



Amnesty International Report 2014/15 - Serbia

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Republic of Serbia, including Kosovo

Head of state: **Tomislav Nikolić**

Head of government: **Aleksandar Vučić (replaced Ivica Dačić in April)**

Progress was made in investigations into the unsolved murders of prominent journalists. Slow progress was made in the prosecution of war crimes. The Belgrade Pride took place for the first time since being banned in 2010. In Kosovo, a special court was proposed to try former members of the Kosovo Liberation Army (KLA) for the abduction of Serbs in 1999. Violence in the north of Kosovo, inter-ethnic attacks and discrimination against minorities continued.

Background

The Serbian Progressive Party took over the government in April. In May, severe flooding left 51 dead and tens of thousands homeless.

Before the opening of negotiations on accession to the EU, the European Commission called for action plans on the rule of law and fundamental rights, and commitment to the "normalization" of relations with Kosovo.

The government adopted austerity measures, as required by the International Monetary Fund, which included cuts to public sector salaries and state pensions and restrictions on trade unions.

International justice

In January, the Appeals Chamber at the International Criminal Tribunal for the former Yugoslavia (ICTY) upheld the conviction of Vlastimir Djordjević, former Serbian Assistant to the Minister of the Interior, for murder and persecution – including sexual assaults as crimes against humanity – and the forced deportation of 800,000 Kosovo Albanians. His sentence was reduced on appeal, along with those of three other senior officials, Nikola Šainović, Sreten Lukić and Vladimir Lazarević. Former military commander Nebojša Pavković's 22-year sentence was affirmed.

Vojislav Šešelj, leader of the Serb Radical Party, indicted in 2003 for war crimes and crimes against humanity, including the forced deportation and persecution of non-Serbs in Bosnia and Herzegovina, Croatia and Vojvodina, was granted provisional release in November to receive treatment for cancer and returned to Serbia after 12 years in detention.

Domestic prosecutions were hampered by insufficient resources in the Office of the War Crimes Prosecutor and inadequate police investigations.^[1] Five indictments were published, and verdicts reached at first instance in only one case.

The Head of the Witness Protection Unit, which was alleged to have intimidated protected witnesses, was dismissed in June, allegedly for corruption. Prosecutors, police and witnesses received threats from war veterans while investigating the abduction of 19 civilians by Bosnian Serb paramilitaries in Štrpci in 1992. Fifteen suspects were subsequently arrested in December, in a joint operation with the Bosnian authorities.

An investigation started in August into Major General Dragan Živanović's command responsibility for war crimes in Kosovo, between 1 April and 15 May 1999, when he was commander of the 125th Motorized Brigade. He was suspected of failing to prevent "a campaign of terror against Albanian civilians", including murder, the destruction of houses, plunder and forced expulsion.

A new law proposed in December failed to ensure adequate reparation for civilian victims of war, including relatives of the missing and victims of war crimes of sexual violence.

Enforced disappearances

Despite the exhumation of the bodies of 53 Kosovo Albanian civilians at Raška, where they had been reburied in 1999, and further investigations at Batajnica, where over 800 bodies were exhumed in 2000-2001, there was no progress in bringing to justice those who organized the transfer of the bodies from Kosovo.

Freedom of expression

The government tightened its hold on the media. Public comments critical of the government's response to the May floods, were removed from government websites, and critical individuals summoned for "informative talks" by police. The Pesčanik website was taken down by denial-of-service attacks, after publishing allegations of plagiarism by the Minister of the Interior.

Investigations continued into the murders of independent journalists, Dada Vujasinović, Slavko Ćuruvija and Milan Pantić, allegedly killed by state agents in 1994, 1999 and 2001 respectively. Four suspects were charged with the murder of Slavko Ćuruvija, including former national security chief, Radomir Marković, previously convicted for the 2000 assassination of former President Ivan Stambolić.

In December, 11 foreign nationals and supporters of the Falun Gong movement were unlawfully detained after their proposed protest against the Chinese government was banned, and subsequently deported.

Discrimination

Roma right to adequate housing

Roma organizations initiated a draft law on the legalization of informal Roma settlements. Roma settlements were disproportionately affected by flooding in May, and 31 Roma (including 12 children), were denied access to an emergency reception centre in Belgrade and rehoused in a wartime shelter, without water or sanitation.

The EU-funded construction of social housing for Roma forcibly evicted from Belvil informal settlement in 2012 was delayed, even after resettlement sites were identified. Some 32 families chose instead to be resettled in village houses, but over 100 other families remained in inadequate metal containers. Another resettlement from Belvil, ahead of construction funded by the European Investment Bank, was delayed until December, when 24 of the 50 families were resettled. Roma and others remained at risk of forced eviction in advance of the planned demolition of their homes for the Belgrade Waterfront project.

Hate crimes

Threats and attacks against LGBTI rights defenders and organizations, including the Gay-Straight Alliance, were not effectively investigated, and the hate motive was seldom recognized and provisions for increased sentencing in cases of hate crime were rarely invoked.

In March, a police anti-terrorist spokesperson urged football fans online to attack a vigil by the NGO Women in Black, marking the anniversary of the Kosovo war. Prosecutors charged him with making threats to security, rather than with gender-based discrimination, so the hate motivation was not considered. In July, four members of the group were attacked and injured in Valjevo.

In October, after a drone bearing the symbol of Greater Albania was flown over a Serbia-Albania football match in Belgrade, at least 33 properties owned by Albanians were attacked, mainly in Vojvodina.

