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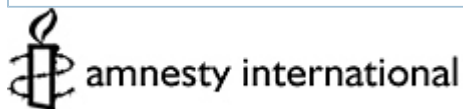
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Amnesty International Report 2013 - The State of the World's Human Rights - Serbia

Head of state

Tomislav Nikolić (replaced Boris Tadić in May)

Head of government

Ivica Dačić (replaced Mirko Cvetković in July)

Prosecutions of Ratko Mladić and Goran Hadžić began at the International Criminal Tribunal for the former Yugoslavia (Tribunal). In Belgrade more than 1,000 Roma were forcibly evicted in April. The Belgrade Pride was again banned in October. In Kosovo, impunity continued for crimes under international law perpetrated by the Kosova Liberation Army (KLA). Violence in the north, inter-ethnic attacks and discrimination against minorities continued.

Background

Following elections in May, a coalition government headed by the Serbian Progressive Party and Socialist Party of Serbia was formed in July, replacing the Democratic Party coalition government.

Both incoming President Nikolić and former President Tadić made statements that genocide had not taken place in Srebrenica.

In March, the European Council confirmed Serbia's candidacy for EU membership, but the European Commission in October recommended no date for opening negotiations, pending Serbia's "constructive participation" in talks on "normalization" of relationships with Kosovo. Talks between the respective Prime Ministers began in October.

International justice

Trials commenced in May and October respectively against former Bosnian Serb General Ratko Mladić and Croatian Serb leader Goran Hadžić, both arrested in Serbia and surrendered to the Tribunal in 2011. Serbian Radical Party leader Vojislav Šešelj, indicted for war crimes and crimes against humanity, was sentenced to two years' imprisonment for contempt of court in June.

Ramush Haradinaj, former Prime Minister of Kosovo and KLA commander, was acquitted at the Tribunal in November on charges of war crimes, following a partial retrial. Along with Idriz Balaj and Lahi Brahimagaj, who were also acquitted, he had been indicted for his individual and joint responsibility for a criminal enterprise to mistreat Serb, Roma, Egyptian and Kosovo-Albanian civilians perceived as collaborating with the Serbian authorities or not supporting the KLA. Charges included unlawful detention, ill-treatment, torture and murder.

In December a Swedish appeal court acquitted a former Serbian police officer convicted in January of war crimes in Čuška/Qyshk in Kosovo in 1999.

Serbia

Crimes under international law

Proceedings continued at the Belgrade Special War Crimes Chamber. Some 37 Serbian defendants were convicted and sentenced in first instance war crimes trials, but only seven new indictments were issued. Some witnesses allegedly were threatened by officials charged with their protection.

At the end of the year, the Appeal Court considered an appeal against the conviction of nine members of the Gnjilane/Gjilan KLA group for war crimes, including the abduction of Serbs, murder and rape. Thirty-four of the victims were still listed as missing.

Following the acquittal of two Croatian generals by the Tribunal Appeals Chamber (see Croatia entry), the War Crimes Prosecutor requested that the Tribunal made available evidence from relevant case files for use in domestic investigations into alleged war crimes against the Serb population in Croatia during Operation Storm in 1995.

Discrimination – Roma

Forced evictions continued in Belgrade.

- Around 1,000 Roma were forcibly evicted in April from the Belvil settlement by the Belgrade City authorities. Almost half were returned to southern Serbia; many were made homeless. Some Roma returned to Niš had no running water or adequate sanitation until mid-July. Those registered in Belgrade were sent to segregated container settlements on the city's outskirts where they could not find work. The European Commission agreed to fund solid housing for evicted Roma, but the city proposed that the housing be sited on isolated sites, creating racially segregated settlements. In November the Commissioner for Protection of Equality found that the Belgrade City authorities had discriminated against Roma by imposing rules and conditions in their contracts for the containers which were not applied to any other groups, and which resulted in the eviction of 11 families.

Legislative amendments adopted in September potentially reduced discrimination by assisting “legally invisible” people, predominantly Roma, to obtain birth certificates, enabling them to acquire identity documents.

Rights of lesbian, gay, bisexual, transgender and intersex people

In September, a gay man was beaten with a meat-hammer by youths in a homophobic attack in Belgrade. In October, the Prime Minister banned the Belgrade Pride for the second year running on the basis of unspecified security threats. In November, the Appeal Court revoked the conviction and ordered the retrial of Mladen Obradović, leader of the right-wing organization “Obraz”, who had been sentenced in March to 10 months’ imprisonment for inciting discrimination against the 2009 Belgrade Pride.

Refugees and migrants

The government took further measures to intensify border controls which denied people, predominantly Roma, the right to leave the country. Between January and October, 15,135 Serbian citizens, mostly Roma, claimed asylum in the EU. In October, six EU member states urged the European Council to consider measures to reduce their number. Austria and Switzerland introduced an accelerated determination procedure for Serbian asylum-seekers.

More than 1,700 individuals, including unaccompanied minors, sought asylum in Serbia. None was granted asylum in a process that failed to provide a fair assessment of individual protection needs. In September, more than 100 asylum-seekers camped outside the Bogovađa asylum centre in the absence of any other accommodation.

Kosovo

In January, the European Commission launched a visa liberalization dialogue with Kosovo. In September, the International Steering Group declared the end of Kosovo’s supervised independence. The European Council in December called for progress on the rule of law, minority protection, freedom of expression and co-operation with EU-led Police and Justice mission (EULEX).

