPS to retain its parliamentary majority despite the fact that two of its own members earlier had defected to the opposition. Police failed to identify the assailants.

Federal and Serbian government authorities have not cooperated fully with efforts to account for the thousands of disappearances of individuals from Kosovo during the first 6 months of 1999, nor have they allowed the International Committee of the Red Cross (ICRC) or other international organizations access to many detention facilities. Some 5,500 persons are missing; some 700 are being detained in Serbian prisons (see Section 1.d.).

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Yugoslav and Serbian law prohibits torture and other cruel forms of punishment; however, security authorities regularly and systematically used torture, beatings in detention, and other forms of abuse against citizens and members of the political opposition. The majority of cases of torture occurred before detainees were charged with offenses or during the period between the filing of charges and the commencement of the trial. Freed prisoners reported being subject to beatings with rubber batons, metal batons, and wooden bats, as well as use of electroshock, starvation, withholding of medical care, and having their hands bound tightly with plastic bands.

On May 17 and 18 in Belgrade, police beat peaceful protesters and used excessive force to disperse street protests against the Government's closing of television Studio B and Radio B2-92 (see Section 2.b.). In June police beat four persons at a police station in Zajecar after they put up opposition posters.

In July Bojan Aleksov, a human rights monitor who worked with the Safe House Project for Conscientious Objectors from the Federal Republic of Yugoslavia and the nongovernmental organization (NGO) Women in Black Against War, was arrested by police in Belgrade after being removed forcibly from his car. During his 23-hour detention, Aleksov repeatedly was threatened with death and interrogated about his human rights work and his connections with the international community. The police tortured Aleksov severely, including by forcing him to stand on his toes while they beat him with a truncheon all over his body. Despite running a fever, the police denied him water for up to 5 hours and kept him awake throughout the night. On the following morning, three police officers beat Aleksov on the soles of his feet, the palms of his hands, and other parts of his body, using a baton. Aleksov finally was forced to write a 12-page confession dictated to him by an officer, which outlined his human rights work and his contacts and visits with international organizations and officials. Under threat of death, Aleksov then was forced to agree to work for the State Security Service. Finally, the police forced Aleksov to repeat parts of the signed statement on video and made him repeat his "confession" three times in order to appear convincing enough. In response to this case, Amnesty International (AI) called for an investigation and the temporary suspension of the officers suspected of beating Aleksov pending final results of that investigation. No investigation was conducted by year's end.

In early September police also beat an Otpor activist, a minor, and forced him to eat one of the movement's posters. A lawyer representing the activist was prevented from attending the interrogation and was not able to contact the activist.

In August police interrogated and beat 19-year-old Rom Sasa Mustafic and threatened his wife, Demira Gezvira, in Belgrade. Mustafic was arrested by police, accused of theft, and allegedly beaten with a stick and punched in the stomach, ribs, back, and head. On September 26, a traffic police officer reportedly beat and threatened Skender Gasi, a 27-year-old Rom from Kosovo, in Belgrade. According to local NGO reports, Gasi did not file a complaint against the officer because he feared reprisals.

In November in Vojvodina police beat and threatened a Hungarian journalist (see Section 5).

In September police detained seven Bulgarian election observers who entered Serbia despite not receiving official credentials. Police beat three of the observers, in one case causing a ruptured eardrum, and confiscated mobile telephones, money, and personal belongings.

Police beat journalists (see Section 2.a.).

There were numerous beatings of members of the political opposition by unidentified groups of men, apparently State Security agents or thugs employed by the Milosevic regime. On February 26, several men attacked and severely beat student Milos Dosen as he pasted up a poster in Belgrade that belonged to Otpor ("Resistance"), a student-led, nonviolent political movement that opposes the Milosevic regime. Despite videotape that showed the attackers and their vehicle's license plates in clear view, police did not investigate the incident.

On April 11, in Novi Sad, two unidentified men beat Radoje Cvetkov, secretary for urbanism in the Novi Sad executive council, which is controlled by an opposition party.

In June police beat a 19-year-old Otpor activist for 3 hours after they found the student movement's material in his car in Lapovo.

According to Human Rights Watch, on September 2, police beat Mile Milic, a DOS candidate for the Lajkovac municipal assembly, after arresting him for hanging DOS posters. On September 3 in Indjija, SPS activists severely beat a minor who was hanging DOS posters. Al reported that on September 4, police beat Darko Pavlovic, an Otpor activist who was arrested in Sabac while hanging DOS posters. On September 8 in Vladicin Han, police detained and beat six Otpor activists. After reportedly tying up the six activists, the police used their fists and batons to beat them on the genitals, kidneys, and heads. One activist, Aleksandar Radic, had a rope placed around his neck. Only after several hundred persons gathered in front of the police station were the activists allowed to leave and seek medical treatment. On September 15, Al reported that police beat two Otpor activists who were spraying antigovernment graffiti in Belgrade and arrested them. They both were sentenced to 10 days' imprisonment for "offenses against public peace and order." Lawyers representing the activists claimed that they were not granted access to their clients before the hearing, and were not permitted to be present while the arresting officer gave evidence.

During the election demonstrations in October, police beat some demonstrators and used tear gas to control crowds (see Section 2.b.).

Serbian Renewal Movement President Vuk Draskovic was wounded slightly after a bullet grazed his head in an attack in Montenegro in June by gunmen reportedly linked to Milosevic's regime (see Montenegro annex).

In June a crowd that emerged from the offices of the ruling Socialist Party attacked activists distributing leaflets in Barajevo.

In early March, unknown assailants damaged the car of Zarko Korac, leader of the Social Democratic Union.

Prison conditions do not meet minimum international standards. Torture and beatings were reported. There were reports that Albanians held in prisons included young children, the elderly, and persons who were blind and deaf (see Section 1.d.). Overcrowding and lack of food, medical care, and heating in winter all are problems.

A total of eight Albanians taken from Kosovo by withdrawing Yugoslav forces and detained in prisons within Serbia died in detention; two were confirmed to have died in August, reportedly one of a heart attack and one of cancer.

A series of prison riots occurred in November. The unrest began in Sremska Mitrovica and spread to prisons in Nis and Pozarevac, as well as Padinska Skela prison near Belgrade and the juvenile penitentiary in Valjevo. Prison inmates demanded an improvement in prison living conditions and an expansion of a proposed amnesty bill for Kosovar Albanian prisoners in Serbia to include other Serbian criminals. Several inmates alleged that they were victims of severe beatings in prison by guards. Prisoners also alleged that they were denied access to health care. Hundreds of ethnic Albanians were evacuated from the Pozarevac prison after they were threatened by Serbs for not joining the protests. One Serb prisoner died after falling off the roof of the Nis prison and several persons reportedly were injured during the riots. In response, the Government pledged emergency funds to improve prison conditions and on November 10, authorities released 14 Serbs and 1 ethnic Albanian from the Pozarevac prison. In exchange, inmates agreed to put down their weapons and to allow guards back in the prison.

On December 14, a military court in Nis sentenced nine Serbian military policemen and one lawyer to prison terms totaling 7 years for extorting money from Kosovar Albanian prisoners.

Although the Milosevic regime generally permitted some prison visits by human rights monitors with sporadic access often subject to the whim of local officials, access generally was poor. On several occasions, outside monitors, including representatives of the ICRC, were denied access to individuals reportedly held by Serbian police, especially draft evaders and Kosovar Albanians whom retreating security forces transferred from Kosovo after hostilities ceased. However, the ICRC had no access to or information about persons detained in military detention facilities at year's end.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention was common in Serbia under Milosevic, with such abuses aimed at opponents of the regime apparently on a daily basis.

Defense lawyers and human rights workers complained of excessive delays by Serbian authorities in filing formal charges and opening investigations. The ability of defense attorneys to challenge the legal basis of their clients' detention often was hampered further by difficulties in gaining access to detainees or acquiring copies of official indictments and decisions to remand defendants into custody. In some cases, judges prevented defense attorneys from reading the court file. Investigative judges in Serbia often delegated their responsibility for carrying out investigations to the police or members of the State Security Service and rarely questioned their accounts of the investigation—even when it was obvious that confessions were coerced from the accused. Results of such sham investigations then were used in court to convict defendants on fabricated charges.

According to the Humanitarian Law Center, at least 10 Kosovar Albanian minors were being held in the country's prisons in January. These children were among the approximately 2,000 civilians removed from Kosovo when the Yugoslav Army withdrew its forces in 1999. Serbian authorities reportedly sold dozens of these prisoners back to their families in Kosovo for prices as high as \$25,000 (DM 50,000). Numerous human

rights groups have documented an open-air market in northern Kosovo where lawyers purporting to represent these prisoners go to strike deals with families or friends of those imprisoned to secure their release. Despite the exchange of large sums of money, the lawyers often are never seen again. Human Rights groups also noted that in those cases where prisoners are released, the extorted "fees" were divided between the lawyers, judges, and police involved in individual cases and prisons. Human rights organizations believe that the Government still holds approximately 700 Kosovar Albanian political prisoners and detainees. The Government claims that some of these prisoners and detainees were convicted of common crimes.

Visits to political detainees were rare and often were supervised by police. Local human rights NGO's attempted to visit prisoners, with mixed results. The ICRC was able to visit many, if not all, of the approximate 700 Kosovar Albanian political detainees inside Serbia. However, it is not clear that the ICRC has been able to arrange more than an occasional visit.

Opposition politicians faced harassment by police under the Milosevic regime. On February 29, Belgrade police detained and interrogated Ivan Kovacevic, the Serbian Renewal Movement spokesman and a member of the Serbian Parliament. In March a total of 42 members of Vojvodina's League of Social Democrats were arrested in Novi Sad. They were handing out flyers asking for citizens to assemble in front of a construction site, where the regime was blocking the city's efforts to begin rebuilding a bridge destroyed during the NATO bombing campaign.

In May three members of Otpor--Momcilo Veljkovic, Radojko Lukovic, and Dusan Ignjatovic--were arrested after friends of Marko Milosevic, the President's son, beat them severely outside a cafe in Pozarevac, Milosevic's hometown. The Otpor activists claim that they were beaten after they came to the defense of another activist, Dragan Milovanovic, who was being pressured by Marko Milosevic's associates to join the Socialist Party of Serbia.

The beating set off a wave of protests, and the opposition scheduled demonstrations in Pozarevac a week later, which it ultimately was forced to cancel due to intimidation by the Milosevic regime. As a part of its effort to intimidate and prevent the demonstrations, police arrested Nenad Canak, the President of the Vojvodina League of Social Democrats, as he drove to Pozarevac. Police also arrested and interrogated dozens of others, including journalists, opposition politicians, and Otpor activists across Serbia in Nis, Novi Sad, Kragujevac and Pozarevac.

Several days later, Veljkovic and Lukovic were released by the district prosecutor Bosko Papovic, who did not find grounds to prosecute. Papovic in turn was dismissed from his post by the Government, and the activists were rearrested and served a total of 2 months in prison. The judge appointed by the Milosevic regime claimed that releasing the students earlier would "upset the public."

In June police in Leskovac arrested 10 persons, including Igor Olujic, a leading human rights lawyer with the Belgrade-based Humanitarian Law Center, Dobrosav Nesic, president of the Leskovac NGO Council for Human Rights, and several opposition party activists. Those detained were protesting peacefully the arrest a few days earlier of Otpor activist Vladimir Stojkovic. During the arrest, police used excessive force against several persons, including Bojana Ristic, a representative from the Serbian Renewal Movement who also serves in the Parliament.

Also in June 20 members of Otpor were arrested in Smederevska Palanka. Police in Ivanjica detained an 11-year-old boy for waving an Otpor flag in public. Police also questioned the boy's father about his support for Otpor. In September police arrested Otpor activist Branko Ilic in Arilje for the 10th time during the year. By the end of June, Otpor announced that since the winter, more than 1,000 of its activists had been arrested by the police.

Opposition candidates in the Sandzak region of Serbia reported that tactics of the Milosevic regime greatly interfered with campaigning. Police arrested Coalition Sandzak activists for handing out leaflets and banned opposition rallies from taking place.

As the regime intensified its crackdown, in July Yugoslav Army members arrested four Dutchmen, two British citizens, and two Canadians near Montenegro's borders with Serbia and Kosovo. All were charged with espionage. The British citizens charged that they were beaten by the police and nearly lynched by VJ soldiers. Officials of the arrestees' countries had difficulty obtaining consular access to them after their transfer to federal prison facilities in Belgrade. Following Milosevic's ouster, all were released, and the charges against all eventually were dropped (see Montenegro annex).

Federal statutes permit the police to detain criminal suspects without a warrant and hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provides for a 24-hour detention period. The police often combine the two for a total 4-day detention period. After this period, police must turn over a suspect to an investigative judge, who may order a 30-day extension and, under certain legal procedures, subsequent extensions of investigative detention of up to 6 months.

Exile is not permitted legally, and there were no reports of its use.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, Federal and Serbian courts largely were controlled by the Milosevic regime and rarely challenged the will of the state security apparatus. Judicial

corruption also is widespread. While judges are elected for fixed terms, they may be subjected to governmental pressure. Serbian authorities frequently deny a fair public trial to non-Serbs and persons whom they believe oppose the regime.

Since 1998 republic-level judges no longer have mandates for life and are required to seek office periodically through election. This process involves obtaining Justice Ministry approval for each judge's candidacy. Local observers fear that the provision in effect makes judges functionaries of the Government, who easily may be removed if they do not cooperate.

The court system comprises local, district, and supreme courts at the republic level, as well as a Federal Court and Federal Constitutional Court to which republic Supreme Court decisions, depending on the subject, may be appealed. There is also a military court system. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations and relies on the constituent republic authorities to enforce its rulings.

The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia remains in force. Considerable confusion and room for abuse remain in the legal system because the 1990 Constitution of Serbia has not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia. Under federal law, defendants have the right to be present at their trial and to have an attorney represent them, at public expense if needed. The courts also must provide interpreters. The presiding judge decides what is read into the record of the proceedings. Either the defendant or the prosecutor has the right to appeal the verdict.

Defense lawyers, especially those representing minority clients, have filed numerous complaints about flagrant breaches of standard procedures, arguing that they undermine their clients' rights. Even when individual judges admitted that the lawyers were correct, the courts ignored or dismissed the complaints. For example, in Pozarevac, district prosecutor Bosko Papovic conceded that two Otpor activists were innocent of charges that they had conspired to kill associates of Marko Milosevic. Nevertheless, the two youth activists were imprisoned for 2 months, in May and June. Papovic, along with 15 other judges who defended his decision, subsequently was fired (see Section 1.d.).

Many legal scholars have expressed concern over the 1998 Act on Lawyers, which they believe restricts the freedom of lawyers and interferes with the independence of lawyers in their dealings with clients. They believe that the law gives too much authority to the lawyers' chambers, both at the republic and federal levels, which the Helsinki Committee alleges would enable the Government to exercise stricter control over the profession. According to a Serbian Constitutional Court judge, the law enabled the regime to interfere with the lawyer-client relationship, which even during the Communist era was upheld to a greater degree.

In June the Government debated the passage of a law against terrorism in the Serbian Parliament. With its sweeping powers, the law would have allowed police essentially to arrest anyone, including NGO and media representatives, whom they deemed to be working for the removal of the Government. The law allowed for a minimum sentence of 3 years' imprisonment in such cases. Finally, the law extended the period of detention during which police could conduct their investigation from 3 to 30 days. Although the bill was not signed into law, the threat of its passage hampered many opposition activities against the Milosevic regime.

Under Milosevic, the Government also violated norms of judicial fairness by pursuing cases previously brought against individuals and groups charged under the Yugoslav Criminal Code with jeopardizing the territorial integrity of the country and for conspiring or forming a group with intent to commit subversive activities (undermining the "constitutional order"). Most of the cases involved alleged violations under Article 136 of the Federal Penal Code related to "association to conduct enemy activity," or Article 125 concerning "terrorism." There is no clear estimate as to how many persons remain imprisoned on these specific charges.

Among the most prominent is the case of Dr. Flora Brovina who was transferred from Kosovo to a prison in Nis in July 1999. Dr. Brovina, who is known for her human rights work on behalf of women and children in Kosovo, was tried and convicted on terrorism charges and in December 1999 sentenced to 12 years' incarceration. Dr. Brovina was freed on November 1 by a special pardon from President Kostunica.

The Serbian court system convicted 143 ethnic Albanians in a mass trial in Nis in May. The men, who received sentences ranging from 7 to 13 years' imprisonment, were convicted of being members of the KLA, terrorism, and attacking police. The trial was criticized widely by human rights groups because little effort was made to establish individual, as opposed to collective, guilt. In addition, defense witnesses were not allowed to testify, and the judge reportedly admitted that there could have been "shortcomings" in the prosecution's evidence.

On July 6, six ethnic Albanians in Serbia accused of terrorism and supporting the KLA were sentenced to a total term of 46 years in prison. Human rights NGO's noted that the trial was unfair and that allegations of torture were widespread. The court failed to investigate the allegations of torture and accepted a filmed confession made while the men were in police custody, which already had been aired on Serbian State television. AI noted that this was in clear violation of the Yugoslav Code of Criminal Procedure.

A spokesperson for the Serbian Judges Association stated that as of July, 50 of its members had been forced to resign due to pressure from the regime. This followed the dismissal by the Government of 16 judges for their alleged work with the political opposition, including Djordje Rankovic and district prosecutor Bosko Papovic, who spoke out against the case of the two Otpor activists who were beaten by associates of Marko Milosevic in Pozarevac (see Section 1.d.).

Ukshin Hoti, leader of UNIKOMB, a political party that advocates Kosovo's unification with Albania, was in detention for the entire year. Hoti was in a Nis jail and was reportedly in poor health. His lawyers have been denied access to him since February 1998. Hoti was serving a 4-year sentence in a prison in Nis and was to be released on May 17, 1999. However, the Pristina-based Council for Human Rights was unable to locate Hoti as of July 1999 and there was no further information at year's end.

