Serbien og Montenegro, herunder Kosovo (31)

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SERBIA AND MONTENEGRO (INCLUDING KOSOVO) COUNTRY REPORT OCTOBER 2004

10/11-04

Country Information & Policy Unit
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM

SERBIA AND MONTENEGRO

1.a. Scope of Document

I.1.1 This Country Report has been produced by Immigration and Nationality Directorate, Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 1 September 2004.

I.1.2 The Country Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.

I.1.3 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey.
For a more detailed account, the relevant source documents should be examined directly.

I.1.4 The structure and format of the Country Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

I.1.5 The information included in this Country Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.

I.1.6 As noted above, the Country Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. Country Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the orginal source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.

I.1.7 The Country Report is based substantially upon source documents issued

during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

I.1.8 This Country Report and the accompanying source material are public documents. All Country Reports are published on the IND section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

I.1.9 Country Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in Country Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the IND website. They also have constant access to an information request service for specific enquiries.

I.1.10 In producing this Country Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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1.b. Explanatory Note on the Structure of the Serbia and Montenegro Country Report

I.1.11 Serbia and Montenegro (SaM) is comprised of Serbia (including Kosovo) and Montenegro. Although currently administered by the UN, Kosovo remains a province of Serbia. For reasons of clarity, it has been simplest to deal with Serbia, Montenegro and Kosovo separately. This should not be taken to imply any comment upon the legal or political status of these territories. Thus, following general sections on geography, the history of the region until July 1999 and the SaM Constitutional Charter, the remainder of the document is divided into three discrete sections, covering Serbia, Montenegro and Kosovo respectively.

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2 Geography

I.2.1 The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004 relays the following information: Serbia and Montenegro (SaM), which comprises the two republics Serbia and Montenegro, lies in south-eastern Europe. SaM is bordered to the north by Hungary to the east, by Romania and Bulgaria; and to the south by the Former Yugoslav Republic of Macedonia and Albania. Montenegro, to the south-west, has a coastline on the Adriatic Sea and SaM's inland western border is with Bosnia and Herzegovina and with Croatia. The province of Kosovo occupies the south-west portion of the Republic of Serbia and Vojvodina occupies the northern part. Belgrade is the capital of SaM, as well as being the capital of the Republic of Serbia. Podgorica, formerly known as Titograd, is the capital of the Republic of Montenegro. [1a](p521-522)

Population, Language & Religion

I.2.2 The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004 adds the following information: the territory of SaM has an area of approximately 102,173 square kilometres (approx. 39,449 sq. miles). Official estimates (based on the last official census on 31 March 1991) indicate a total population of about 10.5 million, with over 9.7 million living in Serbia. Of the total population 63% are Serbs and 17% are ethnic Albanians, most of whom live in Kosovo, where they account for the overwhelming majority of the province's population of about 1.8 million. The remaining 20% are made up of various minority groups including Bosniak Muslims, Croats, Hungarians and Roma. The principal language is Serbian (sometimes known as "Montenegrin" in Montenegro, and formerly known as Serbo-Croat). It is usually written in a Cyrillic script. Other languages, most notably Albanian and Hungarian, are also spoken in SaM. [1a](p.521)

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3. Economy

I.3.1 This is dealt with in the individual sections on Serbia, Montenegro and Kosovo.

4. History

I.4.1 According to the US State Department Report for 2003, until 4 February 2003, when the state union of Serbia and Montenegro came into being, the two republics formed the Federal Republic of Yugoslavia (FRY). FRY was the rump state left following the dissolution of the former Socialist Federal Republic of Yugoslavia in 1992. [2c](p.1)

I.4.2 Although Yugoslavia had existed in some shape or form since the nineteenth century, the complex history of the country prior to the rise of Slobodan Milosevic has not been attempted here. These details may be found in Europa Central and South Eastern Europe Regional Survey, 4th Edition, 2004 if required.

I.4.3 The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004

continues: After Slobodan Milosevic became President of Serbia in 1987, relations between Serbia and the other republics and provinces began to deteriorate. In 1990, Milosevic moved to consolidate Serbia's power and his own by abolishing the autonomy of Kosovo and Vojvodina. In 1991, after political relations with Serbia had broken down, the Republics of Slovenia, Croatia, Macedonia and Bosnia-Herzegovina all declared their independence and by the end of the year Federal President Stipe Mesic had declared the old Socialist Federal Republic of Yugoslavia (SFRY) non-existent. In April 1992 The Federal Republic of Yugoslavia (FRY) was declared, consisting of the only republics now remaining from the SFRY, Serbia and Montenegro, and a new constitution was adopted. [1a] (p.533-534)

I.4.4 In the words of the UK Foreign and Commonwealth Office website country profile for Serbia and Montenegro, updated 15 July 2004:

> 'Throughout its first eight years Yugoslavia was dragged into a series of conflicts by Slobodan Milosevic, first as President of Serbia, then as FRY President. Conflicts in Slovenia and Croatia during the dissolution of the 'old' Yugoslavia were followed by a three-year conflict in Bosnia-Herzegovina, in which over 200,000 people died. The Dayton-Paris Peace Accords of 1995 ended the conflict in Bosnia.' [11p](p.2)

I.4.5 Milosevic continued in power, with the opposition in Serbia remaining divided and ineffectual, according to the Europa Regional Survey account. Unrest continued within the Serbian province of Kosovo, where Milosevic had pursued a policy of severe oppression of the majority ethnic Albanian population. Ethnic Albanians were subjected to routine harassment by the police and dismissed them from official positions. All Albanian language schools were closed. Any resistance was brutally suppressed. [1a] (p.535)

I.4.6 Increasingly, the Europa Regional Survey account continues, the ethnic Albanians began to fight back and a military group, the Kosova Liberation Army (KLA) / Ushtria Clirimtare e Kosoves (UCK), emerged with the declared intention of gaining independence for Kosovo. Milosevic responded by massively escalating the repression and carried out a policy of ethnic cleansing against the ethnic Albanian population. Serb forces systematically destroyed villages and drove out the ethnic Albanian inhabitants, forcing an exodus of over 600,000 people from the province by mid-May 1999. [1a] (p.571)

I.4.7 The UK FCO website account, updated 15 July 2004, continues: In March 1999, NATO intervened to protect the Kosovo Albanian population and in June 1999, the Serb forces surrendered and withdrew from Kosovo. Since then, the UN has administered Kosovo, with security provided by the NATO – led security force KFOR. [11p](p.2)

I.4.8 In the words of the UK Foreign and Commonwealth Office website country profile for Serbia and Montenegro, updated 15 July 2004:

> 'Milosevic's regime came to an abrupt end on 5 October 2000. He refused to accept the first round victory of Vojislav Kostunica, the Democratic Opposition of Serbia Coalition (DOS) candidate in the Yugoslav Presidential elections. However Milosevic had underestimated support for

the opposition. Hundreds of thousands of people took to the streets, storming government buildings and forcing Milosevic from power. The uprising of October 2000 was consolidated in December 2000, when DOS swept to power in Serbia, following the Assembly elections.' [11p](p.2)

