

SERBIA 2020

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Serbia failed to indict any former senior police or military commanders for war crimes and resolution of the fate of missing persons stalled. Protesters and journalists were seriously injured in the capital, Belgrade, when police used excessive force. Few refugees gained access to asylum. Protections against domestic violence remained inadequate.

Background

With an increasingly repressive President, and no viable opposition, the Serbian government controlled both police and judiciary, weakening the rule of law, eroding political and civil rights and enabling widespread corruption.

In March, state of emergency COVID-19 legislation introduced a 5pm to 5am curfew and other restrictive measures; armed forces patrolled Belgrade and other cities to enforce public health measures.¹ People who violated unclear self-isolation regulations were sentenced to up to three

years' imprisonment. Measures were lifted in May for election campaigning and reimposed in June, triggering mass demonstrations.

There was little progress in normalizing Serbia-Kosovo relations in EU-facilitated talks.

Right to truth, justice and reparation

No progress was made towards implementing the national war crimes strategy, opening investigations into the backlog of more than 2,500 war crimes cases, or indicting senior police or military officials for command responsibility. Seven indictments were raised, and five first instance decisions were delivered. Prosecutions of low-level perpetrators in cases transferred from Bosnia and Herzegovina (BiH) were extremely slow. Proceedings against 10 men related to the Srebrenica genocide continued to be delayed by absences of the accused. In January, proceedings opened against a Bosnian Serb police officer, charged with raping a Bosniak woman in August 1992.

At the International Criminal Tribunal for the former Yugoslavia, the retrial continued of former Serbian State Security officials Jovica Stanišić and Franko Simatović for “ethnic cleansing” in Croatia and BiH.

New legislation providing reparation to victims of war discriminated against civilian victims. A series of cumulative conditions required a higher percentage of bodily injury, only applied to those injured in Serbia and discriminated between physical and psychological damage. An estimated 15,000 people, including relatives of the missing and survivors of sexual violence, still had no right to reparation.

Enforced disappearances

Impunity persisted for those responsible for the transfer of bodies of over 900 Kosovo-Albanians from Kosovo to Serbia in 1999. The UN Special Rapporteur on extrajudicial executions urged Serbia to prosecute senior police officials suspected of murdering the three US-Albanian Bytici brothers, whose remains were recovered from a police training ground in 2001. In November, human remains, believed to be Kosovo Albanians, were discovered in a quarry in Kizevak.

Excessive use of force

Over 70 people were seriously injured and 223 arrested during several days of demonstrations in July following the President's ban on public gatherings and proposed weekend curfew. Although right-wing activists invaded the Parliament, most protesters were peaceful. However, police fired tear gas and stun grenades indiscriminately, and protesters and bystanders alike were charged by mounted police or beaten. Four journalists were seriously injured by police in separate incidents across the country, including Žikica Stevanović who was hospitalized with head injuries,

despite showing his press card. A joint NGO report documenting 13 allegations of ill-treatment was sent in July to the UN Special Rapporteur on torture. No police officers had been prosecuted by the end of the year.

Discrimination

Discrimination persisted against ethnic minorities, and anti-migrant protests and attacks increased. The Equality Commissioner reported an increase in hate speech during the state of emergency; her mandate expired in May, rendering the institution unable to function effectively until her re-election in November.

Freedom of expression

Physical attacks, intimidation and political slurs on social media against media workers continued. In April, journalist Ana Lalić was arrested for “causing panic” when investigating conditions in hospitals; staff were prohibited from providing “unauthorized” information. Journalists were briefly excluded from government press conferences, ostensibly for health reasons.

In July, the Finance Ministry targeted individuals, investigative journalists and 37 human rights NGOs in demanding bank account details under a law used to investigate terrorist financing and money laundering.

Right to housing and forced evictions

In June, the Belgrade Court of Appeal awarded €2,600 compensation each to two Roma families who were unlawfully evicted from their homes in Belvil, Belgrade, in 2012 and bussed to a derelict warehouse in Niš. Violating legal protections against eviction, Belgrade authorities paid Roma residents at Resnik €19,000 “compensation” to leave the settlement in December.

Rights of refugees, asylum-seekers and migrants

Between January and November, 24,180 refugees and migrants arrived in Serbia. Asylum claims were suspended until May as refugees and migrants in overcrowded asylum reception centres were placed under mandatory quarantine controlled by the military. Support staff and NGOs were denied entry, although preventative health measures were not implemented. In May, a government order restricting exit from asylum centres was successfully challenged by NGOs, but in October refugees’ freedom of movement was again limited.

The asylum process remained inadequate: of 2,639 refugees registering an intention to claim asylum, only 118 applied; by 30 November, 16 had received asylum and 18 subsidiary protection.

Pushbacks into Serbia from EU member states, and from Serbia to neighbouring countries, continued. In April, 16 men, believing they were being moved to another temporary reception centre due to COVID-19, were driven by police to the southern border and forced at gunpoint to walk into North Macedonia.

Violence against women

In April, the NGO Autonomous Women's Center reported a threefold increase in contacts from women during the curfew. Many described the intensification of psychological, economic or physical violence, and their fear of reporting violence to the authorities without access to protection. At least 22 women were killed by a partner or family member before 25 November.

1. [Policing the pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe \(EUR 01/2511/2020\)](#)

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