In December, President Kostunica pardoned opposition activist Bogoljub Arsenijevic, known as "Maki."

The Government continued to hold an estimated 700 ethnic Albanians as political prisoners. Visits to political prisoners are rare and are often supervised by police. Local human rights NGO's have attempted to visit prisoners, with mixed results. The ICRC has been able to visit many, if not all, of the Kosovar Albanian political prisoners inside Serbia.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Milosevic Government, the authorities infringed on citizens' privacy rights. Federal law gives republic ministries of the interior sole control over the decision to monitor potential criminal activities, a power that is abused routinely. It is widely believed that the authorities monitor opposition and dissident activities, eavesdrop on conversations, read mail and e-mail, and wiretap telephones. Although illegal under provisions of federal and Serbian law, the federal post office registers all mail from abroad, ostensibly to protect mail carriers from charges of theft.

The law includes restrictions on searches; however, officials often ignored them. Police raided the Belgrade and Mladenovac offices of Otpor in early September without a search warrant. The previous day, police raided Otpor's Novi Sad office. They confiscated computers, several thousand T-shirts, posters, buttons, and information about the movement's activists. Despite the law, the police did not leave any notification of the items they removed from Otpor's premises. The Serbian Helsinki Committee stated that the raids violated Article 21 of the Serbian Constitution, according to which police may enter a premise with a warrant or, if no warrant is obtained, in order to "save people and property." Before the September 24 elections, as part of its crackdown on independent political activists, police also repeatedly raided the offices of CESID, a Serbian election monitoring NGO, confiscating files and computers.

A government law requiring universal military service is enforced only sporadically; it was not enforced vigorously during the year. The informal practice of the military has been not to call up ethnic Albanians. However, in Montenegro VJ troops forcibly conscripted youths during the year. Of approximately 100,000 draft evaders living abroad at the start of the year to avoid punishment, 40 percent were estimated to be ethnic Albanian. This number in part reflects the large number of conscription-age men in Yugoslavia's Albanian community. Leaders of Kosovo's Albanian and Sandzak's Muslim communities maintained that when forced compliance of these groups with universal military service did occur, it was an attempt to induce young men to flee the country. According to an amnesty bill passed in 1996, up to 12,000 young men for whom criminal prosecution for draft evasion already had started were granted amnesty. Others who did not fall into this category were told that if they returned to Yugoslavia their cases would be reviewed on a "case-by-case" basis, a policy that has not inspired confidence among offenders. A law passed in October 1998 stated that draft dodgers who did not report for military service would forfeit their right to inheritance. In many cases Yugoslav officials have refused to issue proper travel documents to children born to asylum seekers (see Section 2.d.). A new amnesty bill was pending at year's end. The proposed law would grant amnesty to draft evaders, deserters, those who refused to bear arms, and to most political prisoners convicted under Article 136 of the Penal Code (association to conduct enemy activity), but not to political prisoners convicted under Article 125 (terrorism). Many ethnic Albanian political prisoners were reportedly convicted under Article 125, but the exact number is unknown.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

Federal law provides for freedom of speech and of the press; however, the Milosevic regime severely restricted these rights in practice. The October 1998 Law on Public Information, which was used to silence the independent media during the Kosovo war, continued to be applied to journalists and members of the political opposition. The regime arrested dozens of journalists and levied the equivalent of hundreds of thousands of dollars in fines in apparent efforts to silence the independent media. The regime took over independent television and radio stations and shut down others. State-controlled media coverage was biased severely in favor of Milosevic's coalition parties, the SPS and JUL, particularly in early September. State media carried minimal coverage of opposition parties, and what was covered was cast in a negative light. The regime also severely restricted international media coverage of the September elections by denying entry visas to many foreign journalists and by placing travel restrictions within Serbia on others. In addition, during the preelection period the regime forced international news organizations to broadcast through state-controlled facilities where reports could be censored or blocked.

The Milosevic regime also cracked down on opposition politicians and politically active NGO's, particularly in the months preceding the September elections. Police arrested almost a dozen DOS candidates and raided several DOS offices. In the Sandzak region, police arrested opposition activists for handing out leaflets (see Section 1.d.). Many observers suggested that the disappearance of former Serbian President Ivan Stambolic in late August was meant to be a threatening message to SPS politicians not to stray from Milosevic's party (see Section 1.b.). Police also brought over a thousand members of the Otpor movement into police stations for

questioning. Some of these interrogations resulted in beatings (see Section 1.c.).

While the media climate greatly improved after Kostunica's election victory, media independence remained a problem. Observers noted that after the DOS took control of state-owned Radio-Television Serbia, coverage leading up to the December 23 parliamentary elections strongly favored DOS candidates. Other media outlets also lack professionalism.

In March an indictment was filed against Dusan Mihajlovic, an opposition party leader; however, the case was not pursued. Mihajlovic was charged with "spreading false information and disturbance of citizens" because of remarks he made on a television news program criticizing a Milosevic speech.

In May independent journalist Miroslav Filipovic, who also worked closely with the Helsinki Committee for Human Rights in Serbia and as a correspondent for the Belgrade-based daily Danas, was arrested on charges of "espionage" and "spreading false information" following a series of articles investigating Yugoslav Army abuses in Kosovo. Formal charges were not brought against Filipovic until June. A closed trial held in July was protested by human rights NGO's, as was the 7-year sentence that Filipovic received. Both the prosecution and the defense appealed the sentence. The Filipovic case attracted significant attention from many international press and human rights groups. In addition over 300 journalists from Serbia, Montenegro, and Bosnia signed a letter to Milosevic protesting the harsh sentence against Filipovic and demanding his release. On October 10, the Supreme Military Court in Belgrade overturned the guilty verdict against Filipovic on procedural grounds and sent the case back to court for a new trial. Kostunica pardoned Filipovic in October, and the charges against Filipovic were dropped.

The Government fined the newspaper Glas Javnosti \$5,000 (300,000 dinars) under the Public Information Act, and Slavoljub Kacarevic, director and editor-in-chief of the newspaper, was fined \$2,000 (120,000 dinars) for an article published on June 14. Also in June, in Leskovac a car belonging to two independent journalists was vandalized outside the police station while the two were covering protests.

In July independent publishers were forced to reduce the number of pages in their newspapers because the amount of paper supplied by the only domestic newsprint manufacturer was insufficient. The Federal Government turned down a request to import additional paper supplies even as leading Belgrade dailies Blic, Danas, and Glas Javnosti, and weeklies Vreme and NIN, used their last reserves of paper.

According to the Association of Independent Electronic Media (ANEM) network, more than 140 radio and television stations were banned inside Serbia under Milosevic, and, as of April, more than \$625,000 (37.5 million dinars) in fines were imposed on independent media under the Public Information Act. Despite this repression, ANEM reported that dozens of independent radio and television stations still were broadcasting.

In mid-January, broadcasting equipment was stolen from the Belgrade television station Studio B. As a result, over 2 million viewers were unable to receive the station's signal. Although no one was ever charged with the crime, ANEM believed that the theft was in direct response to Studio B's broadcast of opposition-related programming.

In a controversial news conference in February, former Serbian Deputy Prime Minister Vojislav Seselj threatened violence against independent journalists.

In March the police attacked a technician and security guard at Studio B and confiscated transmission equipment from the premises. In addition eight print and electronic media outlets were fined for alleged violations of the Law on Public Information. Six additional independent radio and television stations were closed in March.

Foreign journalists were expelled from Serbia and denied entry visas periodically throughout the year, especially during the period prior to the September elections.

Following the beating of the three Otpor activists in Pozarevac in May, there was a wave of arrests as independent journalists publicized the assault. Studio B and the independent dailies Blic and Danas were fined for "false reporting" after they informed the public of the attack.

On May 17, police moved against four of the largest independent media outlets--Studio B, B2-92, Radio Index, and Blic--and closed down the building from which they all operated. Radio Pancevo remained the only source of independent information in the Belgrade area until later that same night when its transmission also was blocked. On May 17 and 18 in Belgrade, police beat peaceful protesters and used excessive force to disperse street protests against the Government's closing of television Studio B and Radio B2-92 (see Sections 1.c. and 2.b.).

In June security guards beat Hanibal Kovac, a correspondent for Radio Free Europe, in Sabac in a recreation center controlled by a member of the Serbian Radical Party. The guards reportedly told Kovac that he was "first on the list and that other reporters would get the same." Police also beat up a reporter in Novi Sad for wearing an Otpor T-shirt.

On June 2, Dusika Radulovic, owner of a small independent newspaper Borske Novine was sentenced to 3 months in prison for publishing an article that allegedly libelled members of the local government. On June 9, satirist Boban Miletic was sentenced to 5 months in prison for ridiculing Milosevic during a public reading of his latest book.

Also in June, a television crew from Radio Kraljevo was arrested along with Democratic Party officials and four Otpor activists in Kraljevo.

In August journalist Zoran Lukovic was arrested and sent to prison to serve a 5-month sentence for "spreading false information." Lukovic was convicted in March 1999 with another journalist, Srdjan Jankovic, and with Slavko Curuvija, editor of the Belgrade daily tabloid Dnevni Telegraf. Curuvija was murdered in Belgrade in April 1999, allegedly by members of Milosevic's secret service (see Section 1.a.). Lukovic was pardoned and released at the end of the year.

In August the NGO Reporters without Borders protested the Government's jamming of radio broadcasts by opposition station Radio Jasenica and the private station Radio Globus. A press release issued by the organization pointed to "a policy of increasing repression against independent media" prior to the September election. The Organization for Security and Cooperation in Europe (OSCE) also highlighted media repression in the period prior to the elections.

In August five cable networks in Novi Sad stopped broadcasting news from television stations in Montenegro, Croatia, Bosnia, and Hungary following a Yugoslav Information Ministry ban on broadcasting "political propaganda programs." Critics charged that the ban was an attempt to prevent 200,000 viewers in the region from having access to independent media during the September election campaign.

The Independent Journalists' Association of Serbia (NUNS) noted in August that "repression of the authorities against the media in Serbia increased in the past few months." In addition the NUNS noted in its Dossier of Repression that the Information Act "in the past few months has become an auxiliary means of carrying out repression." The NUNS confirmed ANEM's report that the independent media were charged the equivalent of hundreds of thousands of dollars in fines by the regime.

On November 27, two policemen beat Hungarian journalist Peter Aradi and threatened to kill him. Otpor reported that Aradi was taken to the police station in Senta, a town near the Hungarian border, where he was interrogated, beaten, and threatened before being released the following day (see Section 5). Also in November, three plainclothes police officers from the Serbian Interior Ministry detained Milos Antic, assistant editor of the Nedeljni Telegraf, and interrogated him for 2 hours at the police station in Belgrade. They pressured him to reveal his sources for an article he had written about Milosevic's alleged attempts to crack down on prodemocracy protesters during the October 5 demonstrations; the officers said they were acting under orders of a prosecutor preparing a case against Milosevic.

In 1998 the Parliament passed the Universities Law. It severely curtails academic freedom by allowing the Government to appoint rectors and governing boards and hire and fire deans of faculties. Deans in turn can hire and fire professors—in effect taking away tenure and promoting regime loyalists inside the universities. The law also discourages political activism among students. After October 5, the new Government reinstated all previously dismissed professors.

b. Freedom of Peaceful Assembly and Association

Federal and republic level Constitutions provide for freedom of peaceful assembly; however, under Milosevic, the Serbian and Federal Governments severely restricted this right.

In Kragujevac in February, Otpor was prevented from collecting contributions to assist the independent newspaper Nezavisna Svetlost in paying a fine levied against it under the Public Information Law.

On April 14, police stopped buses with opposition supporters traveling to rallies in Belgrade. On May 9, police stopped an opposition rally in Pozarevac by blocking opposition supporters' access to the town. On May 17 and 18, police used excessive force to disperse opposition street protests in Belgrade (see Section 1.c.). Police banned opposition rallies in the Sandzak region (see Section 1.d.).

During the election demonstrations in October, police beat some demonstrators and used tear gas.

Federal and republic level Constitutions provide for freedom of peaceful association; however, under Milosevic the Serbian and Federal Governments severely restricted this right. By the end of the summer virtually anyone wearing an Otpor T-shirt was subject to arrest or harassment by the police.

c. Freedom of Religion

The laws at both the federal and Serbian republic level provide for freedom of religion; however, under Milosevic, there were incidents of government infringement on freedom of worship by minority groups, and the legal system provided little protection for the religious rights of minority groups.

Although in the past the Milosevic regime was allied closely with and gave preferential treatment to the Serbian Orthodox Church, a split between the two widened considerably during the year. The split began with the onset of violence in Kosovo and widened with the regime's continued repression of the political opposition.

The Government repressed Muslims in the Sandzak region along the border between Serbia and Montenegro.

Reports of harassment in the Sandzak region indicated that it was carried out mostly by federal Yugoslav army troops.

The Government made no progress in the restitution of property that belonged to the Jewish community, despite Milosevic's past promises to resolve the disputes. The Orthodox and Catholic Churches have had similar difficulties with the restitution of their property confiscated by the Communist regime.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement; however, under Milosevic, the Federal and Serbian governments restricted this right in practice. The federal government makes passports available to citizens; however, the authorities under the Milosevic Government restricted Yugoslav citizens from reentering the country. The Milosevic regime continued to restrict the right of Sandzak Muslims and ethnic Albanians from southern Serbia to travel by holding up the issuance or renewal of passports for unusually long periods of time. It also reserved the option of prosecuting individuals charged previously with violating exit visa requirements. Throughout Milosevic's rule, opposition politicians and activists routinely were harassed and arrested as they traveled in Serbia. The Government placed travel restrictions on journalists. Freedom of movement was also restricted in travel between Serbia and Montenegro because of the trade blockade imposed by Serbian authorities.

As Federal authorities had yet to repeal legislation targeting conscientious objectors and draft evaders from the war in Kosovo, many men could not travel freely throughout the country due to fear of arrest. Those conscientious objectors and draft evaders who fled Serbia could not return to the country for the same reason. Passports were denied as a matter of course to conscientious objectors and draft evaders. NGO representatives from 19 Serbian towns gathered in Montenegro in May and called for a general amnesty for conscientious objectors and draft evaders. AI and other NGO's noted that indictments continued to arrive at the homes of draft evaders and conscientious objectors. In several cases, trials against the men were conducted in absentia. After October 5, freedom of movement improved significantly. However, isolated incidents were reported late in the year of draft evaders from Montenegro stopped in Belgrade airport and sent back to Montenegro to face old charges in military courts. Draft evaders would be amnestied by a law being considered by the Federal Parliament at year's end.

Following their exodus from Kosovo, there were reports that Serb refugees were prevented from traveling to Belgrade in 1999. Reports continue to indicate that their freedom of movement is restricted, with many of them being confined to Southern Serbia.

Citizens reported difficulties at borders and the occasional confiscation of passports. Sandzak Muslims and ethnic Albanians complained of harassment at borders when reentering the country.

Yugoslav embassies overseas generally are considered to apply a double standard when issuing passports to their citizens; ethnic Serbs have a much easier time obtaining passports than members of ethnic minorities.

Many inhabitants of Serbia-Montenegro who were born in other parts of the former Yugoslavia, as well as large numbers of refugees, have not been able to establish their citizenship in Yugoslavia, leaving them in a stateless limbo. The Government suspended the processing of citizenship applications during the NATO bombing. Government officials claimed that the country's citizenship application records were destroyed in the bombing, and did not resume processing applications.

The conflicts that have occurred in Bosnia, Croatia, and Kosovo in recent years have led to widespread displacement of persons. Under Milosevic, the Government imposed numerous restrictions on free movement into and within Yugoslavia.

Approximately half a million refugees from Bosnia and Croatia and some 220,000 more recent internally displaced persons from Kosovo, mainly Serbs and Roma, are living in the country. Unemployment among these groups is estimated at over 60 percent due to the country's poor economic climate. Up to 25 percent of the refugee population has moved more than three times since arrival in Serbia. Most Serb displaced persons from Kosovo are housed with host families; some 50,000 are in collective centers. A report by the U.S. Committee for Refugees describes collective centers for refugees as varying widely in quality and population density, ranging from "decent" to "dismal, drafty, and crowded."

There are approximately 45,000 displaced Roma in Yugoslavia. Roma faced a difficult position during the Kosovo conflict. As neither Serb nor Albanian, the Roma in Kosovo tended to adapt to the ethnic group they perceived as dominant. As a result, many of Kosovo's Roma were perceived as Serb collaborators by returning ethnic Albanians, and many fled Kosovo for other areas of Yugoslavia (see Kosovo annex). Living conditions for Roma in Serbia are extremely poor. Local municipalities are often reluctant to accept Roma, hoping that if they refuse to provide shelter or assistance, the Roma may move on (see Section 5).

The Yugoslav Government has been very slow to issue passports to refugees. This is a particular problem for parents who seek asylum. For example, Yugoslav officials in Germany refuse to issue passports to children born in Germany who have a German government document certifying their birth. When these asylum seekers who have been refused in Germany return to Yugoslavia with their children, the children travel on the basis of this document. Yugoslav authorities take the paper at the port of entry and issue a receipt for it. The children then have no documentation in a country where documentation is a basic requirement.

The U.N. Special Rapporteur for the former Yugoslavia noted in 1997 that the 1997 citizenship law would give the Ministry of Interior almost complete control over the granting of citizenship. The Government served notice that it plans to limit severely the granting of citizenship to refugees from the conflicts in Bosnia and Croatia. The Government also plans to revise the eligibility status of a large number of persons; refugees who have been granted citizenship since 1992 may stand to lose their Yugoslav citizenship if they have acquired the citizenship of a former Yugoslav republic.

