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Republic of Serbia, including Kosovo

Head of state: **Tomislav Nikolić**

Head of government: **Aleksandar Vučić**

Pro-government media continued to smear independent journalists and human rights defenders, as well as the Ombudsperson's Office. Prosecutions of crimes under international law committed during the armed conflict in the 1990s remained stalled. Several forced evictions took place in Belgrade. Refugees and migrants stranded in Serbia on their way to the EU lacked access to protection and essential services.

BACKGROUND

Early elections in April increased the majority of the Serbian Progressive Party led by Prime Minister Aleksandar Vučić, who retained his position as head of government.

CRIMES UNDER INTERNATIONAL LAW

Prosecutions of war crimes and crimes against humanity continued to stall as the position of chief war crimes prosecutor remained vacant throughout the year. In March, the Prosecutor's Office confirmed the indictment of eight former members of the Special Brigade of the Ministry of the Interior of Republika Srpska, the ethnic Serb party to the war in Bosnia, for war crimes committed against civilians in Srebrenica in 1995.

Also in March, the International Criminal Tribunal for the former Yugoslavia acquitted Vojislav Šešelj, President of the Serbian Radical Party. He had been indicted on three counts of crimes against humanity (persecution, deportation and inhumane acts of forcible transfer) and six counts of war crimes (murder, torture and cruel treatment, wanton destruction, destruction or wilful damage done to institutions dedicated to religion or education and plunder of public or private property). The prosecution lodged an appeal which was pending at the end of the year. Following the April elections, Vojislav Šešelj returned to the National Assembly.

FREEDOM OF EXPRESSION

Proceedings against Radomir Marković, former head of state security, and three former security service officers for the murder in April 1999 of journalist Slavko Ćuruvija were stalled as a key witness failed to appear at court.

Independent journalist associations registered dozens of incidents targeting journalists, including physical assaults and death threats.

HOUSING RIGHTS

More than 200 families had been evicted in central Belgrade since the beginning of works in 2015 making way for the construction of the Belgrade Waterfront site. In April, a forced eviction was carried out at night by 30 masked men, who violently destroyed residents' homes. Local police were alerted but refused to intervene. The Ombudsperson and activist groups condemned these acts; several protests were held calling for the municipal and state authorities to be held accountable. The Minister of the Interior subsequently sued a newspaper for defamation for alleging that he and the Ministry were responsible for failing to act during the demolitions. In late November, the court upheld the allegations and ordered the newspaper to pay the minister compensation of RSD 300,000 (€2,400).

Following her mission to Serbia the UN Special Rapporteur on the right to adequate housing highlighted the deplorable situation of people, in particular Roma, living in informal settlements without access to essential services. As well as calling for a housing law to prohibit forced evictions and an end to discrimination, the Special Rapporteur stressed the need to prioritize addressing insecure tenure and the lack of access to public services for those without a registered residence.

A draft law regulating evictions and resettlement was passed at the end of the year.

REFUGEES' AND MIGRANTS' RIGHTS

Over 120,000 refugees and migrants travelled through Serbia on their way to the EU. This significant decrease compared to 2015 was in part due to the closure of borders to irregular migrants in the south and north. Serbia's refusal to provide beds to accommodate more than 6,000 people on the move at any one time resulted in thousands being stranded in informal makeshift camps in appalling conditions at the border with Hungary, in derelict buildings and parks in Belgrade and other locations across the country. Infections and serious diseases among refugees and migrants were reported by volunteer groups and medical organizations.

In November, the Ministry of Labour and Employment, which is responsible for organizing accommodation and care for refugees and migrants, informed groups providing support that they should cease all activity outside the formal reception centres, which were overcrowded and mostly unsuitable for long-term accommodation. Many refugees and migrants were subsequently evicted and returned to the south, where they remained at risk of unlawful and summary return to the former Yugoslav Republic of Macedonia and to Bulgaria.

Serbia failed to provide access to a fair and individualized asylum process for the vast majority of registered asylum-seekers, including refugee status determination procedures, and considered itself to be a country of transit towards the EU. Serbian asylum authorities allowed most asylum-seekers to remain in accommodation centres while waiting to enter Hungary on the basis of an informal waiting list co-ordinated between the asylum-seekers and the Serbian and Hungarian authorities respectively. Some of the nominally open accommodation centres restricted the free

movement of asylum-seekers and were effectively places where people were being arbitrarily detained.

