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Serbia

REPUBLIC OF SERBIA

Head of State	Boris Tadić
Head of government	Vojislav Koštunica
Death penalty	abolitionist for all crimes
Population	73.6 years
Life expectancy	96.4 per cent

The year was dominated by the failure of the Serbian government and ethnic Albanian authorities to agree on the future status of Kosovo. Continuing uncertainty about the final status of Kosovo heightened security concerns amongst minority communities and fears of further human rights violations. Impunity for war crimes, including enforced disappearances, persisted. Discrimination against minority communities continued.

Background

Following elections in January, Serbia remained without a government until May, when Prime Minister Vojislav Koštunica of the Democratic Party of Serbia and President Boris Tadić of the Democratic Party formed a coalition government. The right-wing Serbian Radical Party (SRS) remained the largest opposition party.

In May, Serbia assumed the Chair of the Committee of Ministers of the Council of Europe. Negotiations with the European Union (EU) on Serbia's Stabilization and Association Agreement (SAA) resumed in June, after suspension following Serbia's failure to cooperate with the International Criminal Tribunal for the former Yugoslavia (Tribunal). The SAA was initialled on 7 November.

Elections in Kosovo in November were won by the Democratic Party of Kosovo, led by Hashim Thaçi, former political leader of the Kosovo Liberation Army (KLA).

Final status of Kosovo

Kosovo remained part of Serbia, administered under UN Security Council (UNSC) Resolution 1244/99 by the UN Interim Administration Mission in Kosovo (UNMIK). After the failure of the parties to agree on the future status of Kosovo, the UN Secretary General's Special Envoy for the Future Status Process for Kosovo presented to the UNSC in March a "Comprehensive Proposal for the Final Status of Kosovo (Ahtisaari Plan)", advocating "supervised independence".

The Ahtisaari Plan proposed jurisdiction by Kosovo over legislative, executive and judicial functions, a European Security and Defence Policy mission responsible for international judiciary, prosecutors and police force, and an International Civilian Representative charged with implementation of the settlement. The plan provided for the protection of Serbian cultural and religious heritage; the right to return of refugees; and the protection of minority communities in majority-Serb municipalities.

Serbia considered the plan violated Serbia's sovereignty and territorial integrity. Russia threatened to veto proposed UNSC resolutions. In July the UN Secretary General charged a Troika of the EU, Russia and the US to continue talks, but no agreement was reached by December. The EU and US persuaded the prime minister designate to delay a unilateral declaration of independence.

Serbia

War crimes – international prosecutions

The Chief Prosecutor to the Tribunal expressed serious concerns at the lack of cooperation by Serbia, including the failure to surrender Bosnian Serb general Ratko Mladić. Serbian authorities cooperated in the arrests of indicted suspects Vlastimir Đorđević in Montenegro and Zdravko Tolimir in Bosnia and Herzegovina (BiH).

Proceedings opened in March against Ramush Haradinaj, former KLA leader and former Prime Minister of Kosovo, indicted with others for crimes against humanity and violations of the law or customs of war. Police in Kosovo failed to protect prosecution witnesses; by November three witnesses who refused to testify had been indicted for contempt of court.

Proceedings continued against six senior Serbian political, police and military officials jointly indicted for crimes against humanity and violations of the laws and customs of war in Kosovo. They include former Serbian president Milan Milutinović, former police colonel general Sreten Lukić, former deputy prime minister of the Federal Republic of Yugoslavia Nikola Šainović, former General Chief of Staff of the Yugoslav Army Dragoljub Odžanić and former Yugoslav Army colonel generals Nebojša Pavković and Vladimir Lazarević. In September the trial concluded of three Yugoslav People's Army officers (the "Vukovar Three", see Croatia, International prosecutions).

In September, the Appeals Chamber upheld the conviction in 2005 of Haradin Bala, sentenced to 13 years' imprisonment for the murder of at least 22 Serbs and Albanians, their illegal imprisonment, torture and inhuman treatment. The acquittal of two other former KLA members was upheld.

The trial of Vojislav Šešelj, leader of the SRS, charged with the persecution and forcible deportation of non-Serbs in both Croatia and BiH, recommenced in November.

On 26 February, the International Court of Justice (ICJ) ruled that Serbia had not committed genocide at Srebrenica, but had breached the Genocide Convention by failing to prevent genocide at Srebrenica and to punish those responsible; the ICJ called on Serbia to transfer Ratko Mladić, indicted for genocide and complicity in genocide, to the Tribunal.

War crimes – domestic prosecutions

Between 32 and 35 cases of war crimes were reportedly under investigation by the War Crimes Chamber of the Belgrade District Court, although few prosecutions were completed. Assistance to victim-witnesses in most cases was provided by the Humanitarian Law Centre (HLC), an NGO.