Observers in the Sandzak region also noted that Muslim residents who were forced to flee to Bosnia from Sandzak in 1992 and 1993 may not be permitted to return to Serbia, particularly if they obtained Bosnian passports in the interim.

The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR). There were no reports of the forced return of persons to a country where they feared persecution during the year.

Section 3 Respect for Political Rights: The Right of Citizens

to Change Their Government

The Federal and Serbian Constitutions provide for this right; however, in practice, under Milosevic, citizens in Serbia consistently were discouraged and often were prevented from exercising this right by the regime's domination of the mass media, control of the police, and manipulation of the electoral process. The regime persistently sought to undermine the effectiveness of the opposition leadership throughout Serbia through financial controls. In July Milosevic altered the Constitution to permit his candidacy in the September federal elections.

Throughout the summer, the Milosevic regime continuously exerted undue pressure on persons and groups attempting to peacefully change their government (see Sections 1.c., 1.d., 2.a., and 2.b.). In one such instance, police in August halted the distribution of humanitarian assistance by the Leskovac Human Rights Board, an organization that encouraged citizens to participate in September's elections.

Kostunica came to power as President of Yugoslavia after mass demonstrations in early October by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and Constitutional Court to force a second round of elections. Kostunica ran against Milosevic in the September 24 elections under the DOS Party, an 18-party alliance. Milosevic banned international observers from monitoring the elections; the opposition reported election fraud in some areas, particularly in southern Serbia and the voting in Kosovo. In Kosovo many polling stations were not opened on the September 24 election day. Although the DOS claimed victory for Kostunica, the Yugoslav Federal Election Commission claimed that neither candidate had won an outright majority and called for a second ballot. This sparked citizen protests in Belgrade and a general strike in favor of the opposition beginning on October 2, which culminated in a mass demonstration on October 5 by half a million citizens calling for Milosevic to give up power. Kostunica declared himself President of Yugoslavia that night and 2 days later Milosevic conceded electoral defeat. A federal government was formed by the DOS and the SNP (Socialist People's Party). At the Serb republic level, a three-way interim power sharing government was formed by the DOS, the SPS (Socialist Party of Serbia), and the Serbian Renewal Movement until the December 24 republic elections. Milan Milutinovic remained President of the Republic of Serbia.

There are no legal restrictions that hinder women's participation in government and politics, and women are active in political organizations; however, they are underrepresented greatly in party and government offices, holding less than 10 percent of ministerial-level positions in the Serbian and Federal Governments. Until Milosevic's defeat, his wife Mira Markovic was an exception. She was the leading force in the neo-Communist Yugoslav Left Party, through which she exerted extraordinary and disproportionate influence on policy makers, including her husband. On November 27, female political activists announced that 10 DOS parties agreed to fill at least 30 percent of the places on the party list for the Serbian parliamentary elections with female candidates.

There are no legal restrictions on the role of minorities in government and politics; however, they are underrepresented and ethnic Serbs and, to a certain extent, Montenegrins dominate the country's political leadership. Montenegro boycotted the September 23 elections. Few members of other ethnic groups play any role at the top levels of government or the state-run economy; however, Rasim Ljajic, a Sandzak Muslim leader, was appointed the Federal Minister for Minority Affairs in November. Ethnic Albanians in Kosovo refused to take part in the electoral process at the Serbian republic and federal level, including most recently in federal presidential elections in September. Serbs in Kosovo participated in the September elections, but with low voter turnout.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Milosevic regime routinely hindered the activities of and regularly rejected the findings of human rights groups.

A number of independent human rights organizations operate in the country, researching and gathering information on abuses, and publicizing such cases. The Belgrade-based Humanitarian Law Center and the Center for Antiwar Action research human rights abuses throughout the country and, on occasion, elsewhere in the former Yugoslavia. The Belgrade-based Helsinki Committee for Human Rights in Serbia publishes studies

on human rights issues and cooperates with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. In the Sandzak region, two committees monitor abuses against the local Muslim population and produce comprehensive reports. Most of these organizations offer advice and help to victims of abuse.

Throughout the summer, Serbian police cracked down on Belgrade's human rights NGO's, including the Helsinki Committee, the Center for Anti-War Action, and Women in Black Against War. Each organization reports that it was visited and harassed by police in an effort to intimidate the NGO's and document their sources of international support. In June police closed the offices of Women in Black Against War. In a related move, the premises of the Forum for Ethnic Relations also were shut and sealed.

In August the Yugoslav Army announced that it would bring charges against Natasa Kandic, the head of the Humanitarian Law Center. The Yugoslav Army's Information Service alleged that Kandic breached the Law on Information when she published the article "I Will Not Keep Quiet About Horrors" in the independent newspaper Danas. Kandic published a defiant response to the army. The VJ did not initiate charges against Kandic, and threats and harassment against her stopped after October 5.

Citing "political activities," police in Leskovac removed the Human Rights Protection Committee from the register of social organizations and citizens' associations in the southern Serbian town in August. At the same time, criminal charges were filed against the director of the organization for the improper receipt of money.

With some exceptions, the Milosevic Government's Federal Ministry of Foreign Affairs systematically denied visas to international nongovernmental human rights organizations.

In 1999 as a result of their actions in Kosovo, the ICTY formally indicted as war criminals former President Milosevic and four other senior officials, including Serbian President Milan Milutinovic, Yugoslav Deputy Prime Minister Nikola Sainovic, Chief of Staff of the Yugoslav Army Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vlatko Stojiljkovic. President Kostunica has made public statements that he opposes the extradition of any indictees to the ICTY.

On December 11, a court in Uzice convicted and sentenced nine men for "kidnaping" indicted Bosnian Serb war criminal Stevan Todorovic and handing him over to NATO forces in Bosnia in September 1998. On December 13 in the Hague, Todorovic pled guilty to ethnic cleansing.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

While federal and republic-level laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status, and prohibit discrimination against women, in practice the legal system provides little protection to such groups.

Women

Violence against women is a problem and the traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities. There is no trained police unit to provide protection or assistance to female victims of sexual or other violence. The Center for Autonomous Women's Rights in Belgrade offers a rape and spousal abuse hot line, as well as sponsors a number of self-help groups. The Center also offered help to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflicts in the former Yugoslavia. The Criminal Code does not recognize spousal rape as a criminal offense; rape is defined as forced sexual intercourse between a man and a woman who are not married.

The country served as a source, transit, and destination point for trafficking in women for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

Women do not enjoy status equal to men, and relatively few women obtain upper level management positions in commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their right to control property and children. Women legally are entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage is 11 percent lower than the average wage of men. Women are granted maternity leave for 1 year, with an additional 6 months available. Women are active in political and human rights organizations. Women's rights groups continue to operate with little or no official acknowledgement.

Children

The State attempts to meet the health and educational needs of children. The educational system provides 8 years of mandatory schooling. However, economic distress has affected children adversely in both the education and health care systems.

Prior to the conflict in Kosovo, the division of Kosovo into unofficial parallel Serb and Albanian administrative systems resulted in Serb and ethnic Albanian elementary age children being taught in separate areas of divided schools, or attending classes in private shifts. Older ethnic Albanian children were attending school in private

homes. The quality of education thus was uneven before the conflict started, and the tension and division of society in general was replicated to the detriment of the children (see Kosovo annex).

There is no societal pattern of abuse of children.

The country served as a source, transit, and destination point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

People with Disabilities

Facilities for persons with disabilities are inadequate and the Government did not make any efforts during the year to address the problem. The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

Religious Minorities

Religion and ethnicity are so closely intertwined as to be inseparable. Incidents of discrimination against, and harassment of, religious minorities continued, especially in Serbian Sandzak.

The Keston Institute reported that on September 26, a group of 13 young men attacked 2 Romani women and one Romani man, all members of a Romani Pentecostal church in Leskovac, with sticks, bats, and chains. The attack took place 2 days after three young men interrupted the church's evening services and threatened the congregation, throwing firecrackers and shouting that they would force the Roma to leave town. The church reported the incidents to the local police, who advised them to file charges against the men. As of November 24, the attackers had not been found, but no further incidents had occurred.

Societal violence against the Catholic minority in Vojvodina, largely consisting of ethnic Hungarians and Croats, was reported. In addition, Catholic churches frequented by the Croat minority were attacked, although there were few reports of this type of activity during the year.

National/Racial/Ethnic Minorities

Ethnic Albanian leaders in the cities of Presevo, Bujanovac, and Medvedja in southeastern Serbia complained of discrimination by Serbian authorities. Very few ethnic Albanians are employed by municipal governments in the region. In part, the problem is due to the refusal of Serbian authorities to recognize the credentials of ethnic Albanians who completed their higher education in Kosovo under the post-1989 parallel system.

There were incidents of official discrimination against the Romani population and skinheads and police occasionally violently attacked Roma (see Section 1.c.). The European Roma Rights Center reported that a group of skinheads attacked two 15-year-old Romani boys in Vranje on April 29. The boys were punched and beaten with baseball bats; one boy reported two broken ribs. In Nis a group of skinheads beat a 15-year-old Rom. Two of the attackers eventually were fined \$10 (600 dinars). In May a 13-year-old Romani girl was attacked by a group of her fellow students and several skinheads with a knife. After the incident, police interrogated the girl and threatened to arrest her parents if she did not admit she was lying. In August several Romani families in Belgrade reported that skinheads repeatedly throw rocks at their houses, often breaking windows, shout racist insults, and threaten to set Romani houses on fire.

Roma have the right to vote, and there are two small Romani parties in Serbia. One of the four deputy mayors in Kragujevac is a Rom. However, prejudice against Roma is widespread. For example, in Sabac, in western Serbia, Roma are barred from using a municipal swimming pool that is owned by the president of the local branch of the Serbian Radical Party. According to Human Rights Watch, on June 7, police leveled Roma homes in Belgrade, alleging that they were built in breach of zoning laws; police made racial insults and slapped and kicked some of the Roma who were forced out of their homes. Local authorities often ignore or condone societal intimidation of the Romani community.

In Vojvodina in November police beat and threatened Hungarian journalist Peter Aradi. Otpor reported that police dragged Aradi from a table in a pizzeria where he was dining, threw him to the floor, and placed a gun barrel in his mouth. He then was taken to the police station and beaten. Before Aradi was released, the police reportedly forced him to kneel, hold a Bible, and "say something in Serbian."

Section 6 Worker Rights

a. The Right of Association

All workers except military and police personnel have the legal right to join or form unions. Unions are either official (government affiliated) or independent. The total labor force is approximately 2.3 million persons. The government-controlled Alliance of Independent Labor Unions (Samostalni Sindikati, or SSS) claims 1.8 million members but probably numbers closer to 1 million in reality. The largest independent union is the United Branch Independent Labor Unions (Nezavisnost), which has about 170,000 members. The third largest union is the Association of Free and Independent Trade Unions (AFITU), which has about 50,000 members. Most other independent unions are sector specific, for example, the Independent Union of Bank Employees (12,000

members). Due to the poor state of the economy, over one-half of union workers are on long-term mandatory leave from their firms pending increases in production. The independent unions, while active in recruiting new members, have not yet reached the size needed to mount countrywide strikes. The independent unions also claim that the Milosevic regime prevented effective recruiting through a number of tactics, which included preventing the busing of workers to strikes, threatening the job security of members, and failing to grant visas to foreign visitors who support independent unions.

The largely splintered approach of the independent unions has resulted in few achievements in terms of increased wages or improved working conditions. The Nezavisnost union gained new members as a result of its well-organized and tough bargaining positions during strikes of teachers and health workers in 1998 but has not led any strikes since then; it has focused instead on political action campaigns aimed at raising workers' political awareness. The official union lost credibility with some of its members because it ultimately accommodated the Milosevic regime's position on these strikes.

The International Confederation of Free Trade Unions' 2000 Annual Survey of Violations of Trade Union Rights alleges that Serbia's labor laws still favor the official trade union and heavily restrict the right to strike. The report also alleges that the independent union Nezavisnost continued to face discrimination.

The ability of unions to affiliate internationally remains constrained.

b. The Right to Organize and Bargain Collectively

While this right is provided for under law, collective bargaining remains at a rudimentary level of development. Individual unions continue to be very narrow in their aims, unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country has centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal workers' benefits, etc.) on which to negotiate. The overall result is a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers. Additionally, job security fears, which stem from the high rate of unemployment, limited workers' militancy.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the country served as a source, transit, and destination point for trafficking in women and girls for the purpose of forced prostitution (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial "retail" jobs, typically washing car windows or selling small items such as cigarettes, although this practice apparently is somewhat less widespread, since adults lacking other options for employment have taken many of these jobs. With an actual unemployment rate (registered unemployed plus redundant workers who show up at the workplace but perform only minimal work) in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur, apart from girls who are trafficked for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

Large government enterprises, including all the major banks, industrial, and trading companies generally observe minimum wage standards. The monthly minimum wage is approximately \$15 (900 dinars). However, this figure is roughly comparable to unemployment benefits and (at least theoretically) is paid to workers who have been placed in a mandatory leave status. The actual minimum wage is at the low end of the range of average net salaries, \$50 (3,000 dinars) per month. The minimum wage is insufficient to provide a decent standard of living for a worker and family. The cost of food and utilities alone for a family of four is estimated to be \$120 (7,200 dinars) per month. According to one report, workers' salaries fell 34 percent during the year. Private enterprises use the minimum wage as a guide but tend to pay somewhat higher average wages.

Reports of sweatshops operating in the country are rare, although some privately owned textile factories operate under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In light of the competition for employment and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons, and trafficking is a problem. There are laws that could be used to prosecute traffickers although the Milosevic regime showed little interest in addressing the problem. There continues to be little information available on trafficking, although Serbia is a source, transit, and destination country for women and girls trafficked to other parts of Europe for forced prostitution. There were no reports of individuals prosecuted for trafficking.

Belgrade is a transit point, and to a lesser extent, a destination point, for trafficking in women and girls. Reportedly women from Russia, Ukraine, Moldova, Bulgaria, and Romania are trafficked to and through the country. There were also reports that women were trafficked through the country to Bosnia-Herzegovina, where they either stayed and were forced to work as prostitutes or were trafficked to other countries. Women are trafficked to Italy, Greece, Germany, the Netherlands, France, and other Western European countries. Women trafficked to Italy often are sent through Montenegro (see Montenegro annex).

Women often are recruited to work abroad through advertisements for escort services, waitresses, and personal advertisements for marriage offers or lonely hearts columns, and then forced into prostitution. Federal legislation allows escort agencies to be registered and advertise; many of these agencies are involved in trafficking.

There are no statistics available for children trafficked to other countries; however, the International Helsinki Federation for Human Rights reports that children, mostly Roma, are kidnaped and used for prostitution, begging, and stealing.

There are no Government trafficking prevention programs or services for victims. A very small number of NGO's deal with trafficking issues. Awareness of human trafficking is low; however, the problem received some media attention.

KOSOVO

Kosovo continued to be administered under the civil authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council Resolution 1244. This resolution recognized the continuing sovereignty of the Federal Republic of Yugoslavia (Yugoslavia) over Kosovo but also called for "substantial autonomy and meaningful self-administration." UNMIK began to establish a civil administration in June 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Yugoslav military, police, and paramilitary forces from the province. The chief administrator of UNMIK during the year was the Special Representative of the Secretary General (SRSG), Dr. Bernard Kouchner. Within UNMIK the Organization for Security and Cooperation in Europe (OSCE) was made responsible for institution building, democratization, and human rights. To provide for greater Kosovár inclusion in civil administration and to circumvent the risk of quasigovernmental or "shadow" governmental entities, in February UNMIK established the Joint Interim Administrative Structure (JIAS). Under the direction of the SRSG and his designated representatives, international and local experts shared policy and advisory responsibility for providing social services and collecting revenues. On October 28, UNMIK conducted elections throughout Kosovo for members of municipal assemblies with wide participation by both political parties and voters other than Serbs. Serbs, citing security concerns and a lack of freedom of movement, declined to register and boycotted the elections. Although there were some logistical problems and voting irregularities, the elections were held without significant violence or obstacles. Election observers concluded that they were carried out in accordance with international democratic standards and met the criteria for credible elections. The elected municipal assemblies were sworn in and took their seats in November; the SRSG appointed members of municipal assemblies in three Serb-majority municipalities where there was no election, and these took their seats in December. UNMIK Regulation 1999/24 established that applicable law in Kosovo would include UNMIK regulations and those laws in effect in Kosovo as of March 22, 1989, the code in effect before the regime of Slobodan Milosevic abolished the political autonomy of Kosovo. This created a complex and in some cases incomplete set of codes. UNMIK issued a series of interim regulations to address the civil and legal responsibilities of governmental entities and private individuals. UNMIK regulations bound all public officials, including judges, to respect international human rights law. The law provides for an independent judiciary; however, the legacy of ethnic conflict and Yugoslav oppression was an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, particularly in cases involving ethnic disputes.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo (Kosovo Force, or KFOR), which included forces from all 19 NATO countries and over 20 non-NATO members, maintained internal security and defense against external threats. KFOR also assisted UNMIK's multinational civilian police corps (U.N. International Police, or CIVPOL) in its role as uniformed and criminal police. Of 4,718 regular, border, and special police positions authorized for Kosovo, contributing countries deployed about 4,000. The OSCE-run Kosovo Police Academy trained over 3,000 local police officers for the newly established Kosovo Police Service (KPS). The KPS partnered with CIVPOL in field training. CIVPOL later began to transfer basic policing functions to KPS in some areas, while continuing to provide oversight. Several hundred additional KPS recruits continued training, and the OSCE was on schedule to have over 4,000 KPS trained by the spring of 2001. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), began training to respond to civil and medical emergencies. The International Organization for Migration (IOM) coordinated several dozen humanitarian projects for the KPC, often in collaboration with nongovernmental organizations (NGO's). Some members of KFOR, CIVPOL, and the KPC occasionally committed abuses.