I.4.9 The UK Foreign and Commonwealth Office website country profile for Serbia and Montenegro continued with the following information: On 14 March 2002, the Belgrade Agreement was signed, by which the Federal Republic of Yugoslavia would become the state union of Serbia and Montenegro through the adoption of a new Constitutional Charter. On 4 February 2003, after many months of negotiations between the republics of Serbia and Montenegro, and with the mediation of EU High Representative Javier Solana, the Constitutional Charter was adopted. [11p](p.3)

I.4.10 The UK Foreign and Commonwealth Office website country profile for Serbia and Montenegro also stated: The rights and responsibilities of the FRY were transferred to the state union of Serbia and Montenegro (SaM). Under a looser arrangement than FRY, the republics share common policies for foreign affairs, defence, internal economic affairs, foreign economic affairs and human/minority rights. They also have a shared court, but retain individual responsibility for all other matters.The Charter contains the provision that after three years, the republics have the right to withdraw from the union following a referendum. [11p](p.3)

I.4.11 In March 2003, the union parliament of SaM chose Svetozar Marovic, a Montenegrin, as the country's first president, as reported by a BBC news report of 19 March 2003. He is deputy chairman of the Democratic Party of Socialists (DPS) led by Montenegrin Prime Minister Milo Djukanovic. [8m]

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5. State Structures

Constitutional Charter

I.5.1 As mentioned above, the rights and responsibilities of the FRY have been transferred to Serbia & Montenegro (SaM). The Constitutional Charter is based on the equality of the two constituent republics, Serbia and Montenegro: Article One of the Constitutional Charter reads ' The name of the State union shall be Serbia and Montenegro' and Article Two, 'Serbia and Montenegro shall be based on the equality of the two member states, the state of Serbia and the state of Montenegro'. [74a](p.1)

I.5.2 A Charter of Human and Minority Rights and Civil Liberties was adopted on 26 February 2003, brought in as Article 8 of the Constitution, 'A Charter of Human and Minority Rights and Civil Liberties, forming an integral part of the Constitutional Charter, shall be adopted under the procedure and in the manner set forth for the adoption of the Constitutional Charter.' [74a](p.2) Provisions of international treaties in this regard apply directly to the territory of SaM, as outlined in Article 10, 'Provisions of international treaties on human and minority rights and civil liberties applicable on the territory of Serbia and Montenegro shall apply directly.' [74a](p.3) SaM became a member of the Council of Europe on 3 April 2003, (as reported on the UK Foreign and Commonwealth Office website, accessed in April 2003). [11o](p.1) Freedom of movement of people,

goods, services and capital is guaranteed: Articles 11 – 13 of the Constitution cover the principles of market economy (Article 11), of common market (Article 12), and of freedom of movement, which in Article 13 runs:

> 'The movement of people, goods, services, and capital shall be free in Serbia and Montenegro. The prevention of the free flow of people, goods, services and capital between the state of Serbia and the state of Montenegro shall be prohibited.' [74a](p.3)

I.5.3 As detailed in Articles 46 – 50 of the Constitutional Charter, SaM at state union level is responsible for matters relating to foreign affairs, defence, internal economic affairs, foreign economic affairs and human / minority rights. The Court of SaM may rule on any disputes between the constituent republics concerning their competencies and on whether republic-level laws are in conformity with the legislation or constitutions of the republics or with the SaM Constitutional Charter. The Court of SaM may also rule on petitions of citizens in the event that the institutions of Serbia or Montenegro have violated their rights or freedoms as guaranteed by the Constitutional Charter [74a](p.10-11)

I.5.4. The EU Stabilisation and Association Report for 2004 stated:

> 'There was some progress in the field of human rights. The accession to the Council of Europe in April 2003 and the ratification of the European Convention for Human Rights and of the European Convention on the Prevention of Torture (in March 2004) were important positive developments. The authorities now need to ensure the effective implementation of these conventions. On the other hand, the state of emergency in Serbia has affected the respect for human rights. There has been steady progress in the implementation of minority rights. However, the lack of clarity of the new constitutional arrangement and a lack of coordination with the parallel Montenegrin institutions impeded efforts in these fields, affecting compliance with some of Serbia and Montenegro's international obligations.' [75b](p.11.)

Citizenship

I.5.5. Article 7 of the 2003 Constitutional Charter of the State Union of Serbia and Montenegro sets out the basic right of citizenship:

> 'A citizen of a member state shall be also a citizen of Serbia and Montenegro. A citizen of a member state shall have the same rights and duties in the other member state as its own citizens, except for the right to vote. [74a](p.2)

I.5.6. According to the US State Departrment Report for 2002:

> 'On 29 October 2002, the Governments of FRY and Bosnia and

> Herzegovina signed a Treaty on Dual Citizenship, which gave citizens from both countries the option of dual citizenship, with equal rights and privileges for travel between the countries. The treaty further secures the right of refugees to return by guaranteeing access to health benefits, social security, and other benefits earned while working in the previous country of residence.' [2b](p.11)

Political system

I.5.7. The Assembly of Serbia & Montenegro is unicameral, consisting of 126 members of whom 91 come from Serbia and 35 from Montenegro, state the Europa Regional Survey, 2004 . [1a](p.574) According to the European Commission Stabilisation and Association Report for 2004:

> 'At the state level, the Constitutional Charter provides for indirect election of members of the State Parliament for the first two years [i.e. up to 2005]. The two republican Parliaments adopted legislation for the nomination of the respective members of the State Parliament in mid-February 2003 and subsequently appointed these MPs. After the Serbian parliamentary elections of December 2003, the Serbian Parliament elected the new Serbian members of the State Parliament in February 2004.'[75b](p.3)

The first President , according to the UK Foreign and Commonwealth Office website country profile, accessed in April 2003, was Svetozar Marovic of the DPS party in Montenegro. [11n](p.3)

I.5.8. According to the Europa Regional Survey for 2004, Serbia and Montenegro section, the Serbian province of Vojvodina has an elected assembly with some autonomous powers. The Serbian province of Kosovo also has an elected assembly; though UNMIK work in conjunction with Kosovan Assemby, supreme power rests with the Head of UNMIK, The Special Representative of the (UN) Secretary General (the SRSG). [1a](p.574) The political system in SaM is discussed in greater detail under the individual sections dealing with each constituent republic.