International border police patrols operated at the borders with Macedonia and Bulgaria from 22 July onwards. This dramatically reduced the number of refugees and migrants arriving in Serbia. According to the Ministry of Defence, by the end of November, over 16,000 people had been prevented from entering the country. The authorities failed to deploy adequately trained civilian personnel along with border guards in a systematic way to ensure that the intention to claim asylum could be declared at the border, as required by Serbian and international law.

The Serbian authorities upheld the suspension of a re-admission agreement with its northern neighbour, Hungary. Thousands returned by the Hungarian authorities despite the suspension remained stranded in Serbia without legal status or access to basic services.

Over 12,000 asylum applications were submitted between January and the end of the year, but only 74 decisions were issued by the end of October: 17 applicants were granted refugee status and 17 were given subsidiary protection while 40 asylum applications were rejected. Almost half of all asylum applications were filed by children.

KOSOVO

A Stabilization and Association Agreement between the EU and Kosovo entered into force in April. In November, the first Council between the two parties was held, paving the way for Kosovo's future accession to the EU. The de facto administration of Kosovo continued to be implemented by the Kosovo authorities jointly with the EU Rule of Law Mission (EULEX). Progress in the EU-facilitated dialogue between Serbia and Kosovo remained limited.

Access to justice

In June, the Human Rights Advisory Panel (HRAP) of the UN Mission in Kosovo (UNMIK) issued a scathing final report, condemning the UN mission for its overall failure to ensure accountability for human rights violations committed under UNMIK's mandate and for failing to follow any of its recommendations.

Crimes under international law

The mandate of EULEX was extended until June 2018. However, the EU Rule of Law Mission announced it would not launch new investigations into cases of crimes under international law. At the end of the year, hundreds of pending cases were due to be transferred to the Kosovo authorities despite the European Commission declaring the Kosovo judiciary "slow" and "vulnerable to undue political influence".

The Kosovo Special Prosecution Office remained understaffed and struggled to recruit adequately trained and experienced prosecutors to investigate and prosecute crimes under international law and to launch new investigations.

The Kosovo Specialist Chambers, a relocated special court to prosecute former members of the Kosovo Liberation Army (KLA), was set up in The Hague. At the end of the year, the first indictments by the Specialist Prosecutor had yet to be issued. The Council of the EU allocated €29 million to support the setting up and functioning of the relocated judicial proceedings between April 2016 and June 2017.

In January, Oliver Ivanović, leader of a Kosovo Serb political party, was sentenced by a panel of international judges at the Basic Court of Mitrovicë/Mitrovica to nine years' imprisonment for

ordering the murder of ethnic Albanians in the town in April 1999. He remained under house arrest at the end of the year while his appeal against his conviction was pending before the Court of Appeals in Pristinë/Pristina.

Enforced disappearances

Over 1,600 people remained missing in the aftermath of the armed conflict. No further grave sites were identified in Serbia or Kosovo despite exhumations at potential mass graves. Co-operation agreements between the two parties remained unimplemented.

Discrimination – Roma, Ashkali and Egyptians

Roma, Ashkali and Egyptian communities continued to suffer institutional discrimination, in particular in accessing sustainable solutions for housing and employment, as internally displaced persons (IDPs). These communities continued to live in overcrowded conditions in informal settlements without adequate access to water and other essential services.

In February, the HRAP issued its opinion on a complaint brought to it by Roma, Ashkali and Egyptian families who had suffered lead poisoning in a UN-run camp for IDPs in the northern town of Mitrovicë/ Mitrovica. The HRAP found that the UN Mission had subjected the families to inhuman and degrading treatment, failed to respect their rights to respect for private and family life and to health and discriminated against them on the grounds of their ethnic background. The HRAP found the UN action to have been particularly detrimental for women and children who were exposed to multiple discrimination. It called on UNMIK to publicly acknowledge the failure to comply with human rights standards and, among other measures, to pay adequate compensation to the families. By the end of the year, UNMIK had not implemented the HRAP's recommendations.

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