A long history of mismanagement by Yugoslav Federal and Serbian authorities left the economy in poor condition even before armed conflict resulted in the massive destruction of property and economic enterprises. Key industries before the conflict were mining, metallurgy, and related manufacturing enterprise. The prewar

economy also had a substantial agrarian sector. Unemployment among the predominantly ethnic Albanian population was estimated at 62 percent. Unemployment rates were much higher among Serb and other minority communities, although some Serbs continued to receive stipends or pensions from Yugoslavia. International organizations and donors continued their programs to improve the infrastructure and provide a regulatory climate conducive to enterprise and investment. About 70 percent of small and medium-sized private enterprises restarted activities. However, the instability of the region, coupled with the destruction of property records and a still weak legal and regulatory framework, caused private capital investment to lag. The privatization of state enterprises stalled pending the resolution of significant property issues. Domestic energy generation capacity was about 50 percent of demand, and energy import arrangements remained uncertain. Remittances from relatives abroad and foreign aid were important sources of national income. Significant criminal economic activity took place, especially in the fuel sector. International financial institutions estimated gross domestic product at less than \$400 per capita.

UNMIK generally adhered to international human rights standards in its administration of the province; however, serious problems remained, largely as a result of ongoing interethnic tensions. A few killings resulted from attacks that appeared to be politically motivated. Citizens continued to be killed by landmines planted by combatants during the 1999 conflict. Some kidnappings and disappearances continued. Approximately 3,600 persons also were missing and unaccounted for as a result of the armed conflict in 1999, including approximately 2,750 Albanians, 500 Serbs, and 300 members of other ethnic groups. The International Criminal Tribunal for the Former Yugoslavia (ICTY) exhumed 3,620 remains in 1999 and 2000, of which about 1,260 remains were still unidentified. There were some reports of the excessive use of force by KFOR and CIVPOL during arrests. Early in the year some KPC members were accused of committing incidents of intimidation and extortion. In the course of carrying out their law and order enforcement functions, KFOR and CIVPOL at times used arbitrary arrest and detention, and lengthy pretrial detention remained a problem. The judiciary was subject to bias and outside influence, particularly in interethnic cases, and did not always ensure due process. Some newspapers engaged in hate speech or printed articles providing personal details of alleged war criminals or collaborators. After some of those individuals were attacked, UNMIK issued a temporary regulation that prohibited articles that might encourage criminal activity or violence. Some observers in both the local and international media criticized this regulation as an infringement of freedom of the press. In order to prevent the potential for large, unruly gatherings, UNMIK occasionally limited freedom of assembly. There were some limits on freedom of movement. Over 150,000 Kosovar Albanians returned to the province during the year; only a few ethnic Serbs and other minorities returned. Rape, violence, and discrimination against women remained serious problems. Religious tension and violence continued. Ethnic Albanians destroyed approximately 20 Serbian Orthodox churches during the year, with a total of 100 destroyed since June 1999 in retaliation for Yugoslav troops' earlier destruction of mosques. Societal violence against ethnic Serbs, Roma, and other minorities was widespread, but decreased somewhat during the year. A total of 245 civilians were killed and 522 cases of arson were reported during the year. Most murders of minorities were rooted in ethnic retaliation; other killings more often were connected to criminal enterprise, political factionalism, and private feuds. Societal discrimination continued to target Roma, in retaliation for the group's alleged collusion with Serbs in the period before and during the NATO bombing campaign. The approximately 100,000 Serbs who remained in Kosovo live primarily in the north or in enclaves under the protection of KFOR. While a few Serbs and other minorities who left Kosovo in 1999 came back, security conditions did not permit large-scale organized returns. Worker rights are not developed fully, and child labor persists. Trafficking in women and girls to and through the province was a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

KFOR forces killed several individuals during operations. UNMIK and military authorities investigated these killings, but found no circumstances in which those responsible had acted improperly. On February 15, snipers wounded two KFOR soldiers. The soldiers responded by killing an Albanian and wounding at least four persons whom they said were firing at them from the rooftops. More than 35 other Albanians were detained on suspicion of involvement in the sniping. In August KFOR troops killed two Albanian males, claiming self-defense; some reports suggested that the two Albanians were shot in the back, and KFOR relieved at least one soldier of his duties pending investigation. On December 17, in Leposavic (Leposaviq) [2], two Serbs were killed and one wounded after rioters protesting the arrest of a Serb man for the attempted murder of a KPS officer surrounded a U.N. police station guarded by KFOR soldiers and took seven KFOR soldiers hostage. One Serb was killed by gunfire; a KFOR commander reported that soldiers had fired warning shots that may have ricocheted and hit a protester. The other Serb died of a heart attack.

In January authorities accused a KFOR soldier, Sergeant Frank Ronghi, of raping and killing a 12-year old Albanian girl. A military tribunal subsequently convicted Ronghi and sentenced him to life in prison.

In July 1999, KFOR arrested three members of a Kosovo Serb family for shooting and killing an Albanian man and wounding a second. In July the court trying the case heard credible evidence from KFOR that KFOR snipers were responsible for the shootings when called to the scene of an altercation (see Section 1.d.).

Several killings appeared to be politically motivated. Some killings and attacks apparently were related to the October municipal elections. The majority of reported political intimidation attempts, which included drive-by shootings, kidnapping, and arson, were said to be aimed at representatives of the Democratic League of Kosovo (LDK), led by Ibrahim Rugova, although other political parties subsequently reported nonlethal attacks as well. The LDK's rival, the Democratic Party of Kosovo (PDK) led by Hashim Thaci, the former head of the KLA, often was cited as being behind the attacks, although nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases. UNMIK police rarely were able to identify

perpetrators. Human Rights Watch (HRW) reported that on June 15, two men wearing KLA badges killed senior LDK politician Ali Dreshaj. On August 4, the burned body of Shaban Manaj, an LDK politician and lawyer from Istok (Istog), was discovered following his disappearance 2 weeks earlier. On November 23, Xhemal Mustafa, cofounder of the LDK and President Rugova's press adviser was killed by unknown gunmen in the stairwell of his apartment building in Pristina. No arrests had been made by year's end. Attacks against LDK functionaries occurred in most other regions of the province as well.

Unknown assailants killed two former KLA officers in April and May, respectively, shooting Besim Mala, also known as "Commander Murrizi," in the streets of Pristina, and Ekrem Rexha, also known as "Drini," in Prizren. UNMIK police attributed their killings to business disputes, rather than political motives. On July 12, a supporter of Ramush Haradinaj, a politician and former senior KLA commander, was murdered. On September 20, police found the body of Skender Gashi, a KPC officer and former KLA commander, in Orahovac (Rahovec); he had disappeared 2 days earlier. Local speculation included political, ethnic, and criminal motives for these killings, while the police attributed the murders to personal disputes.

Unknown assailants killed one journalist, Shefki Popova, in September in Vucitrn (Vushtri) (see Section 2.a.). Popova was listed as a Social Democratic Party candidate in Vucitrn (Vushtri)'s municipal elections.

The number of killings in the province decreased from the total recorded up to June 1999, when Yugoslav armed forces and Serbian police withdrew from the province, and also from the total recorded in the second half of 1999, about 400 killings. According to available figures, there were 245 murders during the year, including 146 Albanians, 55 Serbs, 9 Bosniaks, 12 Roma, and 23 of unknown or "other" category, including 2 KFOR soldiers. U.N. police made arrests in only 2 to 3 percent of murder cases. Most murders of Serbs and other minorities were ethnically motivated (see Section 5), but the majority of murders of Albanians apparently were connected to family and economic rivalries and criminal activities.

On February 29 in Srbica (Skenderaj), a Kosovar Albanian, Faton Hajrizi, killed a KFOR soldier. Hajrizi was arrested for the killing a number of times during the year and escaped from prison. He was rearrested in December and remained in custody at year's end. A second KFOR soldier was found dead, a presumed homicide, at the end of April; no perpetrator has been identified.

Rexhep Luci, Pristina's director of urban planning, was killed in September. Kosovars and outside observers attributed the killing to Luci's role in heading up UNMIK's program to tear down illegal construction. Local commentators expressed grave concern that the killing would hinder efforts by Kosovar officials to establish civil order.

On November 22, an explosion at the Pristina residence of Stanimir Vukicevic, the Yugoslav representative in Kosovo, killed one man and injured three others. The attack apparently was intended to protest the participation of Kosovo in the December Serbian parliamentary elections.

In December 1999, an ethnic Albanian former judge was killed. He had worked in the Serbian judicial system.

The International Crisis Group reported that in November 1999, five persons were abducted and killed by persons claiming either to be members of the Provisional KPC or the Policia Ushtarake, the KLA's military police, which was outlawed by UNMIK. Their bodies were found around the KLA compound in Lukare, north of Pristina. Four were identified; three as Roma, one as an Albanian woman. All four had been accused locally of having "collaborated" with Serb forces.

Although there was credible evidence of Yugoslav agents and special forces teams in Kosovo, there were no confirmed reports of killings by Yugoslav or official Serbian forces inside the province.

Some Kosovar Serbs continued efforts begun in 1999 to expel Albanians and other ethnic groups from the northern part of Mitrovica. In February, during an increase in violence in that city, groups of Serbs, reportedly including Serbian police, attacked ethnic Albanians on several occasions, killing eight civilians. The attacks were viewed as retaliation for a grenade attack on a U.N. High Commissioner for Refugees (UNHCR) bus that killed two Serbs traveling from Mitrovica. During the month of February, over 1,500 Albanians, Muslim Slavs, and Turks fled their homes in the north side of the city, and Serbs withdrew from southern Mitrovica, where they were a minority (see Section 5).

As a result of the 1999 armed conflict, certain rural areas of the province were filled with unexploded landmines and ordnance. Landmines and ordnance explosions killed 93 persons from June 1999 to April and injured more than 300. The U.N. Mine Action Coordination Center (MACC) in Pristina accredited 16 international demining organizations in Kosovo. Well over 1,000 persons were involved in the demining effort in the province, clearing 8,980 mines, 4,932 cluster bomb units, and 5,774 other ordnance. KFOR and MACC cleared over 16,000 houses, 1,165 schools, 1,056 miles of roads, and 124 miles of rail tracks. International organizations and NGO's undertook a widespread public education campaign on mines.

Virtually no town or settlement escaped the effects of the Milosevic regime's campaign of ethnic cleansing in 1999, with reports of dozens, sometimes hundreds, of civilians murdered in each town. Kosovo's still fragile investigative, judicial, and penal systems, in addition to ICTY, worked to ensure that perpetrators were identified and punished. Beginning in mid-1999, the ICTY began its program inside Kosovo, and carried out investigations in support of ongoing and future proceedings against presumed war criminals, including exhuming mass graves to permit the identification of victims of the war and ethnic cleansing. By year's end, the ICTY completed the exhumation of remains, begun in 1999, of some 529 graves, uncovering for identification the remains of 3,600 persons over the 2-season exhumation period. In May UNMIK issued a regulation

establishing the Victim Recovery and Identification Commission (VRIC), primarily charged with identification of remains. Working with families on the basis of information they provided, details of the events, and the recovery of clothing and personal effects, the VRIC was able to positively identify victims. The remains of about 1,400 victims were unidentified at year's end.

UNMIK suspended efforts to create a local Kosovo War and Ethnic Crimes Court due to lack of funding, concern over the scope of its mandate, and possible redundancy in view of the presence of international judges.

Proceedings began in the Kosovo courts to adjudicate about 40 cases of alleged war crimes and genocide arising from the conflict, as well as murder cases dating from the period starting in June 1999. Of these, one war crimes case was decided on September 20, with the conviction in Gnjilane (Gjilan) of Kosovar Serb Milos Jokic for murder, attempted murder, and rape. He was sentenced to 20 years in prison.

b. Disappearance

Individual disappearances and kidnappings continued. In June an angry crowd of Serbs attacked UNMIK offices in Strpce (Shterpce) over the disappearance of a Serb shepherd. Marjan Melonasi, a journalist for Radio-Television Kosova who was half Serbian, disappeared in Pristina around September 9 (see Section 2.a.). Human rights organizations and police confirmed the kidnapping or disappearance of several young women each month. Most but not all of these victims reportedly eventually reappeared or were found, many after they were raped.

As a result of the 1999 armed conflict, and despite the efforts of the International Committee of the Red Cross (ICRC), the ICTY, and other local and international organizations, the fate of over 3,600 persons (2,750 Albanians presumed taken by Serbs, 500 Serbs presumed taken by Albanians, and 300 members of other ethnic groups) remained unknown at year's end. Withdrawing Yugoslav forces also took more than 2,000 Albanian detainees with them into Serbia; Serbian authorities released over 1,300 by year's end, reputedly after payment to Serb middlemen by detainees' families in most cases.

Both the ICTY and the VRIC, assisted by other international governmental and nongovernmental entities, continued their work to identify bodies exhumed from mass gravesites (see Section 1.a.). ICTY and other international experts did not expect to find many new mass graves. A clear gap continued between the 1,260 unidentified remains and the 3,600 persons reported to the ICRC as missing and unaccounted for at year's end. Efforts by governments, international organizations, and NGO's to determine the fate of these missing persons, including through pressure on Yugoslavia, did not lead to any results.

In August the U.N. High Commissioner for Human Rights named a Special Envoy for Persons Deprived of Liberty in Connection with the Armed Conflict in Kosovo. In September the SRSG announced the establishment of an office in Pristina for detainees and missing persons.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The law prohibits torture and other cruel forms of punishment, and CIVPOL and KFOR largely respected the law in practice; however, there were sporadic reports of the use of excessive force during arrests and other abuses. Military authorities reported in September that nine members of a KFOR unit, including four officers, were disciplined following an investigation into allegations of excessive force, beating of suspects, and sexual assault on women at checkpoints and while on patrol. KFOR used tear gas to disperse a peaceful demonstration in Mitrovica (see Section 2.b.).

Some reports suggested that KPC members were responsible for incidents of intimidation and extortion, and in several zones such misconduct may have been organized and condoned by the local KPC leadership. In response UNMIK and KFOR put into place a KPC disciplinary code and a compliance enforcement framework, which assigned responsibility for investigating and disciplining KPC compliance violations and criminal actions. At KFOR's insistence, all six KPC zone commanders were rotated in October. By the end of the year, documented instances of KPC non-compliance had decreased significantly.

International organizations reported that in the first half of 1999, Serb forces subjected ethnic Albanian women to illegal confinement, rape and other forms of torture. ICTY has ruled that the definition of war crimes includes the Serb use of rape and sexual assault against ethnic Albanians. Kidnapings and mass rapes occurred in Djakovica (Gjakova), Pec (Peja), and Drenica, using local hotels and army camps as mass rape sites, and gang rapes of women occurred in their homes or on the side of the road. Assaultants killed male family members who tried to intervene and women who tried to escape. According to credible information, individual KLA soldiers and other Albanians raped Serb and Roma women in the months following Yugoslavia's withdrawal in 1999. Since then, police have registered over 95 individual rape and attempted rape complaints, but there has been no strong ethnic pattern, nor evidence to suggest organized sexual abuse of minority women. However, rape is underreported significantly due to the cultural stigma attached to victims and their families (see Section 5).

Numerous attacks on political figures, particularly members of the LDK, were reported, both before and after the October municipal elections (see Section 3). In most cases, no suspects were found; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases.

In early December, unknown assailants attempted to kill Hajvas Berisha, a former commander of the KLA and a

KPS member, in Pristina. UNMIK arrested three of the alleged assailants; however, because the case involved a family blood feud, no charges were filed against the assailants because the case was settled out of court through traditional Albanian feud mediation methods.

KFOR arrested a group of Serbs in Gracanica in September in possession of a large cache of explosives and arms. The Serbs reportedly were planning terrorist acts against UNMIK and other international entities. Two were reportedly officers of a special forces unit of the Yugoslav Army (VJ).

There were some reports of attacks and intimidation of UNMIK and KFOR officials. In February, a KFOR soldier was shot by unknown assailants while escorting Serb children from school in Gnjilane (Gjilan), apparently in retribution for the killing of two Albanian males by KFOR soldiers earlier in the year. On September 12, Vjosa Dobruna, the Kosovar co-chair of the Department of Civil Society and Democratic Governance, reported that her car was broken into and moved from its parking place; nothing was missing or stolen. On December 7, Serbs beat a U.N. policeman during an inspection of suspected weapons caches in northern Mitrovica. On December 19, unknown persons attacked the UNMIK building in Zubin Potok with automatic gunfire and grenades.

Prison conditions meet prisoners' basic needs of food, sanitation, and access to medical care; however, facilities are in need of further refurbishment and repair. Some facilities are overcrowded. UNMIK established the Kosovo Correction Service (KCS), and the OSCE provided training for over 400 of a planned force of 700-plus corrections officers. The KCS, which included international corrections experts as interim administrators, operated 3 prisons in Prizren (with a capacity 100 inmates), Dubrava (with a capacity of 520), and Lipjan (Lipjan). The latter is to be restricted to women and juveniles and eventually after further renovation is to offer space for mentally disturbed prisoners and detainees after further renovation. CIVPOL and KFOR operated four additional detention centers in Pristina, Mitrovica, Pec (Peja), and Gnjilane (Gjilan). KFOR also held detainees accused of war crimes and serious ethnic offenses at Camp Bondsteel, but planned to turn over all detention responsibilities to the KCS by early 2001. In the absence of currently suitable detention facilities for mentally disturbed prisoners, police released a visibly disturbed female detainee from the Mitrovica detention center on August 22; she reportedly committed suicide 3 days later.

Male and female prisoners are separated, and there is a separate facility in Lipjan (Lipjan) for females and juveniles, but there have been cases of older youths who have been held with the general adult population.