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CONTENTS: SERBIA

S.2 Geography

S.2.1 The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004 relays the following information: The Republic of Serbia is a land-locked territory forming the largest part of SaM: the capital of Serbia is Belgrade. The Republic includes the provinces of Kosovo and Vojvodina. Kosovo is under the administrative control of the United Nations Mission in Kosovo (UNMIK). The official population estimates of mid-2001 are of 9,993,000 people in Serbia and the provinces of Kosovo and Vojvodina. [1a](p522) News reports, distributed by the Associated Press, of 16 May 2002 report that excluding Kosovo, the population of Serbia is estimated at about 7.5 million, a drop of one percent from the last census in 1991. [58a]

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S.3 Economy

S.3.1 The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004 relays the following information: The Socialist Federal Republic of Yugoslavia's (SFRY) economy was based chiefly on industry (including mining), agriculture and tourism. Following a period of serious economic decline during the 1980s and the highly destructive break up of SFRY in 1991, all sectors of the economy were in a state of crisis from the inception of FRY in 1992, leading to hyperinflation in 1993. [1a] (p.540,541) The Europa Regional Survey continues: the economy also suffered severely as a result of its involvement in wars during the 1990s, international sanctions and its exclusion from international financial institutions. The NATO bombing during the Kosovo war also impacted upon the economy. [1a](p.541)

S.3.2 The assessment of the Helsinki Committee (Belgrade) in its chapter on Economic and Social Rights in its 2002 annual report (published in 2003) ran:

> 'Second year of transition in Serbia began with signs of palpable fear of all population strata in the face of imminent, massive job cuts and other radical, economic changes. ... Lack of political and social consensus throughout 2002 affected the reforms, either by slowing them down, or by devaluing their earlier results.' [7m](p.106)

S.3.3 The EC Stabilisation and Association Report for 2004, regarding the economy in 2003, comments, 'Economic stability has been preserved. However, the pace of structural reforms has slowed considerably, mainly due to the political disputes that have hampered the functioning of the institutions.'[75b](p.1) The US State Department Report for 2003 commented on the 2003 performance of the economy:

> 'The economy was in transition from a system based on social ownership to a market-based environment with a mix of industry, agriculture, and services. ... Real SaM Gross Domestic Product (GDP) grew by 4 percent in 2002; the International Monetary Fund projected 3

percent GDP growth during the year. Income distribution and economic opportunity were uneven. Poverty and unemployment were highest in southern Serbia and among the refugees from the wars in Croatia and Bosnia and internally displaced persons (IDPs) from Kosovo.'[2c](p.1)

S.3.4. Following Djindjic's assassination in March 2003 (see below), it has become apparent how far the Serbian economy had been influenced by organised crime. To quote a BBC news report of 3 July 2003, 'What (is) clear are the overlapping links between organised crime, parts of the Serbian secret police, its former elite police unit, the now disbanded Red Berets, extreme nationalist groups and those connected to war crimes.' [8t]

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S.4 History

S.4.1 The UK Foreign and Commonwealth Office website's country profile of Serbia (updated 15 July 2004) relates that Slobodan Milosevic dominated Serbia from the late 1980s until he was overthrown in October 2000 and replaced as FRY President by Vojislav Kostunica. The Democratic Opposition of Serbia (DOS) won a landslide victory in the Serbian Assembly elections and Zoran Djindjic was appointed Prime Minister of Serbia. [11p](p.2) The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004 continues, stating that following the election, there was a purge of Milosevic's allies in senior positions in the administration, military and diplomatic service, leaving the ex-president increasingly isolated. After US pressure, Milosevic was arrested on 1 April 2001 and extradited to The Hague on 28 June 2001. [1a] (p.538) Milosevic was initially indicted with charges relating to his actions in Kosovo, but further charges in respect of activities in Croatia and Bosnia were added later. [1a](p.539)

S.4.2. From March 2002, US pressure led to further powers facilitating further extraditions to The Hague. The law applied to 23 suspects, including the then incumbent President of Serbia, Milan Milutinovic, according to a BBC News Report of 21 May 2002. [8i] Milutinovic, according to a Guardian news website report of 21 January 2003, subsequently surrendered himself to The Hague in January 2003. [56c] In February 2003, ultra nationalist leader Vojislav Seselj also handed himself over to the war crimes tribunal, according to a Voice of America news report of 25 February 2003. [55a]

S.4.3. According to a BBC news account of 9 October 2002, of the lead-up to the second round of Presidential elections, the DOS coalition was weakened by an antagonism between the Kostunica and Djindjic factions. [8i] A later BBC bulletin, of 14 October 2002, reported Kostunica won the second round on 13 October 2002, but the turnout was below the 50% required for the result to be valid. [8k] The elections were re-run in December 2002, with Kostunica winning 58% of the vote, but again the 50% turnout threshold was not reached, according to the UK FCO website profile of Serbia, (updated 15 July 2004). [11p](p.4)

S.4.4. A Guardian Online news report of 13 March 2003 related that on 12 March 2003 Prime Minister Djindjic was assassinated outside a government building in Belgrade; that a previous attempt had been made on his life on 21 February 2003; and that a State of Emergency was immediately declared and Zoran Zivkovic, a colleague of Djindjic's from the DS party was appointed Prime Minister. [56d] A BBC news report of 19 March 2003 reported that under the State of Emergency the Government had powers to ban political gatherings and imposed controls on the media; the Government also took powers to arrest suspects without a warrant and hold them for 30 days without charges. [8o]

S.4.5. In the account on the UK Foreign and Commonwealth's website, 'The Serbian Government has blamed organised crime networks, in particular a group known as the "Zemun clan" for Djindjic's assassination'. [11p](p.6) A BBC news report of 7 April 2003 goes into further detail: the Government used the emergency powers to hold over 2,000 suspects with links to Zemun and other criminal groups, including several senior security officers and the Deputy Public Prosecutor; the Government has also removed 35 judges from office and disbanded the former paramilitary special service force, the JSO or Red Berets, which was implicated in several political killings, including that of former President of Serbia Ivan Stambolic. [8p] The same report notes: '[The detention of three lawyers on suspicions of perverting the course of justice] reinforces earlier claims that organised crime not only enjoyed the support of the Milosevic-era special police, such as the JSO, but also benefited from the services of members of the legal profession.' [8p] News reports from Belgrade in May 2003, within Balkans Crisis Report 432 of 23 May 2003, report that senior officials were keen that the April 2003 arrests are seen as the beginning of a concerted effort against organised crime, rather than an occasional response. [43am]

S.4.6. According to a news report relayed in the Southeast European Times on 11 April 2003, 'EU foreign policy chief Javier Solana told officials in Belgrade on Thursday (10 April [2003]) that the [European] Union supports the Serbian Government's actions against organised crime in the wake of Prime Minister Zoran Djindjic's assassination.' [76a] According to the Balkan Crisis Report, of 11 April 2003, the measures also enjoyed considerable public support. [43o] The State of Emergency was lifted on 22 April 2003, according to the Balkan Crisis Report, of 23 April 2003. [43ab]

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S.5 State Structures

Political system

S.5.1 Within the state union, according to the Institute for War and Peace Reporting (IWPR) country profile (no date given on document), the Republic of Serbia has its own government headed by a directly elected president, and its own parliament, supplementary to the State Union institutions. [43b](p.3) According to the Europa Regional Survey, 4th Edition, 2004, the President serves a five-year term and nominates the Prime Minister in consultation with the 250 member National

Assembly. The National Assembly approves the Prime Minister and the Council of Ministers. Deputies are directly elected for four-year terms. [1a](p.573,574)