In June, the mandate of a downsized EULEX was extended to 2014. EULEX retained responsibility for the investigation and prosecution of crimes under international law, organized crime and corruption; and witness protection.

The situation in the north

Both EULEX and the Kosovo authorities continued to assert their authority in the three predominantly Serbian northern municipalities. Armed attacks by Serbs opposed to the Kosovo government's authority over the Serb majority municipalities took place in Mitrovica/Mitrovicë when the Kosovo government opened municipal offices in July.

At the border posts, established in 2011 by the Kosovo authorities and controlled by EULEX and the Kosovo Force (KFOR), there were almost daily violent incidents, as Kosovo Serbs continued to protest against the control of the border with Serbia. KFOR personnel and civilians, mostly Kosovo Serbs, were wounded, and at least one Kosovo Police officer was fatally injured, in the repeated clashes. Border crossings, negotiated between Kosovo and Serbia under the Integrated Border Management agreement, opened in December.

- On the Serbian religious holiday of Vidovdan in June, the Kosovo Police removed Serbian flags and other insignia including T-shirts from Serbian men travelling across the border. Many Kosovo Police and at least four Serbs were reportedly injured in the ensuing violence. Sixteen children returning from Vidovdan celebrations were injured when their bus was attacked by ethnic Albanians in Pristina.

In December, a Serbian government proposal for autonomy for the north was dismissed by Prime Minister Thaçi.

Crimes under international law

EULEX recruited two additional prosecutors for the investigation and prosecution of war crimes. The 2011 Law on Witness Protection, which entered into force in September, was not implemented before the end of the year.

In May, the former Minister of Transport and KLA leader Fatmir Limaj and three others were acquitted of war crimes at Klečka/Klečkë prison camp in 1999, including ordering the torture and killing of Kosovo Serb and Albanian civilians. Six other defendants were acquitted in March. In November, after the Supreme Court overturned the May verdict, ordering a retrial, EULEX arrested Fatmir Limaj and three other defendants. The Prime Minister immediately challenged EULEX's right to arrest them, but they remained in detention pending trial at the end of the year.

Two Kosovo Serbs suspected of raping Kosovo Albanian women in April 1999 were arrested in September, under the first indictment issued in Kosovo for war crimes of sexual violence.

Enforced disappearances and abductions

The Special Investigative Task Force established by the EU continued to investigate allegations that the KLA had abducted Serbs and subsequently transferred them to Albania, where they were tortured, murdered and some allegedly had their organs removed for trafficking.

In December the Human Rights Advisory Panel (HRAP), established to decide on alleged human rights violations by the UN Interim Administration Mission in Kosovo (UNMIK), considered three complaints, in which they decided that UNMIK had violated the right to life of Kosovo Serbs abducted following the 1999 armed conflict, by failing to conduct an effective investigation.

By September, the Department of Forensic Medicine had exhumed the remains of 20 individuals; 51 bodies, (including 33 ethnic Albanians and 18 Kosovo Serbs), identified by DNA analysis, were returned to their families for burial. Exhumations concluded at Zhilivoda/Žilivoda mine, thought to contain remains of 25 Kosovo Serbs; however no bodies were found.

The Kosovo Government Commission for Missing Persons largely failed to implement the 2011 Law on Missing Persons. Relatives demanded the authorities address the issue of missing persons in talks with Serbia.

Excessive use of force

Kosovo Police used excessive force at demonstrations against government policy organized by the political movement Vetëvendosje in January and October.

Freedom of expression

Physical attacks on journalists continued. Journalists and government officials protested against the retention of restrictions on constitutional rights to freedom of expression in the revised Criminal Code, which criminalized defamation and provided for the imprisonment of journalists who refused to reveal their sources. In May, Kosovo President Atifete Jahjaga refused to approve the Code and returned it to the National Assembly; a law removing the articles was adopted in October.

In December, the launch of a magazine examining heterosexual and same-sex sexuality in Western Balkans was disrupted by a violent homophobic attack. The following day, the office of Libertas, an LGBTI NGO, was attacked.

Discrimination

Roma faced widespread and persistent discrimination. According to the OSCE, implementation of the Kosovo Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities was hampered by a lack of funding, co-ordination and relevant data.

In August, the HRAP declared partially admissible a complaint by 147 Roma, that UNMIK had violated their right to health by allowing them to remain in lead-contaminated camps for more than 10 years. The majority had been resettled, but children affected by lead-poisoning lacked adequate health care. The Roma had been denied compensation in a separate UN process.

Refugees and asylum-seekers

According to UNHCR, the UN refugee agency, 997 members of minority communities voluntarily returned to Kosovo; another 489 individuals were induced to return. Some 1,997 individuals were forcibly repatriated, mainly from the EU, including 680 from groups considered in need of international protection. Barriers to their sustainable return persisted. Municipalities lacked the political will, structures and financial resources to reintegrate returnees. Roma in particular received little assistance with reintegration and were unable to access civil registration, education, health, housing, employment and social welfare.

Just over 300 Serbs returned voluntarily to Kosovo. Violent and other attacks on returning Kosovo Serbs continued. In Klinë/Klina municipality, returnees received threatening letters; two houses recently reconstructed for Serb returnees were burned down.

- In July, Ljiljana and Milovan Jevtić were shot dead in the village of Talinovc i Muhaxherëve/ Muhadzer Talinovac, to which they had returned in 2004. An investigation was opened.

Country Reports

- [Kosovo: Time for EULEX to prioritize war crimes](#)
- [After Belvil: Serbia needs new laws against forced eviction](#)

Country Visits

No information on visits available

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