Prisons and detention centers permitted the ICRC full access to prisoners and detainees. In the absence of a formal agreement but pursuant to OSCE's mandate for human rights monitoring under UNSCR 1244, they also offered ad hoc access to the OSCE human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

Under UNMIK regulation 1999/24, issued in December 1999, which incorporated a local law in effect as of March 1989 and current practice, police may detain criminal suspects for up to 72 hours without charging them or granting them access to an attorney; however, in many cases, sources reported that CIVPOL used the 72-hour detention authority as a means of minor punishment with no intention of filing charges. The applicable rules of criminal procedure permit pretrial detention for up to 6 months, but UNMIK has decreed by regulation that this period may be extended by up to an additional 6 months in specific circumstances, in the case of crimes punishable by a sentence of over 5 years.

In some instances, the KFOR Commander (COMKFOR) intervened to continue the detention of persons ordered released by the courts but deemed an ongoing security threat. In July the prosecutor in Gnjilane (Gjilan) declined to press charges against Afrim Zeqiri, an ethnic Albanian accused of shooting three Serbs in May, including a child, and an international judge complied with the order to release him (see Section 5). Given the ethnic sensitivity of the case, UNMIK asked KFOR to hold the accused pending review by an international prosecutor. The case has since gone before another panel of ethnic Albanian judges, and was found without merit. Zeqiri has not been released. COMKFOR also held until July two ethnic Albanians accused of killing two Serbs in July 1999, despite the fact that the Pristina district court ordered their release in November 1999. Some accused persons were held for several months pending the five district courts' becoming operational in January and February. For example, in Gnjilane (Gjilan) district, 12 defendants accused of serious crimes were awaiting trial when the court began hearing cases in February; most of these had been in detention for some time, some as long as 7 months. In May 41 Serb and Roma prisoners in Mitrovica went on a hunger strike for several weeks to protest the delay in holding their trials.

Some observers argued that ethnic bias played a significant role in abuses of due process. In July 1999, authorities arrested three members of the Serb Momcilovic family accused of killing an Albanian and wounding another. The newly appointed prosecutor for Gnjilane (Gjilan) indicted the three in January; their trial took place in April, subsequently was adjourned, and did not reconvene until the end of July. Although at that point there was evidence exonerating the defendants of murder, the court ordered further gathering of evidence before convicting them on weapons charges in August and sentencing them to time served. In the meantime, the other 11 (ethnic Albanian) defendants awaiting a functioning court in Gnjilane (Gjilan) were tried in February. Observers also argued that the Momcilovics' detention was prolonged unnecessarily due to the court's refusal in April to admit a video that tended to exonerate them, and to KFOR's failure to perform a sufficiently detailed investigation into the initial incident and transmit the evidence in a timely manner.

Some 300 persons remained in pretrial detention in CIVPOL and KCS prisons and detention facilities and 57 persons remained in KFOR detention.

At the end of the year, the Yugoslav authorities continued to detain approximately 700 Kosovar Albanians in prison in Serbia, charged with alleged crimes arising from the Kosovo conflict. Federal and Serbian laws regarding conspiracy, threats to the integrity of the Government, and terrorism are vague and were abused by the Milosevic regime. Yugoslav authorities released over 1,300 detainees, allegedly through the payment of bribes in some cases. The ICRC was able to gain permission for some family members to visit detainees in Serbia under restricted conditions.

There were no reports of political detainees.

Exile is not permitted legally, and there were no reported instances of its use. However, the continued fear of ethnic Serbs and other minorities of revenge against them by Kosovar Albanians led large numbers to leave Kosovo (about 150,000 Serbs left during and after Yugoslavia's withdrawal), sometimes more or less voluntarily and sometimes under harassment by Albanians. The departure of Serbs and other minorities continued throughout the year.

e. Denial of Fair Public Trial

Applicable law provides for an independent judiciary; however, the legacy of ethnic conflict and years of Yugoslav oppression were an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, particularly in cases involving ethnic disputes.

Supported by an Advisory Judicial Commission, UNMIK re-established a court system in Kosovo that included the Supreme Court, 5 district courts, 18 municipal courts, the Commercial Court, 13 offices of the Public Prosecutor, and a number of courts for minor offenses. Of those officials appointed by the UNMIK SRSG, 324 judges and 52 prosecutors began work, as well as 377 lay judges to assess the facts of the case. The judicial corps is almost exclusively Albanian; 8 of 12 Serbian appointees refused to serve. UNMIK also appointed members of other minorities, who are serving.

Approximately 15 UNMIK-appointed international judges and prosecutors work in the district courts alongside local judges in sensitive ethnic cases. UNMIK planned for at least two international judges and one international prosecutor in each of the five judicial districts. UNMIK appointed 405 judges and prosecutorial personnel and refurbished judicial facilities. Courts in all five districts began operations.

The law provides for the right of defendants to be present at their trials and to have legal representation, at public expense if necessary; however, local judicial and legal personnel by and large had not worked in the legal system since 1989, and the full exercise of defendants' rights was not ensured.

The defense bar was weak and disorganized as well as rooted in a more passive approach to defense due to years of practice under Socialist and authoritarian codes. A program was underway to improve the bar at year's end. Legal personnel were in the initial stages of learning and applying international human rights laws and conventions. Since UNMIK and the Kosovar legal community have not approved a new bar examination, recent law students and legal personnel may not practice.

Serb lawyers and judges refused to participate in the judicial system established by UNMIK, reportedly encouraged by the Milosevic regime not to accept the Kosovo system by participating in it. This practice effectively denied adequate representation and due process to Serb defendants.

When they began hearing cases in January and February, the courts faced a high backlog of criminal cases of all kinds. By June the courts had tried 695 criminal cases, the vast majority of them petty crimes and crimes against property; only 13 of them were murder cases, and most resulted in fines or prison sentences under 6 months. An update on the number of cases tried was unavailable at year's end.

There was a perception by human rights observers that in cases with Serb defendants or victims, a fair trial was unlikely due to ethnic bias. In July two Kosovar Albanians allegedly shot and injured three Serb Orthodox clerics (see Sections 2.a. and 5). Police arrested the accused, who were charged with attempted murder. When confusion and miscommunication led the victims missing a court date, the Albanian judge and prosecutor ordered the release of the defendants from pretrial detention. The court president subsequently rescheduled the hearing, and UNMIK assigned an international prosecutor to the case.

After the NATO campaign and Yugoslavia's withdrawal from Kosovo, Kosovar Albanian judges were unanimous in rejecting Yugoslav and Serbian law. On December 12, 1999, UNMIK issued Regulation 1999/24, which defined applicable law in Kosovo to include both UNMIK regulations and legal codes in effect as of March 1989, when Kosovo lost its autonomy. Local legal and judicial personnel were enjoined to apply the Kosovo code in effect in 1989 first, and to proceed to the Yugoslav and Serbian codes to the extent that the first was incomplete. UNMIK Regulation 1999/24 bound all public officials to respect international human rights laws and conventions; although they initially largely were unacquainted with these, international organizations and NGO's implemented programs to increase awareness and application.

Kosovar and European legal experts reviewed the compilation of applicable criminal law to ensure compliance with generally accepted international standards. Legal experts then reviewed a criminal code for Kosovo based on the regulation's guidance, but have not yet issued the new codes.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under UNMIK, authorities generally respected these rights; however, individuals occasionally accused KFOR and U.N. Police of using excessive force and improper behavior in executing weapons searches in private homes, including breaking down doors and destroying personal property.

In Mitrovica Serbs in the northern part of the city continued to seize Albanian property, resulting in over 60 reported illegal house occupations during the summer months. Albanians in the southern part of Mitrovica continued to refuse Serbs access to their property there as well. Civilians were also responsible for the destruction, often through arson, of private property (see Section 5). There were a growing number of credible reports of violence and intimidation being used to force Serbs to sell their homes to Albanians at attractive prices.

Respect for private property rights has proved problematic. Withdrawing Yugoslav forces destroyed most existing property records and this, combined with the disruption of 10 years of Serbian authoritarianism and discrimination and the massive property destruction during the conflict, cast doubt over how current occupants of vacated properties could remain where they were living, how owners could reclaim rightfully their property, where returnees and internally displaced persons (IDP's) could live and build, and how potential investors could gain title to land before investing significant sums. UNMIK created by regulation the Housing and Property Directorate and the Housing and Property Claims Commission responsible for resolving property issues and adjudicating disputes including claims for restitution of property lost through discrimination, requests for registration of informal property transaction, and claims by refugees and IDP's who lost their property. However, the Directorate and only had offices in Pristina, although with mobile teams heard disputes elsewhere. The regulation setting up the Housing and Property Claims Commission removed court jurisdiction over private (as opposed to commercial) property disputes. As a result, most property disputes remained unresolved. There were locally administered ad hoc solutions, and unregulated construction proceeded even as solutions for those persons without accommodation still were lacking.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

UNMIK regulations provide a framework for recognition of these rights, prohibit hate speech, and regulate media conduct; however, local media and some international media organizations and attorneys criticized UNMIK regulations on speech and the press as undemocratic and an infringement on the freedom of speech and of the press.

UNMIK Regulation 1999/24 requires that public officials respect international human rights laws and conventions, including the Universal Declaration of Human Rights, which recognizes freedom of speech and of the press. Through its regulation establishing the Department of Post and Telecommunications, UNMIK asserts control over broadcasting infrastructure; the OSCE oversees the Department of Media Affairs. In February UNMIK issued Regulation 2000/4, which prohibited hate speech and speech that incites ethnic violence.

In June UNMIK issued Regulations 2000/36 and 2000/37 on the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board. The TMC is responsible for publishing a broadcast code of conduct and issuing licenses, for issuing temporary codes of conduct for print media, and for imposing sanctions, up to and including closing down offending media organs, in the event of violations of UNMIK regulations or published codes of conduct.

Newspapers resumed publishing, and by year's end, there were seven daily newspapers and seven weeklies or monthlies. All newspapers published in Kosovo were printed in Albanian; journals in Serbo-Croatian were printed elsewhere and imported. The main dailies are aligned with different political parties. While flourishing, the print media often acted irresponsibly, publishing inflammatory articles that provided personal data including names and addresses of alleged war criminals or collaborators and inciting violence against political personalities. For example, the daily Dita published an article on Petar Topoljski, an UNMIK Serb employee who subsequently was murdered (see Section 5). In reaction UNMIK promulgated Regulations 2000/36 and 2000/37, which prohibited the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise.

In July Dita accused Serbian Orthodox priests of war crimes. The Orthodox Church denied that photographs published with the article depicted any known priests. Two ethnic Albanians subsequently attacked and injured a priest and two seminarians, (see Sections 1.e. and 5). The newly appointed TMC fined the newspaper \$12,200 (DM 25,000). In its decision on Dita's appeal of the fine, the Media Appeals Board ruled that since the situation in Kosovo approximated a state of emergency, UNMIK's regulation did not violate international human rights laws and that Dita's article violated the UNMIK Regulation. However, the Board decided that the TMC did not apply proper procedures in fining Dita, and overturned the penalty.

At year's end, there were over 50 radio and 9 television stations. While the television broadcasts were exclusively in Albanian, several radio stations broadcast in Serbo-Croatian for a Serbian audience, and others, notably Radio Kontakt (which also broadcast in Albanian, Turkish, and English) aimed at a broader multiethnic audience.

There were some attacks on journalists. Radio Kontakt was the target of a grenade attack on April 17. On June 20, Valentina Cukic, an editor of Serbian language programming for Radio Kontakt, was shot and wounded in Pristina while wearing her KFOR press identification. Radio Kontakt previously had sought protection from CIVPOL, KFOR, and the OSCE in response to threats and violence against the station, which promotes multiethnic programming. In response, CIVPOL provided protection details for Radio Kontakt personnel, as well as security at the station premises. A writer for the daily Bota Sot claimed that an unknown assailant threw an explosive device into his yard in Prizren in August. In September unknown assailants shot, stabbed, and killed Shefki Popova, a newspaper reporter, outside his apartment in Vucitrm (Vushtri). A radio journalist, Marjan Melonasi, disappeared the same weekend (see Section 1.b.). In October Dita reported that LDK sympathizers on their way to a rally near Urosevac (Ferizaj) beat a radio reporter. Anecdotal evidence suggests that the intimidation of journalists, like other public figures, is underreported due to concerns for personal safety.

The University of Pristina was in full operation beginning with the 2000-01 academic year, with new and pre-1989 staff. The university terminated and expelled six professors who cooperated with Yugoslavia by teaching after 1989, when Kosovo lost its autonomy and a shadow education system was established. UNMIK respected academic freedom.

b. Freedom of Peaceful Assembly and Association

UNMIK generally respected freedom of assembly; however, occasionally it limited this right.

On February 11, in Mitrovica Serbs in the northern part of the city violently forced Albanians out of their homes, killing eight in the process. Approximately 100,000 Albanian Kosovars marched in protest to Mitrovica from Pristina and other towns en route. Although the march itself was peaceful, KFOR prevented any attempt by the marchers to cross the bridge over the Ibar River into north Mitrovica and used tear gas to disperse those demonstrators who would not leave the bridge area at the end of the march.

Several demonstrations protested against UNMIK and the international community for not doing enough to locate missing persons, including a May hunger strike by about 15 persons in Pristina. In September about 60 persons who had been released from detention in Serbia went on a hunger strike in Dubrava to protest the continued detention of ethnic Albanians by the Belgrade regime.

In September local civil society representatives, joined by political parties and international representatives, organized a "Day Against Violence" as one element of reconciliation initiatives discussed at an overseas conference in July on reconciliation.

In its regulations governing the definitions of and registration requirements for both political parties and NGO's, UNMIK stated specifically that such regulations did not affect the right to association and UNMIK generally respected this right.

c. Freedom of Religion

UNMIK respected the right to freedom of religion, and Regulation 1999/24 binds local officials to respect this right under international human rights laws and conventions.

The effects of the Milosevic regime's oppression in Kosovo still are felt strongly. While the Milosevic regime and its local paramilitaries targeted persons and properties based largely on ethnicity, most Albanians are Muslims, and Yugoslav forces destroyed or damaged a number of mosques and other Islamic facilities prior to their withdrawal in June 1999. Given the strong association between Serbs and the Serbian Orthodox Church, ethnic Albanians attacked churches as symbols of the Serbian regime. Following Yugoslavia's withdrawal in 1999, over 100 Serbian Orthodox churches were burned or destroyed in retaliation (see Section 5). In light of societal violence against properties owned by the Orthodox Church, UNMIK authorities took steps in the months following the conflict to ensure that members of all religious groups could worship safely, including deploying KFOR security contingents at Orthodox religious sites throughout the province. Because the security situation improved at the end of the year, KFOR began transferring responsibility for security at a very limited number of Orthodox churches to CIVPOL and the KPS.

In July Dita accused Serbian Orthodox priests of war crimes. The Orthodox Church denied that photographs published with the article depicted any known priests. Two ethnic Albanians subsequently attacked and injured a priest and two seminarians, (see Sections 1.e., 2.a., and 5).

Kosovo's leading Orthodox cleric, Bishop Artemije, continued to reside in Gracanica, near Pristina, citing safety concerns, rather than in the diocesan seat in Prizren. Other leading Orthodox clerics also left their home parishes to reside in Gracanica.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Applicable law provides for freedom of movement; however, both the aftermath of war and practical obstacles restricted such movement in practice. Serbian and Yugoslav forces carried out a deliberate campaign of "identity cleansing" during the war, confiscating and destroying citizen identification documents and destroying the central and municipal archives and civil registers, with the result that many Kosovars had no documentation of identity. Some persons who retained Yugoslav passports found them invalid or unrecognized by neighboring

countries due to the war. UNMIK published a regulation in March that authorized the Central Civil Registry to issue travel documents to any person registered as a habitual resident of Kosovo. The complexities of registering mass numbers of persons without any personal documentation drew out the process. In the interim, the SRSG issued individual travel letters in limited cases, but only a few countries recognized these documents. In September the U. N. submitted a sample travel document to member states for approval. However, because UNMIK was unable to issue identity cards until the end of the year, new travel documents were not issued.

While precise figures are unavailable, substantial numbers of Serbs and Roma fled Kosovo following the conflict. Many displaced Serbs did not register with international agencies, but there are estimates of up to 150,000 Kosovar Serbs in Serbia, with an undetermined small additional number in Macedonia and approximately 30,000 displaced Kosovar Serbs, Roma, and other minorities in Montenegro. Numbers of displaced Roma are also difficult to estimate, although some sources report that as many as 25,000 Roma fled Kosovo in the aftermath of the conflict. Most did not return. Those who remained in Kosovo or who did return led lives restricted by the ethnic threats from some of their Albanian neighbors (see Section 5).

After Milosevic withdrew Yugoslav troops in June 1999, the UNHCR oversaw the return of some 882,000 Kosovar refugees and IDP's from surrounding regions and other countries; about 150,000 have returned since the beginning of the year. While UNMIK and the international community were able to address many of the most pressing problems of the returnees, problems remained in obtaining sufficient housing, social services for the most vulnerable, property records, and education. Based on the establishment of a civil administration by UNMIK, several countries that had offered temporary refuge to ethnic Albanians forced by Milosevic to leave Kosovo ended their programs and began forcing the refugees to return to Kosovo, which tested the capacity of the province to absorb returnees. In October UNMIK asked countries to suspend returns until March of 2001.