S.5.2 The Democratic Opposition of Serbia (DOS) won a majority at the Serbian National Assembly in the December 2000 elections, as reported in a CIRCA country profile via Reuters Business Briefing, dated 20 March 2002. [4c](p.1) DOS is a shifting coalition of parties, originally led by the late Serbia PM Zoran Djindjic of the Democratic Party (DS). Ex- FRY President Kostunica's Democratic Party of Serbia (DSS) were initial key members of the coalition but left it following disagreements with Djindjic. [4c](p.1) Vojislav Seselj's Serbian Radical Party (SRP) / Srpska Radikalna Stranka – (SRS) attracted right wing nationalist support, and went on to effect presidential election boycotts in 2002, according to the FCO Country Profile, updated 15 July 2004. [11p](p.4) Seselj, however, surrendered himself to the ICTY at The Hague in February 2003, as reported by the Voice of America news website on 25 February 2003 [55a] and in the Foreign and Commonwealth Office country profile of Serbia 2004, updated 15 July 2004. [11p](p.6)

S.5.3. The December 2003 elections for the Serbian National Assembly ran as planned on 28 December 2003. According to the OSCE Parliamentary Assembly report on the 2003 elections (published 29 December 2003): 'The 28 December 2003 parliamentary elections in the Republic of Serbia (Serbia and Montenegro) were conducted generally in line with OSCE commitments and Council of Europe standards for democratic elections.' [31j](p.1.) The OSCE report of 29 December 2003 identified some shortcomings: on the question of mandates, party's choice of candidate after voting; lack of minority representatives because of the electoral threshold of 5 percent; and lack of a postal vote system. [31j](p.3-4.)

S.5.4. According to the figures given in the ElectionWorld report, which gives a breakdown of all votes secured by the differest parties, the Serbian Radical Party – Srpska Radikalna Stranka (SRP) secured the largest proportion of votes cast, ensuring 82 seats (out of a possible 250), but insufficient on which to form a government. [32a] According to the International Crisis Group report of 26 March 2004, the election results led to a political impasse, as parties attempted to form coalitions. [69b](p.11.)

S.5.5. The administrative crisis moved towards a partial resolution with the appointment of Dragan Marsicanin, of the Democratic Party of Serbia (DSS) as the new Speaker of the National Assembly, having obtained 128 votes from the 245 deputies, with 36 abstentions, as reported by the BBC on 4 February 2004.[8h]

S.5.6. The BBC reported on 20 February 2004 the final agreement regarding a political solution to the Serbian Government impasse.[8b] The report continued that a minority government would be formed of a coalition headed by Vojislav Kostunica of the Democratic Party of Serbia (DSS): the main concern of the report was the possible reliance of the coalition upon the political prop of the Socialist Party of Serbia (SPS) whose president is Slobodan Milosevic, currently indicted for war crimes in The Hague. [8b] The BBC in a separate report of 16 February, reported that Javier Solana expressed the concerns of the European Union over the dependence of the coalition upon the SPS's support. [8ad]

S.5.7. A BBC report of 2 March 2004 relayed that Kostunica had announced his cabinet,

having assumed the position of Prime Minister. [8a] The cabinet included representatives labelled by the BBC report as of centre-right groups, stated that: 'In his speech [to Parliament, 2 March 2004], Mr Kostunica - a moderate conservative and a nationalist – promised to fight corruption and bring Serbia and Montenegro into the European Union.' [8a]

S.5.8. The BBC reported on 26 February 2004 that the Serbian Parliament abolished the threshold turnout requirement of 50 percent of the electorate in presidential elections on 26 February 2004. [8ac] Presidents in the Republic of Serbia, the same BBC report continued, will in future be voted in on a simple majority basis. [8ac]

S.5.9. As reported by the BBC on 28 June 2004, the next presidential elections of June 2004 resulted in a run-off between Boris Tadic of the DOS alliance and Tomislav Nikolic of the SRS. In a second round ballot held on 27 June 2004, Tadic won 53.7 percent of the vote (electoral turnout estimated at 49 percent of electorate). [9as]

Judiciary

S.5.10. According to the US State Department Report for 2003, 'The Constitution provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence, although to a far lesser degree than under the former Milosevic regime.' [2c](p.6) However, the EC Stabilisation and Association Report 2003 comments that, 'On the positive side, however, the judiciary seem to be resuming their independent role'. [75a](p.11) The EC Stabilisation and Association Report 2004 again adds a note of caution, reporting 'In Serbia, the situation of the judiciary was affected by the introduction of the state of emergency. While it enabled the Government to investigate individual cases of misconduct or corruption of judges and prosecutors, the state of emergency also led to wider, more structural measures including legislative and personnel changes, based on irregular procedures.' [75b](p.8)

S.5.11. The court system comprises (over republic and state union levels) of local, district, supreme, constitutional and war crime courts, according to the USSD Report for 2003. [2c](p.6) According to the European Commission Stabilisation and Association report of 2004,

> 'The establishment of new administrative and appellate courts was planned for 1 January 2004. These courts would take over some functions of existing district and municipal courts. However, since the necessary parliamentary decision on the appointment of judges to the new courts was not taken due to the parliamentary crisis, the Serbian Constitutional Court decided to postpone the implementation of the law to avoid a legal vacuum.' [75b](p.9.)

Republic court decisions may be appealed to the Court of Serbia and Montenegro (according to Articles 46-50 of the Constitutional Charter). [74a](p.13) According to the EC Stabilisation and Association report, 2003,the new Serbian Council for the Reform of the Judiciary has drafted a comprehensive strategy for judicial reform. [75a](p.11.) The 2004 EC report notes the following regarding case backlogs, particularly at Supreme Court level:

'Despite certain improvements, much remains to be done. The authorities are tackling the problem of backlog of cases by initiating a revision of procedural laws (notably civil codes and executive acts), as well as by improving infrastructure and resources. The establishment of administrative and appeals courts, envisaged in both republics, is also important in this respect, notably in view of relieving the Supreme Courts [sic] of some of its workload (such as acting upon appeals) which will be transferred to new courts.' [75b](p.9.)