- On 11 April, four former members of the paramilitary unit known as the Scorpions were convicted of war crimes for the killing in 1995 of six Bosniak (Bosnian Muslim) civilians from Srebrenica at Godinjske bare, near Trnovo in BiH, and sentenced to between five and 20 years' imprisonment. The prosecutor appealed against the acquittal of one defendant and the five-year sentence of one of the convicted men.
- The retrial began in March of 14 low-ranking soldiers charged with the murder of Croatian prisoners of war and civilians at Ovčara farm in 1991 (the "Vukovar Three"; see Croatia, International prosecutions); the HLC had criticized as unfounded the Supreme Court's decision in 2006 to overturn the conviction and order a retrial. The trial continued of eight former police officers indicted in 2006 for the murder of 48 ethnic Albanian civilians in Suva Reka in Kosovo in March 1999.

Enforced disappearances

Seven years after investigations opened, indictments had still not been issued in connection with the transfer in refrigerated trucks to Serbia in 1999 of the bodies of at least 900 ethnic Albanians.

Proceedings continued against serving police officers indicted for the murder of the three Albanian-American Bytqi brothers in Kosovo in July 1999; the trial was reportedly marred by interruptions and abuse from police "observers".

Political killings

In February, Milorad "Legija" Luković-Ulemek and Radomir Marković were convicted in a retrial which confirmed their sentencing to 15 and eight years' imprisonment respectively for the 1999 assassination attempt on former foreign minister Vuk Drasković. In December, the Supreme Court overturned the first instance rulings for a third time. In May "Legija" and Žveždan Jovanović were convicted and sentenced to 40 years' imprisonment for their roles in the murder of former prime minister Zoran Đinđić, along with 10 others, who were sentenced to between eight and 37 years' imprisonment.

Discrimination against minorities

Cases of ethnically and religiously motivated attacks continued, including against Albanians, Croats, Bosniaks, Hungarians, Roma, Ruthenians and Vlachs, ranging from attacks with explosive devices, hate-speech and verbal abuse by fans at football matches. Perpetrators were seldom brought to justice.

- Života Milanović, a member of the Hindu religious community in Jagodina, who had been assaulted five times since 2001, was in June stabbed in the stomach, arms and legs. In November the NGO Youth Initiative for Human Rights applied on his behalf to the European Court of Human Rights in respect of Serbia's failure to protect the right to life, provide an efficient legal remedy and ensure freedom from torture and discrimination.

In June, the UN Committee on the Elimination of Discrimination against Women (CEDAW) urged Serbia to address inadequate health-care services and provide equal access to education for marginalized groups of women and girls, in particular Roma. UNICEF, the UN children's agency, reported that over 80 per cent of Romani children experienced "unacceptable deprivation and multidimensional discrimination". In December, the mayor of Topola reportedly stated that the Roma community in the town should be enclosed behind barbed wire.

Inter-ethnic violence

Political disputes and violent clashes continued in the Sandžak region. Incidents included shootings between rival faith communities in Novi Pazar. At least 13 men believed to be of the Wahhabi faith were arrested and indicted in September for conspiring against Serbia's security and constitutional order. One suspect, Ismail Prentic, was killed in a police raid in the village of Donja Trnava near Novi Pazar; two men were arrested in December.

- Amnesty International was concerned at the detention of Bekto Memić, aged 68 and in poor health, arrested in March in connection with the search for his son, Nedžad Memić. Bekto Memić was released then re-arrested in April at a health clinic in Novi Pazar. Family members reported that he was ill-treated en route to the hospital wing of Belgrade central prison, where he has been held since.
- In April, Ižet Fijuljanin was convicted and sentenced for the attempted murder of three members of the Wahhabi faith in November 2006 after they had allegedly tried to take over a Novi Pazar mosque.

Human rights defenders

In June NGOs called on the Parliament to apply the UN Declaration on Human Rights Defenders. They emphasized the risks, including physical violence, malicious prosecutions and public stigmatization, to which women defenders in Serbia were exposed.

- In July Maja Stojanović, convicted in November 2005 for displaying posters calling for the arrest of Ratko Mladić, was required to serve 10 days' imprisonment following her refusal to pay a fine imposed by the court, but instead her fine was paid by NGOs. Amnesty International considered her a potential prisoner of conscience.

Violence against women

In their consideration of Serbia's report on implementation of the UN Women's Convention, the CEDAW expressed concern at the prevalence of domestic violence and the apparent reduction in penalties. They recommended the adoption of a national action plan on gender equality and the adoption of a law to consolidate

existing provisions within the Criminal Code. CEDAW also urged Serbia to adopt a draft National Plan against Human Trafficking.

Kosovo

Impunity for the international community

UNMIK failed to implement measures ensuring access to redress and reparations for violations of rights by members of the international community. In February, the former international Ombudsperson in Kosovo was appointed chair of the Human Rights Advisory Panel (HRAP), which had been introduced into law in March 2006 to provide remedies for acts and omissions by UNMIK; the HRAP did not convene until November.

- In May, the Grand Chamber of the European Court of Human Rights ruled inadmissible two complaints against member states of the NATO-led Kosovo Force (KFOR), considering that acts and omissions by UNMIK and KFOR could not be attributed to those states, as they did not take place on their territory, nor through any decision taken by their authorities. Agim Behrami had sought redress after his 12-year-old son Gadaf was killed in March 2000 by an unexploded cluster bomb, which a contingent of KFOR led by France had failed to detonate or mark; his younger son Bekim was severely injured.