About 100,000 Serbs, 30,000 Roma, and 67,000 other minorities remained in Kosovo. Most of the 150,000 Serbs and about 30,000 Roma who fled when Yugoslav forces withdrew did not return, except in individual cases, due to fear of ethnic violence should they return without sufficient security safeguards and due to lack of economic opportunity, housing, and other basic services. UNMIK, the UNHCR, and the international community began a minority stabilization program to address some of these assistance needs. Although the high level of anti-Serb violence that characterized the period just after Yugoslavia's withdrawal decreased significantly, ethnically motivated violence and crime continued to be serious problems for minorities (see Section 5). Several villages that were once ethnically mixed have become almost entirely Albanian, with Serb residents moving to Serb villages elsewhere in Kosovo or leaving altogether. KFOR and UNMIK provided security to enclaves and minority settlements, and escorted minority members who left their residence areas to visit family, gather fuel, shop for food and other goods, attend school, and receive medical care. KFOR regularly escorted convoys of private vehicles, and the UNHCR provided buses to transport Serbs in larger numbers between enclaves and into Serbia. In February a rocket attack on a UNHCR bus killed two Serbs and wounded several more; as a result, the UNHCR suspended bus service for several weeks (see Section 5). Serbs throughout Kosovo and Roma in some areas reported that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians. On November 8, unknown assailants shot and killed four displaced Ashkali who had returned to their village of Dosevac (Dashevc) near Srbica (Skenderaj) to rebuild their houses, which were destroyed during the war (see Section 5). Most minorities—including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma—lived alongside ethnic Albanians and reported that their security situation improved over the course of the year, although incidents of violence and harassment continued to occur and their freedom of movement is restricted in some areas of Kosovo. The Turkish community is more closely integrated with Albanians and is less threatened than other minorities. The remaining Roma in Kosovo largely were settled in enclaves and settlements and were dependent almost wholly on humanitarian aid.

In April the Interim Administrative Council (IAC) endorsed a Declaration and Platform for Joint Action, under which key Albanian leaders visited those areas where local Albanians and Roma were trying to establish more cooperative interethnic relations, thus encouraging a climate conducive to the return of those who fled the province earlier. Roma still experienced difficulty in obtaining freedom of movement. The degree of harassment by neighboring Albanians varied, with a greater degree of difficulty for the Roma living in Kosovo Polje (Fushe Kosova), Obilic (Obiliq), Podujevo (Podujeva), Lipjan (Lipjan), and Gnjilane (Gjilan) (see Section 5). However, there were areas, notably around Urosevac (Ferizaj) and Djakovica (Gjakova) where Roma, Egyptians, and Albanians reportedly cohabited without major incidents. Both Roma and Serb families were reluctant to send their children to school, citing security concerns.

In early May UNMIK established the Joint Committee on Returns with participation from KFOR, the UNHCR, and the Serb National Council to facilitate and coordinate returns of minorities to Kosovo.

In Mitrovica there were restrictions on freedom of movement due to ethnically based harassment (see Section 5).

There were no reports of the forced return of persons to a country where they feared persecution during the year.

UNMIK and local authorities cooperated with the UNHCR to assist returning refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

From 1989 until NATO's intervention, Kosovar Albanians expressed their frustration with the province's status within Serbia through a boycott of the political system and did not attempt to affect the Government through the electoral process. After the withdrawal of Yugoslav forces in 1999, UNMIK, the OSCE, and other international actors, including donors, began to prepare for municipal elections, with the aim of eventually organizing elections for a Kosovo-wide government. One of the most critical elements of the establishment of both a civil

administration and an electoral process was the registration of Kosovo's legitimate residents, following Yugoslavia's "identity cleansing" (see Section 2.d.).

At the conclusion of the electoral registration effort by the OSCE, about 901,000 of an estimated population of over 1 million persons successfully registered. UNMIK established a Central Election Commission, which was charged with establishing electoral rules and with organizing the operational details of the elections; there were also municipal election commissions in each of the 30 municipalities where elections were held. Pursuant to a registration process established in March, 22 political parties, 1 coalition of 6 parties, 3 citizens' initiatives (grassroots organizations formed for political purposes), and 16 independent candidates registered to run for office. Serbs, citing security concerns and a lack of freedom of movement, did not participate in the registration process and boycotted the October municipal elections. Many Turks, due to a dispute with UNMIK over the use of the Turkish language in official documents and procedures also did not participate, although one Turkish political party did. Other minorities participated in registration and in the elections. Several fielded political parties and citizens' initiatives that won municipal seats in the vote or agreed to accept appointed seats after the elections.

Campaigning for the municipal elections began officially on September 13. Earlier in the summer, there was an increase in violence that appeared to be related to the election. Political parties, especially the LDK but also the PDK and other parties, reported attacks on political figures, both before and after the October municipal elections (see Sections 1.a. and 1.c.). In most cases, no suspects were found; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases. For example, in June an LDK official was beaten in Urosevac (Ferizaj). On July 18 and 21, LDK officials were attacked in Lipjan (Lipjan). On August 2, Sejdi Koca, an LDK leader in Srbica (Skenderaj), was shot; during that week an LDK official also was shot in Podujevo (Podujeva). On August 18, a bomb attack damaged the office of the Party of Democratic Action, Kosovo's Bosniak party. It was not clear whether the attack was directed at the party office, the office of a Turkish political party nearby where an employee was slightly injured, or the office of the Serb Center for Peace and Tolerance. Supporters of rival political parties challenged LDK activists in Lipjan (Lipjan) several times, once disrupting a rally by hurling objects. The PDK reported that unknown arsonists burned down a neighborhood office in Pristina on September 22. A local newspaper reported that LDK supporters beat a radio journalist. In mid-November, an unknown assailant shot and badly wounded Shkelzen Hyseni, the newly elected LDK assemblyman in Pec (Peja). On November 30, LDK branch committee member Ejup Visoka was shot twice in a drive-by shooting in Podujevo (Podujeva); he was wounded in the arms and stomach. Also in November, unknown assailants attacked the wife of Elez Nikqi, Rugova's bodyguard, cutting her across the throat.

After investigating several of these incidents, on October 3 the OSCE's Election Complaints and Appeals Sub-Commission (ECAC) imposed on political parties a series of penalties. These penalties included fines of up to \$2,400 (DM 5,000) and, in one case, a candidate being stricken from the PDK list of candidates.

Despite the violence in some areas prior to election day, the elections themselves were held on October 28 without significant violence. Voter turnout was high (about 75 percent). International and domestic observers reported some irregularities and logistical flaws. In Pristina a few underage persons were observed voting. Voters' lists were incomplete and cumbersome. Late polling station openings and a lack of crowd-flow systems at many stations resulted in long lines and occasional minor crowd unrest. Election officials were able to address most problems during the course of the day. The Council of Europe observer mission concluded that the elections were carried out in accordance with international democratic standards and met the criteria for credible elections. The LDK won 58 percent of the overall vote, compared with 27 percent for the Democratic Party of Kosovo (PDK) and less than 8 percent for the Alliance for the Future of Kosovo (AAK). A number of small parties won the remaining votes. On November 27, newly elected municipal assemblies were sworn in. Members of the assemblies in three Serb-majority municipalities where elections were boycotted were selected and sworn in during December.

Yugoslav authorities organized polling sites inside Kosovo for those who wished to vote in Yugoslavia's federal elections on September 24. According to UNMIK, which did not itself support this electoral activity but which sent out several hundred "witnesses," approximately 45,000 of roughly 60,000 eligible Kosovar Serbs turned out, but only a handful of Kosovar Albanians voted. The Yugoslav elections were peaceful; however, the voting was conducted in a disorganized, illegitimate, and fraudulent manner. The Serbian opposition alleged fraud and vote tampering in the northern part of the province, including one stolen ballot box in Leposavic and opposition election observers being denied access to polling areas. On December 23, Serbian parliamentary elections took place throughout Serbia, including Kosovo. Although KFOR and CIVPOL monitored the security climate, there was no international "witnessing" effort. No security incidents were reported.

Pursuant to UNSC Resolution 1244, UNMIK established the Joint Interim Administrative Structure (JIAS) for Kosovo, intended not only to provide a joint U.N.-Kosovar administration of services and revenue collection but also to supplant self-appointed administrators and officials throughout the province. The JIAS includes the SRSG, the Kosovo Transitional Council (KTC), the IAC, and 20 administrative departments. The 36-member KTC is designed to reflect the pluralistic ethnic and political range of Kosovar society and is the highest level Kosovar advisory body. The eight-member IAC makes policy recommendations and serves as an executive board for the administrative departments and also includes minority representation. The departments, each with a Kosovar and an international co-head, provide social and administrative services, collect and manage revenues, and implement policies established by the other elements of the JIAS. The structure is mirrored on the municipal level, where municipal councils were elected on October 28.

No legal restrictions exist on women's participation in government and politics; however, they are underrepresented. According to women's groups, few women traditionally entered politics because of a lack of interest, money, education, and family support. Nonetheless, women held 7 of the 36 KTC seats, women led at

least 2 political parties, and the UNMIK electoral regulation required that party candidate lists for the municipal elections include a set quota of 30 percent women. However, the "open list" ballot apparently allowed voters to vote around female candidates, resulting in only 76 women elected to office in the October municipal elections, or 8.26 percent of total municipal assembly seats. In addition UNMIK appointed two women as co-heads of departments under the JIAS.

No legal restrictions exist on participation by ethnic minorities in government and politics. The Kosovar co-head positions in JIAS departments are shared by minority groups, with two such positions reserved for Serbs and two for other minority members. A prominent Serb observer sits on the Interim Administrative Council; five Serbs hold positions and five other members of ethnic minorities hold positions on the KTC, as well as one Roman Catholic cleric. Although Kosovar Serbs boycotted the municipal elections, several ethnically based political parties registered candidates.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

UNMIK and the OSCE continued their encouragement of the development of civil society, including domestically based NGO's. A broad range of U.N. agencies and numerous international organizations and NGO's pursued operations in the province to assist with administration and to provide relief to all Kosovars as they faced the aftermath of war. This included assistance to hundreds of thousands of returning refugees, support for the search for the missing, and social services to ameliorate the effects of trauma. UNMIK issued a regulation in November 1999 on NGO registration. Over 300 domestic NGO's are registered and active in the province.

Human rights monitors including those of the OSCE, as well as some associated with domestically based NGO's, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation. Monitors and observers also looked into reported abuses by members of the KPS, KPC, CIVPOL, and KFOR. The ICRC gained full access to prisons and detention centers throughout Kosovo in exercise of its humanitarian mandate (see Section 1.c.). UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring. Although UNMIK and the OSCE did not reach agreement on procedures, OSCE monitors generally were able to carry out their mandate on an ad hoc basis in most courts and gained limited access to prisons and detention centers.

In June UNMIK established the office of Human Rights Ombudsperson to ensure Kosovars' rights under international human rights laws and to investigate allegations of abuses. Marek Nowicki of Poland was appointed to the position in August, and the Ombudsperson's office opened on November 21.

UNMIK cooperated with the ICTY and ICTY investigators and field teams made numerous trips to the province to investigate alleged war crimes committed there and to gather data, particularly through the exhumation of victims, necessary to the prosecution of such crimes.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

UNMIK's regulation on applicable law specifically prohibits discrimination on the basis of gender, race, religion, or ethnic origin.

Women

Rape and a high level of domestic violence remained serious, persistent problems. There are no governmental agencies dedicated to coping with family violence. Applicable criminal law, as defined by UNMIK regulation, is incomplete in addressing both domestic violence and sexual crimes. Several domestic and international NGO's pursue activities to assist women, but they are constrained to some extent by a tradition of silence about domestic violence, sexual abuse, and rape. In Kosovo's traditionally male-dominated society, it is culturally acceptable for men to beat their wives; credible sources report that violence against women has increased in the post-conflict period. Few victims of spousal abuse ever file complaints with the authorities.

Rape is underreported significantly due to the cultural stigma attached to victims and their families. Tradition prevents much discussion of the topic of rape among ethnic Albanians, since the act is seen as dishonoring the entire family. The prevalence of rape by Yugoslav and Serbian forces during the conflict has heightened the profile of rape as a form of war crime, but few individual women have come forward publicly. There has been a reluctance to file charges with the ICTY, for example. U.N. Police registered over 95 rapes and rape attempts in the province during the year. However, there is credible anecdotal evidence, supported by customary practice, that rape is underreported significantly.

The province served increasingly as a transit point and destination for trafficking in women for the purpose of forced prostitution (see Section 6.f.).

Women traditionally do not share status equal to men, and relatively few women obtain upper level management positions in commerce or government, although there is no legal restriction on their doing so. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their families, long have subjected women to discrimination. In some rural areas, women often are little more than serfs, without the ability to exercise a right to control property and children. Women widowed by the recent war risked losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. While legally women and men equally are entitled to inherit property, it is

customary that family property passes to men only. Particularly in rural areas, when a man dies, his widow often is returned to her birth family and his family assumes his land, leaving the widow without property.

UNMIK's Office of Gender Affairs worked to coordinate gender issues throughout the programs of all UNMIK offices. It identified a network of gender focal points in all JIAS departments and in UNMIK's regional and municipal offices that were responsible for initiating and implementing gender policy in their respective areas and for facilitating consultation between UNMIK and women's organizations. UNMIK Regulation 1999/24 binds government officials to abide by the provisions of international human rights law and conventions, but that requirement has not yet benefited women's lives in rural areas.

In population centers, the presence of UNMIK and an unprecedented number of international and nongovernmental organizations has opened a large number of previously unavailable jobs to women. UNMIK police and the OSCE launched an aggressive campaign to recruit women for the Kosovo Police Service (they make up 17 to 20 percent of the force). Women are increasingly active in political and human rights organizations. Women led two political parties, and several professional women worked as NGO and human rights activists.

Children

UNMIK established the JIAS Departments of Education and Science and of Health and Social Welfare, which address concerns about children's education and health. Following Kosovo's loss of autonomy in 1989, Albanian parents refused to send their children to Serb-run public schools and developed a "shadow" education system. The quality of education was uneven and the divisions inherent in society were replicated in children's schooling. In 1999 conflict and the Serb ethnic cleansing campaign disrupted the spring term of the school year. Although many schools reopened for the 1999-2000 academic year, extensive damage to many school buildings, a lack of educational materials, and persistent electrical power outages hindered the full functioning of the education system. Serb and Roma parents were reluctant to send their children to the reopened schools despite the efforts of the authorities to provide security. As the school year progressed, international organizations rebuilt and equipped schools and the numbers of students enrolled increased.

All schools opened on time for the 2000-2001 academic year. UNMIK issued a regulation on August 30 making enrollment in public school compulsory for children between the ages of 6 and 15 (with only minor exceptions). The regulation made no provision for a waiver due to ethnic concerns. At least one school, in Pones (Ponesh), enrolled Serbian in addition to Albanian children, but most minority children continued to attend separate schools. In rural areas, lack of transportation made families reluctant to send girls to school since the prospect of future employment was slim.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children. The health situation for children remained particularly poor. Humanitarian aid officials blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, primarily on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. The high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead at the Trepca industrial complex, likely contributed to poor health conditions as well.

The province served as a destination and transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

There was no societal pattern of abuse of children.

People with Disabilities

Although the law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services, inadequate facilities and the level of unemployment posed obstacles to the employment of the disabled. The law mandates access to new official buildings; however, it is not enforced in practice.

Religious Minorities

Religion and ethnicity are intertwined so closely that it is difficult to clearly identify discriminatory acts as primarily religious in origin rather than ethnic. Kosovar Serbs, in particular, identify themselves with the Serbian Orthodox Church, which defines not only their religious but also their cultural and historical perspectives. However, the views of all ethnic groups have been influenced strongly by religion, and some instances of ethnic discrimination or tension may have religious roots.

Although UNMIK continued to take steps to ensure that members of all religious groups could worship safely, Bishop Artemije, the leading cleric of the Serbian Orthodox Church in Kosovo, remained at a monastery in Gracanica, near Pristina, rather than at his seat in Prizren (see Section 2.c.). Despite the KFOR presence, there were attacks on Orthodox churches. In April in Mitrovica a crowd of rock-throwing Albanians attacked Serbs and their KFOR escorts during a religious ceremony for Orthodox Easter. On April 28, unknown perpetrators rigged an antitank device that blew up the church in Gmcar (Gerncar); since the Easter service was postponed, congregants were not harmed. After the withdrawal of Yugoslav forces in 1999, ethnic Albanians attacked Serbian Orthodox churches and burned or otherwise destroyed over 100 of them, including 20 during the year. On December 22, unknown assailants threw a hand grenade at the only functioning Serbian Orthodox church in

Pristina, breaking windows and causing other damage. The daily newspaper Dita published a story in July that alleged that Orthodox priests committed war crimes (see Section 2.a.), and assailants subsequently shot and wounded a Serbian Orthodox priest and two seminary students in a drive-by shooting.

National/Racial/Ethnic Minorities

Although the high level of retaliatory anti-Serb violence that followed Yugoslavia's 1999 withdrawal dropped significantly, ethnically motivated violence and crime continued to affect minorities. Serbs, Roma, and other minorities were victims of murder, kidnapping, assault, and property crimes, especially arson.

On February 2, unknown assailants killed Josip Vasic, a prominent doctor and member of the Serb National Council in Gnjilane (Gjilan). Also on February 2, unknown assailants fired on a KFOR-escorted, UNHCR bus traveling to Mitrovica from the Serb village of Banja carrying 49 Serbs, and killed 2 persons. In Novo Brdo (Novoberde) district, unknown assailants stabbed the last remaining Serb in one village, a woman, in February. On February 18, a Serb man was found dead in Podujevo (Podujeva) with gunshot wounds to the mouth and eye and his identity card pinned to his chest. On March 11, the body of a Serb man was found near Gracanica Lake; he had been shot and killed. On April 3, the body of a Serb man was found, bound and shot, in Pristina. On May 16, police found the remains of Petar Topoljski, a Serbian UNMIK employee, following publication by the Pristina-based newspaper Dita of an article identifying Topoljski as a member of a Serb paramilitary unit (See Section 2.a.). On August 27, an 80-year-old Serbian farmer was shot and killed in Crkvena Vodica. On September 14, a Serb woman was shot and killed in her home in Kamenica. On October 4, the body of a 60-year-old Serb shepherd with gunshot wounds was found near Strpce (Shterpc) after he was reported missing. Assailants killed Serbs in incidents throughout the year in Gnjilane (Gjilan) district. In March and April alone, 60 Serb families there sold their property and departed for Serbia.