S.5.12. According to the European Commission Stabilisation and Association report of 2003, the Government has initiated trials for war crimes since 2002 within the regular court system. [75a](p.20-21)The military court system was in the process of being dismantled in 2003, in line with Constitutional Charter requirements: one case, an espionage case, has been retained for investigation but not yet [as of end 2003] been brought to trial, according to the USSD Report for 2003. [2c](p.6) According to the Human Rights Watch annual report for 2003 [9e](p.2) and news reports such as in the Boston Globe, 22 June 2003, [83a](p.7) the Truth and Reconciliation Commission (TRC), established in 2001, had not held any hearings on war crimes by the end of 2002, and was disbanded in February 2003. [9e](p.2) The Boston Globe account accuses the TRC of limited success: 'After the Yugoslav federation disbanded in February [2003], the commission closed its doors without publishing a single report.' [83a](p.7)

S.5.13. The Human Rights Watch (HRW) expressed concern on 11 December 2003, in the HWR press release *Protection needed for War Crimes Witness* that the Serbian authorities were not providing, in their opinion, sufficient protection to Goran Stoparic, a former member of Serbian security forces. 'Serbian authorities must ensure the protection of a former member of the Serbian security forces who yesterday gave astonishing eyewitness testimony about the killings of 19 Albanians in the 1999 Kosovo war, Human Rights Watch said today.'[9i](p.1) The HRW report continues: 'The presiding judge issued a formal order of protection for Stoparic, but as Human Rights Watch's monitoring has found, other war crimes trials in Serbia and Montenegro lack a systematic, properly funded witness protection program.' [9i](p.1)

S.5.14. The US State Department Report for 2002, published March 2003, stated that the Serbian Parliament passed the Law on Suppression of Organised Crime in July 2002, which created a semi-independent Special Prosecutor, a special police investigative unit, specialised court chambers, and a dedicated detention unit. [2b](p.7) The USSD 2002 report continues, that the Special Prosecutor's competencies include war crimes as well as organised crime. [2b](p.7)The USSD 2002 report also states that changes to the federal Law on Criminal Procedure allowing for the implementation of the Special Prosecutor law were passed in December 2002. [2b](p.7)

S.5.15. Steps to enhance judicial independence and reform organisation structures of the legal process were proposed in new judicial laws in November 2001, according to the EC Stabilisation and Association report, 2003 and the US State Department Report for 2002. [75a] (p.10) However, these were undermined by amendments made in July 2002, giving a parliamentary judicial committee the power to bypass the judicial branch in nominating, appointing, and dismissing judges and court presidents, with the EC 2003 report stating:

'Promising steps to enhance judicial independence, taken in November 2001 with the adoption of new Serbian laws, were seriously undermined by changes adopted in July 2002, contrary to the solutions proposed by experts and judges, which the Constitutional Court declared not to be in accordance with the Constitution (11 February). The changes adversely affected the position of the newly established High Judicial Council and prosecutors and increased the competences of the legislative and executive branches to appoint and dismiss judges and court presidents.' [75a] (p.10)

S.5.16. The US State Department Report for 2002 reported that, 'However, the reformed leadership of the judiciary resisted governmental pressure, arguing that the principles of judicial independence and due process were more important than getting rid of the judges with speed, even if they were guilty of abuses under Milosevic'[2b](p.7); and that the Serbian Constitutional Court suspended the amendments pending a final ruling on their constitutionality. [2b](p.7) However, dismissals of compromised judges on the grounds of corruption, political bias and under-performance did take place during 2002 according to the EC Stabilisation and Association report, 2003 [75a](p.11) and approximately one-third of Serbian Public Prosecution personnel were dismissed or forced into early retirement during 2002, according to the US State Department Report for 2002. [2b](p.7) The Helsinki Committee of Serbia Annual Report for 2002, published in May 2003, conversely criticised the slow reform of the independence of the judiciary, referring to "retrograde trends" in terms of a renewed interference of the executive upon the judiciary. It alleged that the Society of Judges, the judicial professional body, had been ineffective in terms of questioning which judges were forced to resign. [7m](p.146)

S.5.17. According to the BBC report of 20 March 2003, the Government strongly criticised the judiciary after judges freed the suspect arrested for the alleged failed assassination attempt on PM Djindjic in February 2003. [8q] The BBC report continued that during the State of Emergency declared after Djindjic was assassinated on 12 March 2003, the Government arrested the deputy public prosecutor Milan Saraljic because of alleged links with the criminal group Zemun. [8q] According to the US State Department Report for 2003, 'The Supreme Court President, under pressure from the Government, resigned in April [2003]; however, a majority of judges on the Supreme Court remained Milosevic appointees, and the Constitutional Court remained staffed by some judges appointed during the Milosevic regime.' [2c](p.6)

S.5.18. The BBC News Website has been following the trial of the suspects of Prime Minister Djindjic's murder. On 19 March 2003, it was reported by the BBC that the deputy public prosecutor Milan Saraljic was arrested in connection with the Djindjic murder. [8o] This was followed by reports on 7 April 2003 that further high-profile arrests had been made - namely, of Milorad Bracanovic, a former deputy head of the secret police, and of Mira Markovic, wife of Slobodan Milosevic; and that members of the Red Berets – the Special Operations Unit (JSO) - arrested on the charge of murder had "confessed" to the killing. [8p] The BBC also reported in March 2003 (on the 20 March 2003) that over 1,000 suspects were arrrested in connection with the assassination. [8q] According to the US State Department Report for 2003, two suspects were killed resisting arrest on 27 March 2003. The USSD report continues, 'However,there were

allegations that police executed the two after they were already in custody.' [2c](p.2)

S.5.19. By December 2003, the trial of the suspects of Djindjic's assassination was arranged. The BBC reported on 24 December 2003 that the trial process for the 36 defendants was halted after the 40 defence lawyers walked out en masse after claiming that the panel of three judges was incapable of handling the case. [8aq] In response to these difficulties, the case was split into two parts, according to BBC reporting of 17 February 2004; the trial resumed of 13 suspects allegedly directly involved in the Djindjic assassination on 17 February 2004. [8ap] On 1 March 2004, Kujo Krijestorac, referred to by the BBC report as a key eye-witness, was shot: the BBC report of 1 March 2004 continues:

> 'It was not immediately clear whether the killing was related to the trial... A lawyer for Mr Djindjic's family, Rajko Danilovic, told AP news agency that Mr Krijestorac had received a number of death threats before being gunned down. "The defence has obtained nothing because his deposition will be read before the tribunal," he said. "Perhaps they wanted to threaten the other witnesses." [8ao]

S.5.20. There were some developments in notable investigations and trials in 2003 / 2004. On 28 March 2003, it was reported by the BBC, the remains of Ivan Stambolic were found. [12c] The US State Department Report for 2003 relayed that charges were filed in September 2003 by the Special Prosecutor for Organized Crime. [2c](p.2)

S.5.21. According to the US State Department Report for 2003, the former head of the RDB [the Milosevic-era State Security Service], Radomir Markovic received a sentence of seven years' imprisonment for his part in the attempted murder of Vuk Draskovic in 1999. [2c](p.3)

S.5.22. There were two developments reported by international news media in March and April 2004. Firstly, the BBC reported on 30 March 2004 that the Serbian parliament passed a law that granted pensions and other payments to politicians and public figures including indictees.[8at] Secondly, a Reuters News Report of 6 April 2004, stated that Nebojsa Pavkovic, Milosevic's chief-of-staff of the armed forces, would not surrender himself to be indicted in The Hague. [4g]

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Legal rights / detention

S.5.23. According to the US State Department Report for 2003, 'The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, except during the State of Emergency.'[2c](p.4) The Federal Criminal Procedure Code, introduced in March 2002, protects the rights of detained and accused persons including prohibitions against excessive delays by authorities in filing formal charges against suspects and in opening investigations, according to the USSD Report for 2003. [2c](p.5) The Human Rights Watch, in its press release of 2 July 2002, was sceptical as to the Code's efficacy: 'However, the climate of impunity inherited from the previous regime and barely confronted by the current Government raises doubts about the implementation of these new rules.' [9c](p.2) Amnesty