There were allegations of political interference in the process of appointing a new Ombudsperson by the Kosovo Assembly, which failed to adhere to procedures set down in law, including that candidates failed to meet the criteria for the post. In October after domestic and international NGOs, including Amnesty International, expressed concern the appointment was postponed.

Unlawful killings

- Mon Balaj and Arben Xheladini were killed and Zenel Zeneli was seriously injured on 10 February during a demonstration called by the NGO Self-Determination (Vetëvendosje!), against the Ahtisaari Plan. An investigation by the UNMIK Department of Justice concluded that the men had been killed by members of the Romanian Formed Police Unit, deployed to the largely non-violent demonstration, and that the deaths of Mon Balaj and Arben Xheladini were caused by "improper deployment of rubber bullets by at least one and perhaps two Romanian gunners".

In March, the Romanian authorities had withdrawn from Kosovo 11 police officers reportedly in possession of information crucial to the investigation; the Romanian authorities subsequently reported they had found insufficient evidence to open a criminal investigation. The HRAP announced in December that they would consider an application by the families of Mon Balaj and Arben Xheladini.

Fair trial standards

- There were concerns that the trial of Albin Kurti, leader of the NGO Vetëvendosje! in connection with the organization of and participation in the demonstration of 10 February, was not conducted in accordance with law applicable in Kosovo or international standards for fair trial. The prosecution appeared to be politicized and proceedings before a panel of international judges demonstrated a lack of judicial independence. Albin Kurti remained under house arrest at the end of the year.

Impunity for war crimes, including enforced disappearances and abductions

A lack of prompt and effective investigations, the absence of witness protection, a backlog of appeal cases and a declining number of international judiciary and prosecutors to consider cases of war crimes, including enforced disappearances, contributed to continuing impunity for these crimes.

Impunity remained in over 3,000 cases of enforced disappearances and abductions. Relatives of the missing complained at being repeatedly interviewed when new UNMIK police contingents took over cases; prosecutors complained that witnesses refused to come forward.

Some 1,998 persons remained unaccounted for, including Albanians, Serbs and members of other minorities. Exhumations of 73 bodies or part-bodies were conducted by the Office of Missing Persons and Forensics. Some 455 exhumed bodies remained unidentified.

Minority rights

Members of minority communities were excluded from talks on the future status of Kosovo. Anti-discrimination legislation in force was not used. Fear of inter-ethnic attacks restricted the freedom of movement of Serbs and Roma.

Buses carrying Serb passengers were stoned by Albanian youths; grenades or other explosive devices were thrown at buses or houses. Orthodox churches continued to be looted or vandalized, including in an attack with a rocket-propelled grenade on the Orthodox monastery in Dečan/Deçani. A roadside grenade attack was perpetrated on a minibus carrying Albanians through the predominantly Serbian north in July.

Perpetrators of inter-ethnic attacks were infrequently brought to justice. Some 600 to 700 cases remained unresolved from the inter-ethnic violence of March 2004.

- Esmir Hamza and a minor, 'AK', were convicted in June 2007 at Prizren District Court of inciting national, racial and religious hatred and participating in a joint criminal enterprise during March 2004, and sentenced respectively to four years' imprisonment and two years in a correctional facility.

Progress was made in a few long-standing cases. In March, Jeton Kiqina was convicted and sentenced to 16 years' imprisonment for the murder or attempted murder in August 2001 of five members of the family of Hamit Hajra, an ethnic Albanian police officer who had worked for the Serbian authorities. In October an ethnic Albanian was arrested on suspicion of involvement in the murder of 14 Serb men in Staro Gračko in July 1999. In October proceedings opened against Florim Ejupi, indicted for the bombing of the Niš Express bus near Podujevo/ë in February 2001, in which 12 Serbs were killed and 22 severely injured.

The right to return – minorities

Some EU and Council of Europe member states planned to forcibly return to Kosovo persons from minority communities, before conditions for their return in safety and security were established.

Roma who had lived in lead-contaminated camps were among 280 individuals who returned to new accommodation in the Roma neighbourhood of south Mitrovica/ë; others remained displaced, including in Leposavić in northern Kosovo, where Romani families continued to live without access to basic amenities and under threat of eviction. Serbs displaced in March 2004 were unable to return to their homes; there was little government coordination of return and reintegration agreements, although some municipal authorities assisted voluntary return.

Violence against women

Trafficking into forced prostitution continued, the majority of women being internally trafficked or trafficked from Albania. The authorities failed to implement an administrative directive providing assistance and support to trafficked persons.

The judiciary failed to implement legislation on domestic violence relating to protection orders, which were not issued within the time specified by law, and which failed to protect women from violence.

Amnesty International visit/reports

- Amnesty International delegates visited Kosovo in November-December.
- Kosovo (Serbia): No Forcible Return of Minority Communities to Kosovo (EUR 70/004/2007)
- Europe and Central Asia: Summary of Amnesty International's concerns in the region, Serbia (including Kosovo): July-December 2006 (EUR 01/001/2007); January-June 2007 (EUR 01/010/ 2007)