Serb children also were targeted. On August 18, 10 children were wounded by a grenade thrown from a passing car onto a basketball court in the Serb village of Crkvena Vodica. On August 27, a Kosovar Albanian intentionally ran over four Serbian children in two different villages, causing the death of one child and the serious injury of several others. On May 28, an ethnic Albanian male opened fire on a group of Serb men in front of a shop in Gnjilane (Gjilan), killing three persons, including a 4-year-old child (see Section 1.d.).

Serbs were also victims of beatings, grenade attacks, and arson. A total of 522 cases of arson were reported during the year.

In June local Serbs in Srbica (Skenderaj) allegedly attacked members of the Albanian Behrami family, killing two. In the village of Cubrelj (Cubrel), a group of Serbs killed two Albanians on June 12, the first anniversary of the conclusion of the NATO military campaign.

Other minorities were also victims of violence. In January unknown persons killed four members of a Bosniak family in Prizren. In April 15 Albanian men beat a 70-year-old Bosniak woman in Pec (Peja).

On April 3, unknown assailants kidnaped Metodije Halauska, an 86-year-old Czech man, from his home in Pristina, beat him, and shot him in the back of the head.

On January 12, four members of a family of Torbesh (Muslim Slavs) were shot and killed in their home by an unknown assailant in Prizren.

On May 24, an Albanian youth shot and wounded a Gorani woman in Pristina, reportedly because she did not speak Albanian. Minority communities in Prizren were subject to violent attacks, intimidation, and arson during the year.

On November 8, unknown assailants shot and killed four displaced Ashkali who had returned to their village of Dosevac (Dashevc) near Srbica (Skenderaj) to rebuild their houses, which were destroyed during the war. Three members of an Ashkali family died in the Lipjan (Lipjan) area during the first week of August when a fire set off a grenade in their courtyard. It was not clear whether the grenade had been placed as a booby trap. In November in Urosevac (Ferizaj), unknown assailants murdered a 13-year-old Gorani boy and burned his body.

There were reports of the ethnically motivated murder of Roma by unidentified Albanians. Roma were targeted because they are perceived as Serb collaborators by ethnic Albanians. On March 4, unknown persons shot and killed a 50-year-old Romani woman in Gusica and then set her house on fire. On March 27, a Rom was found strangled to death in Istok (Istog). On April 19, in Pec (Peja) two unidentified men shot and killed a Romani man. In April the European Roma Rights Center reported that two Romani boys and a Romani woman were killed by unknown assailants in Pec (Peja). In August three Roma were killed and one was injured by a mortar bomb tied to their fence in Mali Alas, near Pristina.

Roma also were subject to beatings, harassment, and attacks on property. According to the European Roma Rights Center, on April 13, four armed men who represented themselves as members of the KLA, allegedly took a Romani man out of his house in Prizren, beat him, and threatened him. On May 17, an unidentified man beat a Rom in Trebovic. Numerous Roma were injured by hand grenades thrown at their houses. Unknown persons also burned Romani houses in Prizren, Gnjilane (Gjilan), Gorna Brnjica, Pec (Peja), Orahovac (Rahovec), and other cities.

The remaining Roma in Kosovo largely were settled in enclaves and encampments and were almost wholly dependent on humanitarian aid to survive. In Kosovo Polje (Fushe Kosove), Podujevo (Podujeva), Lipjan

(Lipjan), and Gnjilane (Gjilan), there was some degree of harassment by neighboring Albanians, especially in the latter two towns. The UNHCR reported discrimination by Albanian hospital workers against Roma.

Civilians were responsible for the destruction, often through arson, of private property. There was a growing number of credible reports of violence and intimidation being used to force Serbs to sell their homes to Albanians at attractive prices. Of the approximately 120,000 homes damaged by Yugoslav and Serbian forces and paramilitaries from 1998 on, 50,000 houses were beyond repair and, despite the efforts of international organizations another 38,000 houses were not habitable (see Section 1.f.).

Serbs and Roma who did not leave when Yugoslav forces withdrew lived primarily in enclaves, except for the Serbs in the north of the province, where Serbs and Albanians effectively partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposavic, Zubin Potok, and Zvecan, and in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and UNMIK provided security to these enclaves, settlements, and camps, and escorted minority members who left their residence areas as well as convoys of private Serb vehicles. The UNHCR provided buses to transport Serbs in larger numbers between enclaves and into Serbia to take care of personal business.

In Mitrovica Serb and Albanian Kosovars restricted each other's freedom of movement (see Section 2.d.). After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Ethnic Albanians who sought to return to their homes in the north were subject to violence and intimidation by ethnic Serbs, and about 1,500 who live in the northern section of town reported repeated harassment. For example, in April a group of Serbs set fire to 3 Albanian homes and damaged over 20 U.N. vehicles in north Mitrovica. Ethnic Serbs stationed near the bridges monitored persons who crossed the Ibar River from southern Mitrovica into the northern part of the town. Serbs in the northern part of the city continued to seize Albanian property, resulting in over 60 reported illegal house occupations during the summer months. At the same time, ethnic Serbs, including some who owned property there, were unable to move freely in the southern part of the town without similar harassment from ethnic Albanians.

Politically, both Serbs and Roma made some progress. The Serbs in particular, through the Gracanica-based Serb National Council (SNV), participated in the JIAS organs and negotiated with the international community for increased assistance and programs in addition to more effective security.

Section 6 Worker Rights

a. The Right of Association

Under Yugoslav law, workers had the right to join or form unions; however, in practice neither the official nor the independent unions were effective in protecting workers' rights. Applicable law, pending further agreed regulations and legislation, is that in effect in March 1989, when labor and employment law reflected socialist structures inappropriate to and unenforceable in existing conditions. In creating the JIAS Department of Labor and Employment, UNMIK included in its responsibilities policy recommendations on labor practices and the rights of workers and recognized labor as one element of an eventual tripartite commission but made no mention of a specific right of association.

After the war, labor organizations, which had focused during the 1990's on members' welfare, redirected their focus to traditional labor issues. The dominant group, the Confederation of Independent Trade Unions of Kosovo (BSKP), was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990's. Its current president is a member of the KTC.

With most Albanians unemployed during the period under Milosevic, the BSKP focused more on assisting its membership to survive than on collective bargaining. The organization is working with international entities, including the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU), to rebuild its membership and its collective bargaining ability. Other trade union organizations include the Independent Trade Union of Miners and the Union of Education, Science, and Culture of Kosova, a rival educators' union to the one with membership in the BSKP. All three unions have expressed interest not only in participating in the drafting of labor legislation but also in the terms for privatization of state enterprises.

The ability of unions to affiliate internationally remains constrained in practice, although there are no legal impediments to their doing so.

b. The Right to Organize and Bargain Collectively

While draft labor legislation includes the right to organize and bargain collectively, no applicable law currently specifically addresses this right. Collective bargaining is at a rudimentary level of development. The history of trade unionism was centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group. Thus, workers in various sectors were ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal benefits, etc.) on which to negotiate. Given the poor state of the economy and the high unemployment rate, wages other than those paid by international and nongovernmental organizations rarely are paid on time, and there is little possibility for negotiation by labor organizations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor, including that performed by children, is prohibited by law and is not generally known to occur; however, the province served as a destination, source and transit point for trafficking in women and girls for the purpose of forced prostitution (see section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

Under labor law dating from before 1989, the minimum age for employment was 16, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial "retail" jobs, typically washing car windows or selling newspapers and small items such as cigarettes. With an unemployment rate in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur; however, girls are trafficked to, from, and through the province for the purpose of forced prostitution (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work

After the withdrawal of Yugoslav forces and authorities in June 1999, there was no effective minimum wage rate, as Kosovar Albanians refused to recognize the Yugoslav-Serbian legal code. The unemployment level exceeded 60 percent, and the average wage paid to those who had work was insufficient to provide a decent standard of living for a worker and family. While many international agencies and NGO's paid wages adequate to support a worker and family, UNMIK determined that wages for any jobs that eventually would be part of the province's own governmental structure, even if funded by the international community at present, should be set at a level estimated to be supportable by the consolidated budget. Salaries under the Kosovo Consolidated Budget are barely enough to support a worker and a family.

Reports of sweatshops operating in the province are rare, although some privately owned textile factories operate under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health standards, and focused their efforts instead on economic survival.

f. Trafficking in Persons

Trafficking is a serious and growing problem. Throughout the year, nothing in the applicable law, as defined by UNMIK Regulation 1999/24, provided an effective legal framework under which to address trafficking. The province was mainly a destination point, but it was also a transit point for women and girls trafficked for the purpose of forced prostitution.

UNMIK police raided several brothels and nightclubs throughout the year in Pristina, Pec (Peja), and Prizren, and found more than 50 women of Ukrainian, Moldovan, Bulgarian, and Romanian origin working as prostitutes under slave-like conditions. There were also reports of trafficked women from Albania, Belarus, and African countries. Security authorities also reported that women and girls are being smuggled through Kosovo to Macedonia, Albania, and Italy. Evidence suggested that trafficking in women was an example of a coordinated effort between ethnic Serbs and Albanians, like other areas of organized crime. There were several kidnappings and disappearances of young women who subsequently were not located. Some local sources believed that these women were the victims of traffickers in some cases, although there is no clear evidence that this was the case. Pristina and Kosovo Polje (Fushe Kosova) are major centers for trafficking. In November UNMIK and KFOR arrested 7 Kosovar Serb men for kidnapping and operating houses of prostitution; 12 Moldovan women were found and brought to a local NGO.

Women are recruited to work in cleaning jobs and are abducted and forced into prostitution. While some women were aware that they would enter the sex industry, they were not aware that they effectively would be imprisoned and unable to earn money. Trafficking victims have reported that they were subject to physical violence, rape, denial of access to health care, and confiscation of their passports.

Because prostitution is punishable under provincial law, women are often afraid to report their traffickers due to fear of arrest. In Mitrovica one woman who was believed to be a trafficking victim was convicted of prostitution. However, UNMIK police have been active in investigating and intervening in incidents of trafficking.

According to the IOM, the presence of a large international community that purchases sex services has contributed to the increase in the number of brothels that are involved in trafficking.

Several international agencies and NGO's established programs to assist the victims of trafficking with material support in returning to their countries of origin or homes, if they so wished. The IOM launched an awareness campaign directed at UNMIK, KFOR, and local men who purchase the services of women who were most likely to be trafficking victims.

MONTENEGRO

Montenegro, constitutionally a constituent republic (together with Serbia) of the Federal Republic of Yugoslavia (Yugoslavia), made progress in its efforts to build a multiparty, multiethnic, parliamentary democracy; however, a deeply rooted patronage system and corruption continued to be dominant features of political life. During the year, the Government increasingly was excluded from federal functions by then Yugoslav President Slobodan Milosevic. The Government remains minimally subordinate to Yugoslavia in foreign affairs and defense matters. Units of the Yugoslav Army (VJ) are stationed in Montenegro. President Milo Djukanovic was elected in 1997 and until the end of December headed a reform coalition, which won power in 1998 parliamentary elections that international election observers judged to be generally free and fair. Events during the year effectively steered the Government further away from the federal control of Milosevic's regime in Belgrade. Milosevic's attempts to deny Montenegro its constitutional voice in federal functions, in particular by closing Supreme Defense Council meetings to Djukanovic and by Milosevic's unilateral amendments of the Yugoslav Constitution on July 6, further undercut Montenegro's already weak role and authorities in the Federation. With Djukanovic's efforts to redefine Montenegro's relations with Serbia through political discussions rebuffed, Montenegro acquired a large degree of de facto independence, establishing its own currency, central bank, customs and diplomatic service, and an embryonic army. The Government respects the constitutional provisions for an independent judiciary in practice.

The republic police, under the authority of the Ministry of the Interior, has primary responsibility for internal security. However, the Yugoslav Second Army, which has federal jurisdiction in the republic and is under federal authority, not Montenegrin government control, made repeated attempts to usurp control over the civilian police. Some members of the security forces committed human rights abuses.

The economic transition from a state-owned to a market-based system encountered delays and resistance. The industrial sector remains largely in the hands of the republic Government and is very inefficient. The economy suffered further as a result of NATO's air campaign against Serbia in 1999 and years of sanctions and isolation, although the Government reported that the economy grew during the year. Official unemployment remains significant, and rose to at least 42 percent, but a large unofficial economy provides jobs for much of the officially unemployed. Economists estimate that actual unemployment averages 22 to 23 percent. At the same time, the Government's budgetary shortfall grew as it raised the minimum wage and strove to pay pensions on time to ensure social peace. The anticipated budget deficit during the year was expected to approximate the amount of assistance provided by foreign donors. Gross domestic product (GDP) per capita (including the unofficial economy) was forecast at \$935 for the year.

The republic Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were a number of political killings, including at least one allegedly linked to Milosevic and another linked to a VJ-supported paramilitary group. Police and VJ troops abused persons, and VJ troops harassed and intimidated citizens. VJ troops and Montenegrin police were responsible for numerous arbitrary arrests and detentions. Montenegrin police reportedly infringed on citizens privacy rights. Both republic and federal authorities restricted freedom of speech and of the press in some areas. Both VJ troops and Montenegrin police restricted freedom of movement. Violence and discrimination against women are problems. Discrimination against religious and ethnic minorities continued to be a problem. There were reports of harassment and intimidation of Muslims in the Montenegrin Sandzak region by paramilitary groups linked to the VJ. Trafficking of women and girls for the purposes of forced prostitution continued to be a problem; both federal and Montenegrin authorities allegedly are involved in such trafficking.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings by agents of the republic Government; however, political killings occurred. On May 31, one of President Djukanovic's closest advisers, Goran Zugic, was shot and killed in front of his home in Podgorica by unknown assailants. No one claimed responsibility. The killing widely was considered to be the result of orders from Milosevic; however, according to some accounts, Montenegrin criminal circles may have been responsible. There was no conviction in the case by year's end.

Paramilitaries who served in Kosovo, Bosnia, and Croatia and who were subordinated to the Yugoslav Army in Montenegro were a threat to the Djukanovic Government until Milosevic's downfall. There were widespread fears that Milosevic could order these forces to destabilize Montenegro at any moment. The paramilitaries, largely members of the Seventh Military Police Battalion, in one instance, killed a Montenegrin policeman outside a Podgorica bar on the eve of the September federal elections.

In August Milenko Vujovic, a friend and business colleague of President Djukanovic's brother Aleksandar, was shot and killed in Herceg Novi. While the crime apparently was motivated by money, some accounts alleged that the killing was politically motivated.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The law prohibits torture and other cruel forms of punishment; however, Montenegrin police reportedly at times abused persons. A member of the radical Yugoslav Left (JUL) party (founded by Milosevic's wife Mira Markovic) claimed that he was beaten by the Montenegrin police after being arrested for allegedly defacing public buildings in Podgorica on the eve of the September 24 federal elections. Other members of JUL complained of being detained without explanation and abused up by the police in Herceg Novi for putting up pro-Milosevic posters during the federal election campaign. In October masked assailants beat a member of a pro-Serbian political party. The police never located the assailants, and the Minister of Interior declined to appear before Parliament to discuss this or the previous incident in Podgorica. In Niksic police arrested and beat members of a local gang. After the arrests, police imposed a near blockade of the city in an effort to catch other members of the gang.

The VJ's Seventh Military Police Battalion—known for its fierce loyalty to Milosevic—intimidated citizens and created a climate of fear. VJ troops reportedly beat religious worshippers early in the year (see Section 2.c.). Members of that battalion also harassed and intimidated Muslims in the Sandzak region. In June battalion members entered Bijelo Polje (a town in northern Montenegro with a large Muslim population) in armored vehicles to "inspect" the town's center. At about the same time, members of this unit surrounded the police station in Berane (another multiethnic northern Montenegrin town) to underscore their demands for the release of a colleague who was arrested the night before in a drunken brawl. Members of this unit reportedly engaged in similar activities in October in the towns of Kolasin, Danilovgrad, and Mojkovac. In Plav, a northern town with a large ethnic Albanian population, members of the Seventh Military Police Battalion reportedly regularly engaged in live fire practice near the Albanian quarter.

In August VJ troops opened fire on a truck that failed to stop at a checkpoint near Bar. The driver managed to escape without injury.

The Yugoslav Army held major exercises in areas adjacent to the Montenegrin capital before and during the June 11 local elections and the September 24 federal elections. These maneuvers and aggressive VJ patrolling of major tourist areas during the height of the tourist season were intended to intimidate the Djukanovic regime and its supporters.

On June 15, gunmen reportedly linked to Milosevic's regime attempted to kill Vuk Draskovic, the leader of one of the principal opposition parties in Serbia, when he was vacationing at his apartment in Budva on the Montenegrin coast. Draskovic had survived a car accident in October 1999 that many believe was staged by the Serbian Security Service. There was no conviction in the case by year's end.

Prison conditions reportedly meet prisoners' minimum needs, but problems remain.

The Government generally permits prison visits by human rights monitors, including the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention or Exile

The law prohibits arbitrary arrest and detention; however, at times Montenegrin police arbitrarily arrested and detained persons, and the Yugoslav Army on occasion also arbitrarily detained and arrested individuals.

For example, in early February VJ forces arrested and detained two Montenegrins accused of desertion and draft evasion. In July VJ personnel arrested four Dutch, two British, and two Canadian citizens near Montenegro's borders with Serbia and Kosovo. All were charged with espionage. The British citizens claimed they were beaten by the police and nearly lynched by VJ soldiers. Following Milosevic's removal, all were released, and the charges against all eventually were dropped by the federal authorities.