International's report of September 2002, *Concerns in the Federal Republic of Yugoslavia* adds details: 'Article 13 of this code allows all detainees immediate access to defence counsel.' Further details from the same AI report include: the investigating judge must authorise any detention of more than 48 hours; suspects can not be detained for more than 3 months without the decision of a judge, or for a total exceeding 6 months;the Code prohibits and makes punishable the use of any kind of violence on a detainee; and a suspect may only make a statement in the presence of legal counsel. [3f](p.11)

S.5.24. On 26 February 2002, the death penalty was abolished and replaced with a maximum sentence of 40 years imprisonment, as reported by the Human Rights Watch in their World Report 2003. [9e](p.2) The US State Department Report for 2003 reported that 'The Constitution prohibits forced exile, and the Government did not employ it'. [2c](p.6)

State of Emergency, 12 March – 22 April 2003

S.5.25. Under the state of emergency introduced on 12 March 2003, according to the news reports of the BBC on 7 April 2003 [8p] and the Human Rights Watch press release of 7 April 2003 [9f], following the assassination of PM Djindjic, police were able to detain anyone who "endangers the security of other citizens of the Republic" (quote from the Emergency Order, as quoted in source) for up to thirty days, without access to a lawyer, family members, or judicial review of the detention order. [9f] According to the US State Department Report for 2003, over 10,000 individuals were detained during the State of Emergency, with 4,500 still in custody upon the lifting of the State of Emergency on 22 April 2003; and 2,000 in custody at the end of 2003. [2c](p.2)

S.5.26. Human Rights Watch (HRW) expressed concern in a report dated 7 April 2003, that those held under the emergency powers were unnecessarily being kept in isolation without access to legal representation. [9f] The USSD Report for 2003 reiterated that most of the detainees were held incommunicado, without recourse to legal representation or judicial review. [2c](p.2) The HRW later, in a statement to the US Commission on Security and Cooperation in Europe on 4 June 2003, expressed concern that the emergency powers weakened the rule of law in Serbia, expressing concern that the conduct of the State of Emergency veered from international standards governing such measures: 'In April [2003] the Serbian parliament adopted a new law on organized crime to permit such detention for up to 60 days, in clear violation of the standards of the Council of Europe, which Serbia joined in April [2003].' [9h](p.4) The EC Stabilisation and Association Report 2003 commented, 'In the light of the wide powers given to organisations which have not been adequately reformed, the State of Emergency introduced in Serbia on 12 March should be as limited as possible.'[75a](p.13) The State of Emergency was lifted on 22 April 2003, according to the Balkan Rights Watch Report of 23 April 2003. [43ab]

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Internal Security

S.5.27. According to the US State Department Report for 2003, the police number about 23,000 officers. [2c](p.4) The Ministry of Interior (MUP) also controlled a 400-member gendarmerie and a 100 member anti-organised crime unit, according to the US State Department Report for 2002. [2b](p2.) The USSD Report for 2002, published March 2003, continues that in April 2002, the Law on Security Services transferred control of the State Security (then RDB, now BIA) from MUP to the control of the Prime Minister. [2b](p.2.)

S.5.28. The Human Rights Watch annual report for 2003 notes that the authorities have not used police violence against political opposition but that there were several cases of police abuse against ordinary citizens, particularly Roma: 'The authorities did not use police violence against the political opposition, but during the year police abuses against ordinary citizens were still commonplace.' [9e](p.2) (see Roma section) Injuries suffered by the victims included (according to the Human Rights Watch's account in their annual report for 2003), a head injury requiring brain surgery, a ruptured eardrum and bruised ribs. [9e](p.2) The US State Department Report for 2003 outlines a number of individual complaints of police brutality during detention, mainly as originally reported through the Humanitarian Law Center (Belgrade) and the Human Rights Committee (Leskovac). [2c](p.4)

S.5.29. The US State Department Report for 2002 noted that the new Code on Criminal Procedure introduced in March 2002 has, in the US State Department's and NGOs' opinion further regulated police behaviour, stating:

> 'A new federal Criminal Procedure Code (ZKP) enacted in December 2001 entered into effect in March [2002]. According to the Belgrade Center for Human Rights, the ZKP provided better human rights guarantees to suspects and defendants in criminal proceedings than the previous criminal code. In October both HLC and the Yugoslav Lawyers' Committee for Human Rights (YUCOM) reported that, in spite of occasional abuses, police generally acted in accordance with the regulations introduced by the new ZKP.' [2b] (p.6.)

The US State Department Report for 2003 proceeded to state:

> 'SaM and Serbian laws prohibit such practices [torture and other cruel, inhuman or degrading treatment / practices] however, police at times abused citizens and detainees, particularly during the State of Emergency from 12 March 2003 to 22 April 2003.' [2c](p.3)

S.5.30. The US State Department Report for 2003 outlines the following regarding the regulatory discipline of the police:

> 'There were only limited institutional means of overseeing and controlling police behaviour. In September [2003], an Inspector General with enforcement authority was installed in the MUP [Ministry of Internal Affairs]; however, at year's end [2003], he still had little ability to conduct investigations. In April [2003], the SaM Minister for Human and Minority Rights established an "SOS" hotline, which sought action on police abuse and other

> cases. The hotline had received more than 2,000 calls by year's end [2003]. The Serbian Government offered no other forms of assistance for citizens with complaints about police behavior; however, citizens could seek redress through the courts.' [2c](p.5)

S.5.31. The US State Department Report for 2002 also mentioned that defence attorneys and human rights workers reported some improvement during the year in the willingness of the police and courts to take action in cases of police abuse. [2b](p.5) According to the Ministry of the Interior (MUP), the MUP initiated 649 disciplinary proceedings during the year, resulting in 27 arrests of policemen, 122 criminal complaints, 73 resignations and 93 suspensions. [2b] (p.5.) Comparable figures for January to June 2003, were 762 disciplinary proceedings initiated by MUP, resulting in 17 arrests of police officers, 271 criminal complaints filed, and 123 suspensions. (MUP Statistics reported in the US State Department reports for 2002 and 2003 respectively.) [2c] (p.5) However, Human Rights Watch, in their annual report for 2003, notes that the MUP often ignored complaints or denied knowledge of alleged incidents. [9e](p.2)

S.5.32. According to the US State Department Report for 2003, police officers convicted of torture or ill treatment have tended to receive sentences of less than eight months in prison, so that the officers concerned were usually able to continue in police service. [2c](p.5) Amnesty International (AI) noted in its September 2002 report on FRY, that:

> 'Those cases taken up by Belgrade organizations such as the HLC appeared to have a greater chance of success, albeit limited, than those taken up by local organizations. The most successful cases were those involving members of the student group Otpor (Resistance) alleging ill-treatment and harassment by the police in the Milosevic era.' [3f](p.13)