Refugees and asylum-seekers

Between January and October, 18,955 Serbian citizens applied for asylum in the EU, the majority of them believed to be Roma. Around 13,000 migrants and refugees, including 8,000 Syrians, registered their intent to claim asylum in Serbia, although most regarded Serbia as a transit country. Only five applicants had received asylum by mid-December in a refugee status determination process which failed to follow procedures set out in the Asylum Law. Border police reportedly pushed asylum-seekers and migrants back to Macedonia.

Kosovo

Following parliamentary elections held in June, the Democratic Party of Kosovo, led by Hashim Thaçi, failed to gain a majority over a coalition of opposition parties, leading to a political impasse. In December, a coalition government with Isa Mustafa of the Democratic League of Kosovo as Prime Minister, was formed. Atifete Jahjaga continued as President. From June, EU-brokered talks on the normalization of relations with Serbia continued only at a technical level.

The mandate of the EU-led Police and Justice Mission (EULEX) was extended until June 2016. Under the new agreement, international judges no longer formed the majority on judicial panels in cases of serious crimes.

The EU High Representative in November announced an independent inquiry into allegations of corruption against a EULEX judge.

Inter-ethnic violence

Inter-ethnic tensions continued, particularly in the Serbian dominated north. Some Serbian politicians were prevented from entering Kosovo, and Kosovo Serbs, including returnees to Klina/Klinë in February and October, were subject to attacks – including arson – on their property, graveyards and religious buildings, which intensified after the Serbia-Albania football match in October.

In June, after clashes between Kosovo Police and Albanians demonstrating against the closure of the bridge over the river Ibar (which divides the Serbian and Albanian parts of Mitrovica), international EULEX police fired rubber bullets at demonstrators. The UN Mission in Kosovo (UNMIK) had banned their use after two men were killed in Pristina in 2007.

Crimes under international law

In July, a Special Investigative Task Force, established by EULEX to investigate allegations against senior KLA members, announced that unnamed individuals would be indicted for war crimes and crimes against humanity, including the unlawful killing, abduction, illegal detention, crimes of sexual violence against and forced displacement of Kosovo Serbs and Albanian civilians, unlawfully transferred to Albania in 1999. Suspects will be indicted and tried by a special court, yet to be established, outside of Kosovo in order to ensure effective witness protection.

In October, two protected witnesses contradicted their original testimonies during the retrial of seven members of the former KLA "Drenica" group, charged with war crimes against Albanians at Likovc/Likovac camp in 1998.

The retrial opened in September of Fatmir Limaj and nine others accused of the torture and ill-treatment of Albanian civilians at the Klečka/Klecka camp in 1999. They had been acquitted in September 2013, following the suicide of a protected witness on which the prosecution case relied.

Kosovo Serb political leader Oliver Ivanović, arrested in January, was indicted in August for incitement to commit war crimes in 1999, and incitement to aggravated murder in February 2000.

War crimes of sexual violence

In March, President Jahjaga launched a national council for the survivors of wartime sexual violence, to encourage them to come forward to claim reparation, including compensation, as set out in legal amendments adopted by the Assembly later in March.

In June, the Appeal Court overturned the acquittal of two Kosovo Serbs, and convicted them of war crimes for the rape of a 16-year-old Albanian girl in April 1999. They were sentenced to 12 and 10 years' imprisonment.

Enforced disappearances

Relatives of the disappeared protested against legal provisions ending their monthly compensation of €135 after the body of their family member was found. By November, 1,655 people remained missing after the armed conflict. The remains of 53 Kosovo Albanians exhumed at Raška were returned to their relatives by October.

UNMIK failed to provide reparation, including compensation, to the relatives of missing Kosovo Serbs, as recommended by the Human Rights Advisory Panel.

Freedom of expression

Government and state agencies unduly influenced the media through major contributions to their advertizing revenue. Attacks on investigative journalists continued. Visar Duriqi, a journalist for the newspaper Express, received serious death threats after reporting on Islamic extremist groups. The Association of Professional Journalists expressed concerns that EULEX had put pressure on Koha Ditore journalist, Vehbi Kajtazi, who had reported alleged corruption in EULEX.

In May, the first march celebrating the International Day against Homophobia and Transphobia took place without incident.

Discrimination – hate crimes

In March, three men were convicted and given suspended sentences for "Violating the Equal Status of Residents of Kosovo" for their part in an attack in 2012 on the launch of an issue of "Kosovo 2.0" online magazine, on sexual orientation and identity. No one was brought to justice for an attack on a Lesbian, Gay, Bisexual and Transgender centre the following day; or for threats made in 2013 against women human rights defenders for supporting the law on reparations for rape survivors.

Discrimination – Roma

Roma, Ashkali and Egyptians continued to face widespread and systematic discrimination, yet few measures for their integration were implemented. Around 360 families (1,700 individuals) had reportedly migrated from Kosovo by November, to seek asylum in Hungary. Plans to build housing for Roma in Hereq village, Gjakovë/Djakovica, were opposed by local residents.

Refugees and asylum-seekers

According to UNHCR, the UN refugee agency, 17,227 people – the majority of them Kosovo Serbs – remained displaced after the armed conflict. By 30 November, only 404 members of minority communities had voluntarily returned to Kosovo, where conditions for their reintegration remained grossly inadequate. By October, 11,000 people from Kosovo had applied for asylum in the EU.

[1. Serbia: Ending impunity for crimes under international law \(EUR 70/012/2014\)](http://www.amnesty.org/en/library/info/EUR70/012/2014/en)
www.amnesty.org/en/library/info/EUR70/012/2014/en

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