The Montenegrin police harassed citizens by applying traffic laws selectively, based on the individual's political preferences. In at least one instance, police stopped a political opponent and known critic of Djukanovic, removed his license, and confiscated his vehicle for a minor traffic violation.

Forced exile is prohibited and is apparently not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary and the Government generally respects this provision in practice. The judiciary provides citizens with a fair judicial process; however, a backlog of cases, a lack of resources, and corruption remain problems. Furthermore, the judges are poorly paid patronage appointees. However, the Minister of Justice promotes legal reform actively and has made some progress in reforming the Criminal Code. The court system consists of local, district, and supreme courts at the republic level. There is also a military court system under the control of federal authorities.

The Constitution provides for the right to a fair trial and, according to most observers, the judiciary makes an effort to enforce this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such practices; however, police reportedly used surveillance and eavesdropping against members of the pro-Milosevic opposition Socialist People's Party, who charge that the Djukanovic Government both wiretaps their telephones and opens their mail. The intelligence service of the Yugoslav Army carries out electronic surveillance of key Djukanovic government telephones. The public dissemination of Yugoslav intelligence intercepts of cellular telephone conversations of Western diplomats in May made clear that the Yugoslav security service possesses and uses this capability.

In November 1999, the Montenegrin assembly passed a law granting general amnesty to persons who evaded the draft from June 1998 to June 1999. All persons reportedly received amnesty out of an expected 14,000.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the republic Government and the federal authorities restricted this right in some areas. Media and information laws do not protect the press; to a large extent libel laws discourage a free press.

The print media is not independent. Djukanovic effectively controls the print media, with the exception of the opposition daily, Dan, as well as the State public broadcasting station, Radio/TV Montenegro. A small, moderate, and pro-Yugoslav party that belongs to Djukanovic's coalition credibly charged that Djukanovic uses the media to promote independence sentiment while not permitting his coalition partner to make the case for remaining in a democratic Yugoslavia. However, during the year, the Government continued to take steps to encourage independent radio media by allocating more frequencies to independent radio stations and reducing the fees charged to them.

Lack of professionally trained staff, low professional standards, and lack of funds all hinder the development of an independent media.

Under Milosevic the Yugoslav federal authorities failed to respect the basic principles of freedom of the press in Montenegro. In early spring, the federal authorities, in conjunction with officials of the extreme left Yugoslav Left (JUL) party, set up transmitters on Yugoslav Army communications sites in Montenegro. They began broadcasting pro-Yugoslav, anti-Montenegrin propaganda (the so-called YU-INFO TV) despite a federal law that delegates to each republic the responsibility to allocate broadcast frequencies. YU-INFO TV still was broadcasting in Montenegro at the end of the year. Subsequently in August, the Milosevic regime established a studio in a Yugoslav Army facility in downtown Podgorica that used military transmitters to rebroadcast pro-Milosevic programs produced by Serbian TV (RTS). These actions were taken without consultation with the Montenegrin authorities.

In late summer, the Federal authorities also disconnected Montenegrin TV from the Serbian cable network in Vojvodina's capital city, Novi Sad.

Books expressing a wide range of political and social viewpoints are available, as are foreign periodicals and other publications from abroad. However, the supply is limited due to the economic situation and the relatively small demand.

Academic freedom generally is respected, although faculty and students at Podgorica University, who favored the Belgrade regime or the preservation of the Federation, were reluctant to discuss political matters as tensions grew between Montenegro and Serbia.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right. On the Serbian New Year in mid-January, the Government permitted a large opposition gathering to take place but had large numbers of police standing by. In February the police broke up a small opposition rally when the demonstrators appeared to be moving on the main government building. The opposition held rallies without problems during the June and September local and federal election campaigns, respectively.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution specifically recognizes the existence of the Serbian Orthodox Church, but not other faiths. The Montenegrin Orthodox Church lost its independence after the First World War, becoming part of the Serbian Orthodox Church, and was only recently re-established. The re-established Montenegrin Orthodox Church is

registered with the Government of Montenegro Ministry of Interior in Cetinje, the former capital, as a nongovernmental organization (NGO). The Government of Montenegro has been careful to remain neutral in the dispute between followers of the Serbian Orthodox Church and Montenegrin Orthodox Church, but political parties have used this issue in pursuit of their own agendas. Pro-Serbian parties strongly support moves for the establishment of an official state religion, while proindependence parties have pushed for the official recognition of the Montenegrin Orthodox Church.

Tensions between the unofficial Montenegrin Orthodox Church and the Serbian Orthodox Church worsened during the year. Violence allegedly broke out between members of the Montenegrin Orthodox Church and of the Serbian Orthodox Church in late 1999 when on November 21, 1999, Father Dragan Stanisic of the Serbian Orthodox Church reportedly hit Montenegrin Orthodox Metropolitan Mihajlo in the face during a confrontation on a road near Cetinje. According to press reports, Father Stanisic's followers then attacked Mihajlo's car, although Stanisic denies that the incident ever occurred. Approximately 250 persons demonstrated to protest the incident in Cetinje, and authorities summoned riot police and reinforcements to prevent further incidents.

The rift between the churches was highlighted again in January when a Serbian Orthodox priest delayed the traditional Christmas celebration by calling on the audience to leave the hall because Montenegrin Orthodox Metropolitan Mihailo was present. Police reportedly had prevented a parallel Montenegrin Orthodox celebration from taking place in a separate location in the town on the same day. The Serbian Orthodox Church then publicly protested the Government's tolerance of the Montenegrin Orthodox Church.

The Djukanovic Government sought to defuse tensions between the churches. However, there were reports that Yugoslav paramilitaries exacerbated such tensions. For example, in Niksic early in the year, several members of the Seventh Military Police Battalion reportedly intimidated a Montenegrin Orthodox priest in his church and beat several of his parishioners. On another occasion, Serbian nationalists near the former capital city of Cetinje beat up a Montenegrin Orthodox priest on his way to a church gathering, prompting retaliation from his supporters.

The Montenegrin Orthodox Church has claimed holdings of the Serbian Orthodox Church in Montenegro. The Serbian Orthodox Church remains the dominant faith in Montenegro and has rejected the property claims.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

The republic Constitution provides for freedom of movement, and the Government generally respects this right in practice; however, the establishment of numerous police checkpoints that carried out document checks restricted this right.

The Yugoslav Army restricted this right even more seriously. Army checkpoints close to the borders with Albania and Bosnia limited movement by residents. In the Herceg Novi, Niksic, and Pljevlja areas, VJ restrictions on freedom of movement in border areas generated antimilitary demonstrations and intervention by the republic's political authorities. However, these restrictions were not eased until the defeat of the Milosevic regime in Belgrade.

There was no official mechanism by which refugees or foreign nationals could establish residency. A new citizenship law was passed in 1999. The new law, while stringent in its requirements, provides a legal and equitable means for persons to acquire Montenegrin citizenship.

The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR). The UNHCR reports that an estimated 60,000 refugees and internally displaced persons live in the republic. The large influx of Albanian refugees from Kosovo largely has returned to Kosovo; however, a smaller but significant number of Serb and Roma refugees from Kosovo have replaced them. Conditions for refugees vary; those with relatives or property in the country have been able to find housing and in some cases employment. Roma refugees, on the other hand, live mostly in collective centers, with little or no access to health care or education.

In September before the Yugoslav federal elections, Serbian Minister for Refugees Bratislava Morina promised financial aid for Serbs and Roma from Kosovo in what was perceived by observers to be an attempt to influence voters in favor of Milosevic.

There were no reports of the forced return of persons to a country where they feared persecution during the year.

Section 3 Respect for Political Rights: The Right of Citizens to

Change Their Government

The Montenegrin Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice with respect to republic institutions, but not with federal-level institutions. In 1998 President Djukanovic became the first president popularly elected in elections that foreign observers considered generally free and fair. The republic government invited the Organization for Security and Cooperation in Europe (OSCE) to observe both the presidential elections in 1997 and the parliamentary elections in 1998, which also were judged to be free and fair. The OSCE sent observers to monitor the June 11 local elections in Herceg Novi and Podgorica, and reported that these were well conducted. In Herceg Novi, Djukanovic's coalition was defeated by the pro-Milosevic opposition party. For most of the year, the Government enjoyed the support of a multiethnic coalition in the republic assembly.

President Milosevic dominated Yugoslavia's political system until he lost power in the September federal elections. He sought to consolidate his power at the federal level at the expense of Montenegro, and by manipulating power within the Federation, Milosevic effectively forced Montenegro out of the Federation's institutions while leaving it open to the Federal Government's charges that its actions violated Yugoslavia's Constitution. President Djukanovic did not participate in the September 23 federal elections and called for citizens to boycott them. The Montenegrin Parliament declared the July 6 amendments to Yugoslavia's Constitution, including one that allowed Milosevic to run for another presidential term, unconstitutional, and Djukanovic used this declaration as a basis for his decision not to participate in the elections. The Government did not impede voting and some 600 polling stations were set up in private homes, Socialist People's Party (SNP) offices, Serbian firms, and VJ establishments. However, overall voter turnout was low.

Despite the Montenegrin Government's legal rights under Yugoslavia's Constitution, federal authorities under Milosevic's control continued to refuse to recognize the 20 Montenegrin members delegated to the upper chamber of the Federal Assembly by the Montenegrin Parliament. The Montenegrins in the federal body, including the Speaker of the upper house, were not changed to reflect the results of 1998 Montenegrin parliamentary elections. Moreover, in violation of past practice, Milosevic installed Momir Bulatovic as Federal Prime Minister, ignoring the Montenegrin Government's desire to have a voice in the selection of the federal Prime Minister. Milosevic's control over the federal courts was demonstrated when the Federal Constitutional Court ruled against the Montenegrin Government in 1999 in disallowing the Montenegrin authorities' attempt to select all 20 Montenegrin representatives to the Federal Assembly's Chamber of the Republics. The ruling was a reversal of a 1993 decision, which allowed Milosevic's ruling coalition in Serbia at the time to name all 20 Serbian representatives to the upper chamber while he was the President of the Serbian republic.

There are no legal restrictions on women's participation in government and politics; however, they are underrepresented greatly in party and government offices. There are no female ministers in the Government, and there are only five deputy ministers and three Members of Parliament. However, a woman plays a key role in the presidency of Djukanovic's ruling Democratic Party of Socialists.

No legal restrictions affect the role of minorities in government and politics; however, they are underrepresented and ethnic Montenegrins and Serbs dominate the republic's political leadership. Ethnic Albanians participate in the political process, and their parties, candidates, and voters participated in the 1997 and 1998 elections. Ethnic Muslims also participate. Albanians and Muslims followed Djukanovic's call to boycott the September 24 federal elections. The area of the republic primarily inhabited by ethnic Albanians was established as a separate voting district in the 1998 parliamentary elections and, in proportion to the region's population, five representatives were elected to the Parliament from the district. Ethnic Albanian parties captured two of the seats, with the multiethnic program of the pro-Djukanovic Coalition capturing the other three seats. Several ministerial and deputy ministerial positions in the coalition government are held by ethnic Albanians and Muslims.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operate without government restriction, and republic officials generally are cooperative and responsive to their views. Local NGO's include the Montenegrin Helsinki Committee, the Center for Democracy and Human Rights, and S.O.S., a support group for abused women and children. In addition the Montenegrin Government's pledge to cooperate with the ICTY continues. The Chief prosecutor visited the country in August.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

While federal and republic laws provide for equal rights for all citizens, regardless of ethnic group, religion, or social status, and prohibit discrimination against women, in reality the legal system provides little protection to such groups.

Women

The traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities.

The country served as a transit point for trafficking in women for the purpose of forced prostitution (see Section 6.f.).

Women do not enjoy status equal to men in the republic, and few women hold upper level management positions in government or commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their right to control property and children. However, women legally are entitled to equal pay for equal work and 12 to 18 months of maternity leave. They are active in human rights and women's organizations.

Children

The Government attempts to meet the health and educational needs of children, but insufficient and inefficient resources impeded this goal. The educational system provides 8 years of mandatory schooling. When IDP's began arriving from Kosovo in 1998, the republic government initially refused to extend this educational benefit to Kosovar Albanians. However, after having consulted with and received promises of assistance from international organizations, the Government announced late in that year that displaced children soon also would be allowed to attend school. Although ethnic Albanian children have access to instruction in their native language, the Government came under criticism for not also developing a curriculum in which ethnic Albanians could learn about their own culture and history. This situation reportedly remains unchanged. Most Roma child refugees from Kosovo do not receive any education.

There is no societal pattern of abuse of children.

The country served as a transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

People with Disabilities

Facilities for the disabled are inadequate. The law prohibits discrimination against the disabled in employment, education, or in the provision of state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

Religious Minorities

Religion and ethnicity are so closely intertwined as to be inseparable.

With the exception of tensions and incidents of violence (see Section 2.c.) between the Serbian Orthodox Church and Montenegrin Orthodox Church, relations with and between religious minorities are generally peaceful. Catholic, Muslim, and Orthodox communities coexist within the same communities and often use the same municipally owned properties to conduct worship services.

Seventh-Day Adventists and members of Jehovah's Witnesses are officially registered religions in the republic. However, their followers report that their efforts to build and renovate church buildings have been impaired by persons they believe to be loyal to the local Serbian Orthodox Church.

Ethnic Minorities

In 1999 the Government began a pilot program in ethnic Albanian communities, which devolved extensive authority, including taxation, to locally elected officials. An Albanian Democratic Union member also was appointed to the post of Minister of Minorities to ensure that equal representation and opportunities would exist for all ethnic groups. Members of the ethnic Albanian and Bosniak (ethnic Muslim) minorities are represented in the cabinet. However, societal discrimination against minorities exists. Harassment and intimidation against Muslims in the Sandzak region by Serbian nationalists and VJ troops continued (see Section 1.c.).

In the week prior to the September 24 federal elections, there were reports that several hundred Bosniaks and ethnic Albanians from Montenegro left the country for Kosovo or Bosnia. There were no direct reports of violence or intimidation, but several families reported that they left because of an increase in military conscription and an increased military presence. Most of the families were able to return home within 1 week.

There is no official discrimination against the Romani population; however, prejudice against Roma is widespread. Local authorities often ignore or condone societal intimidation of the Romani community.

Section 6 Worker Rights

a. The Right of Association

All workers except military and police personnel have the legal right to join or form unions. Most if not all of the workforce in the official economy is organized. Both official, government-affiliated unions and independent unions exist. Because the independent labor movement largely is fragmented and access to international labor organizations is limited, there have been few tangible results in the form of improved working conditions or higher wages.

Unions may affiliate with international labor organizations.

b. The Right to Organize and Bargain Collectively

This right is provided for under law, but collective bargaining remains at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally center on advancing the needs of a specific group of workers. Job security fears prevail, as a result of the high unemployment rate, and these fears limit the groups' militancy.

One factor impeding the collective bargaining power of the workers was the weak economy, in which high unemployment gave employers the upper hand in setting wages and work conditions, as workers competed for whatever jobs existed.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the republic served as a transit point for trafficking in women and girls for the purpose of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The official minimum age for employment is 16 years, although in farming communities, it is not unusual to find younger children assisting their families. Moreover, children can be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as cigarettes. The high unemployment rate ensures that there is little demand for child labor in the formal sector. Forced and bonded labor by children is prohibited by law and generally is not known to occur; however, girls are trafficked through the republic for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

Large government enterprises, including all the major banks, industrial, and trading companies generally observe the minimum wage standard, which is \$47 (94 DM) per month. However, this figure is comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage is approximately \$175 (350 DM) per month, with a disposable average wage (after social contributions and payroll taxes) of approximately \$90 (180 DM) per month. This amount is insufficient to provide a decent standard of living for a worker and family. Data for 1999 (latest available) suggests that households spent almost all of their resources on basic needs, such as food, clothing, and housing.

The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In view of the competition for employment, and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons

The law specifically forbids trafficking in persons; however, in practice trafficking is a growing problem and traffickers rarely are prosecuted. However, traffickers arrested in the spring during police raids on a brothel were prosecuted. The country is a destination and transit country for trafficked women and children. Women are trafficked from Romania, Ukraine, Moldova, China, and Russia, often through Belgrade and on to Western European countries and Kosovo. Trafficking has increased since the 1999 war in Kosovo, and Italian police weekly intercepted illegal immigrants from Montenegro. Many of these immigrants reported being victims of a trafficking scheme, some of whom were charged as high as \$1,500 (DM 3,000) to be transported. This included a large number of women and girls who were trafficked to other parts of Europe for prostitution.

Trafficked women often respond to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may be aware that they are going to work in the sex industry, they are unaware of the slavery-like conditions they may face. Many women are sold several times in different countries to nightclub owners. Their passports often are confiscated. Women have reported being beaten and raped by their traffickers.

The International Helsinki Federation reports that police and local authorities do little to stop trafficking and are often clients of nightclubs that keep trafficked women as prostitutes. Women found during police raids of bars and nightclubs during the year often were prosecuted for prostitution and deported. In some cases club owners were arrested and prosecuted for enabling prosecution; however, their sentences are generally short. The Government as a rule repatriates victims, but does not provide any other services, and there are no victim protection programs.

A small number of NGO's work on trafficking. There is at least one shelter for victims. Awareness of the problem is low.

=====

1. The report on the Federal Republic of Yugoslavia is discussed in three separate sections on Serbia, Kosovo, and Montenegro and addresses the human rights situations in each of these entities. Since federal authority was exercised effectively only over the Republic of Serbia throughout the year, the human rights situations in

Kosovo and Montenegro are dealt with in separate sections following this report.

2. Throughout this report, dual town names are given: The Serb town name, followed by the Albanian name in parenthesis, except where towns universally are known by one name.

[End.]

[Privacy Notice](#) | [Disclaimers](#) | [Archive](#)