AI particularly noted compensation was awarded in a number of cases brought by HLC on behalf of members of the student group. [3f](p.13)

S.5.33. According to the US State Department Report for 2003, 'After the lifting of State of Emergency, there were numerous allegations of police brutality and mistreatment, including the use of torture to extract confessions.' [2c](p.2) The USSD 2003 Report further refers to a number of practices used by the police to extract statements that contravened the Federal Criminal Procedure Code. [2c](p.5)

S.5.34. The state of emergency following Djindjic's assassination on 12 March 2003 gave impetus to moves to reform the security forces, according to BBC news reports of 31 January 2003 [8p] and of 4 April 2003.[8t] In particular, the Red Berets or JSO, a special operations unit with close links to organised crime and the Milosevic regime were disbanded, according to reports of the BBC of 7 April 2003 [8p] and Radio Netherlands of 28 March 2003. [77a] The BBC news reports of 31 January 2003 and 4 April 2003 both mention that a number of senior security service figures associated with the Red Berets have been arrested or killed when resisting arrest. [8p] [8t]

S.5.35. The Red Berets were a powerful force, totally independent of the regular army (VJ), which posed a significant threat to security and the new government, according to

the same reports of the BBC [8p] and Radio Netherlands. [77a]. The BBC report of 7 April 2003 contends that the case of Milorad Bracanovic, a former head of the secret police, exemplified the cooperation of government agencies and organised crime under Milosevic and such forces were responsible for the murder of opposition figures such as former President Ivan Stambolic. [8p]

S.5.36. The armed forces are formally under the control of the Supreme Defence Council, according to Article 56 of the Constitutional Charter of the State Union: 'The Supreme Defence Council shall comprise the President of Serbia and Montenegro and the Presidents of the member states.' [74a](p.13)

S.5.37. The Chief of Staff of the armed forces Nebojsa Pavkovic was sacked in March 2002, according to a BBC report of 2 April 2003. [8r] The BBC report continued that the removal of Pavkovic, one of the last remnants of the Milosevic regime, was seen as essential in the process of reforming the armed forces. He was detained in April 2003 for alleged collusion in crimes committed during the Milosevic era. [8r] A purge of Milosevic loyalists in the armed forces has been also initiated by the military courts, according to a Balkan Crisis Report of 15 April 2003, with an investigation into generals suspected of abusing their positions and powers. [43q](p.1)

S.5.38. On 7 August 2003, the BBC reported that the Government of Serbia and Montenegro, at state union level through the Supreme Defence Council, dismissed 16 of its most senior generals, plus an unspecified number of lesser officers. [8v] The news report states, 'The reforms are generally seen as part of a broader restructuring to bring the military under tighter civilian control and pave the way for eventual NATO membership'. [8v]

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Prisons

S.5.39. The Council of Europe (COE), according to the US State Department Report for 2002, concluded that Yugoslav prisons either met minimum standards for COE membership or would do so within one year. [2b](p.5) According to the US State Department Report for 2003, 'Prison conditions generally meet international standards; however conditions varied greatly from one facility to another.' [2c](p.4)

S.5.40. According to the US State Department Report for 2003, the conditions in the prisons varied greatly from one establishment to another mainly due to a lack of government funds to repair dilapidated buildings and their facilities. [2c] (p.4) The Helsinki Committee for Human Rights in Serbia, as reported in the USSD 2003 report, noted that some prisons offered clean, secure environments for inmates; the quality of food varied from poor to minimally acceptable; health care was often inadequate. Basic educational and vocational training programs were in place at most prisons, but they were limited by lack of resources. The level of training for guards was inadequate, and guards received extremely low pay. [2c] (p.4)

S.5.41. Men and women are held separately, according to the US State Department Report for 2003. [2c](p.4) The USSD 2003 report continues, 'Juveniles were supposed to

be held separately from adults, although this did not always happen in practice. Pre-trial detainees were held separately from convicted prisoners.' [2c](p.4) Prisoners were not allowed to vote in the Serbian presidential elections in September and October 2002, according to the US State Department Report for 2003. [2b](p.6)

S.5.42. According to the US State Department Report for 2003, the Government permitted visits by independent human rights monitors in 2003. With the exception of during the State of Emergency (for 42 days from March to April 2003), both the Humanitarian Law Centre and the Helsinki Committee for Human Rights obtained permission to visit all of the prisons in Serbia during 2003.[2c] (p.4) Helsinki Committee representatives were allowed to speak with prisoners without the presence of a prison warden. [2c](p.4.) In May 2003, the Human Rights Watch (HRW) organisation attempted follow up visits after a visit by UNHCHR-OSCE to detainees in April 2003, but were rebuffed by the Serbian authorities, according to a HRW press release of 14 May 2003. [9g]

S.5.43. The Lancet reported on 25 January 2003 that the OSCE found that conditions in the only prison hospital in Belgrade (Belgrade Reformatory Hospital) were appalling, with cells lacking heating and insulation, no new medical equipment in 15 years, poor sanitary facilities and widespread incidence of tuberculosis. Conditions in the hospital are considered much worse than in any prison, largely due to under-funding. [78a] The Helsinki Committee for Human Rights in Serbia, as reported in the USSD 2003 report, also singled out the Belgrade Reformatory Hospital as an example of unacceptable practice, with inmates forced to live in filthy, inhumane conditions. [2b](p.5)

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Military Service

S.5.44. Serbian military service follows a state union wide pattern: 'Military service is compulsory for all young men' states the Serbian Armed Forces website, accessed 4 August 2004. [74d](p.2) The website further reports that military service begins at the age of 17, and is an obligation as a citizen until the age of 60. [74d](p.2) According to the International Helsinki Committee (Belgrade) report of 2002, service was reduced in December 2001 from 12 down to 9 months' service for regular conscripts and 22 down to 13 months for conscientious objectors. [7k](section 5, p.11) The provisions for conscientious objection continue under the new state union of Serbia and Montenegro, as read in Article 58 of the Constitutional Charter, 'Recruits shall be guaranteed the right of conscientious objection.' [74a](p.13)

S.5.45. The US State Department Report for 2003 notes:

> 'While in previous years Jehovah's Witnesses reported that their members were serving sentences for conscientious objection to the draft, they reported no such detainees during the year [2003]. Moreover, the SaM Government began to implement civilian service as an alternativeto mandatory army service. Civilian service options complement the non-lethal options already present for conscripts who object to military service for reasons of conscience.Some journalists questioned whether conscientious objector regulations will extend to adult converts who wish

to leave the ready reserve.' [2c](p.11)

S.5.46. As reported in a UK Foreign and Commonwealth Office Brief of 12 January 2001, the FRY Government passed an Amnesty Act in February 2001 which granted amnesty to all draft evaders / deserters. The Act applies to all offences before 7 October 2000 and it is estimated that 24,000 people benefited from the amnesty. [11a]

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Medical Services

S.5.47. The UK Department For International Development (DIFD) in their Health Systems Resource Centre paper on Serbia, published 2001, remarked on the deterioration of the Serbian health service in the period 1990 – 2000:

> 'The public health sector in Serbia is based on a system of compulsory social health insurance, financed by salary contributions and operated by the Health Insurance Fund. The resources available to the health care sector have declined significantly during the last 10 years from $200 per capita in 1990 to around $60 per capita in 2000. As a result, real salaries of medical personnel have fallen sharply, and investment has declined, resulting in much of the sector's equipment becoming obsolete, and recurrent costs being under-funded. The principle of equitable access to health care was effectively abandoned. In more recent years, additional burdens have been placed upon the system by the refugee population and IDPs, for whom all health care costs are channelled through the Republican budget.' [33a](p.3)

S.5.48. A comprehensive survey of Serbia's health service in 2001 was undertaken by the Helsinki Committee for Human Rights in Serbia, as part of the Helsinki Committee's annual report for 2001.[7g](Section7: Healthcare) 'This survey of the state of health services in Serbia in the year 2001 focuses on the following main points: coping with inherited deficiencies and planning a comprehensive survey of the situation; lack of resources at all levels and in all spheres of work; dealing with priority problems chiefly by means of foreign donations and humanitarian aid; personnel changes; outlines of a project to reform the health care sector.' [7g](Section7: Healthcare, p.1)

S.5.49. The Europa Regional Survey: Central and South Eastern Europe 2004 gives basic indicators of health and welfare, covering total fertility (1.6 children per woman); HIV/AIDS (0.19 percent of the 15-49 years population); physicians per 1,000 (2.04 – 1998 figure) and health expenditure per head (US $ 237 in 2000). [1a] (p.545.)

S.5.50. According to the World Health Organization Mental Health Country Profile Yugoslavia 2002 website, accessed October 2002, treatment for mental health disorders is available, though numbers of psychiatric staff and bed spaces are limited. [48c]

S.5.51. The Government has established the Republic National AIDS Committee which is formulating a strategy to deal with AIDS in co-operation with UNDP acting as funding

agents, according to the UN Development Program in a factsheet, Controlling HIV/AIDS in Serbia, published in 2002. [21h]

S.5.52. The United Nations Environment Programme (UNEP) has confirmed that low level contamination by depleted uranium was found at five sites in Serbia and Montenegro. The study, announced in a press release dated 27 March 2002, concludes that the contamination does not pose any immediate radioactive or toxic risks for the environment of human health, but recommends that authorities take certain precautionary measures in line with those UNEP recommended for Kosovo. [22a]

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Education system – (see also Children para)

S.5.53. According to the US State Department Report for 2003, the educational system of SaM is organised at republic level, with elementary education free and compulsory for all children for nine years. [2c] (p.15) Further information is given in the Europa Regional Survey for 2004: 'Various types of secondary education are available to all who qualify, but vocational and technical schools are most popular. Alternatively, children may attend a general secondary school (gymnasium) where they follow a four-year course that will take them up to university entrance.' [1a] (p.561) The survey continues that there are 87 institutions of higher education including six universities. [1a] (p.549)

S.5.54. According to the US State Department Report for 2003, the Government did not restrict academic freedom during 2002. [2c](p.10) According to the US State Department Report for 2003, a new Law on Universities aiming to protect universities from political interference was passed in April 2002, which restored the Education Council (Prosvetni Savet) abolished by Milosevic in 1990. [2c](p.10) The law provides, the USSD 2003 Report continues, that an academic body without interference from the Ministry of Education should select university rectors and faculty deans. It also provides for participation of student organisations in determining certain aspects of university policy. [2c](p.10) However, although the new law is in place, the necessary comprehensive reform is still being prepared and bodies created defining their policy role, in the judgement of the European Commission Report for 2003, and the US State Department Report for 2003. [75a(p.17)] [2c](p.10)

S.5.55. According to the International Helsinki Group (Belgrade)'s Report, Human Rights and Accountablity: Serbia 2003, 'In February 2001 the Ministry of Education and Sports initiated preparations for the reform of educational system [sic] in the republic. In 2003 it carried out many planned activities with difficulties which had been envisioned a priori.' [7h](p.237) A total reform package is under way at every stratum of the educational system as well as the university system, but has encountered parliamentary opposition from nationalist and other opposition-aligned parties, and from the Serbian Orthodox Church, on issues ranging from history text-books to funding issues. [7h](p.223-249)

S.5.56. Religious education has been introduced in primary and secondary schools as an optional course by republican decree at a cost of over one million Euros: the Helsinki Committee for Human Rights in Serbia, in their 2001 annual report, published 2002,

saw this move as a blatant violation of democratic procedure as it was not approved by the Education Ministry. [7g](Section "Church and Freedom of Religion" p.1ff) The International Helsinki Group also stated in their report for 2003 that they were concerned about the nationalist fascist Obraz movement being active in Belgrade University. [7h](p.517) The US State Department Report for 2003 reports that according to the Law on Religious Freedom, primary and secondary school students are required to attend classes on one of seven "traditional religious communities." As an alternative to this requirement, students were allowed to substitute a class in civic education. [2c](p.11)

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S.6 Human Rights

Overview

S.6.1. The US State Department Report for 2003, published February 2004, commenting on events in 2003:

> 'The Government generally respected the human rights of its citizens; however, there were problems in some areas, which were aggravated by the March assassination of Prime Minister Djindjic and subsequent 42-day State of Emergency.' [2c](p.1)

The areas then mentioned range over police; judiciary and courts; media independence; societal violence and discrimination against religious and ethic minorities, and women; and trafficking of people issues. [2c] (p.1-2)

S.6.2. Serbia and Montenegro (as reported on the FCO website updated 15 July 2004) acceded to the Council of Europe on 3 April 2003 [11p](p.5) and has since adopted the Charter of Human and Minority Rights and Civil Freedoms, according to a statement on the Serbian Government website, dated 26 February 2003 [80a] In its Stabilisation and Association Report 2004, published April 2004, the European Commission noted these developments:

> 'There was some progress in the field of human rights. The accession to the Council of Europe in April 2003 and the Ratification of the European Convention for Human Rights and of the European Convention on the Prevention of Torture (in March 2004) were important positive developments. The authorities now need to ensure the effective implementation of these conventions. On the other hand, the state of emergency affected the respect for human rights.' [75b](p.11)

S.6.3. The EU report continues:

> 'There has been steady progress in the implementation of minority rights. However, the lack of clarity of the new constitutional arrangement and a lack of coordination with the parallel Montenegrin institutions impeded efforts in these fields, affecting compliance with some of Serbia and Montenegro's international

obligations.' [75b](p.11)

S.6.4. The Human Rights Watch, in their report dated 24 June 2003, however has criticised the Serbian Government's co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) as being generally insufficient: [9h](p.2,3.) 'The past year [June 2002 to June 2003] has seen continued stutter-step progress toward cooperation with the ICTY and accountability for war-time atrocities. Still missing is the clear political leadership to ensure that all those responsible for war crimes are held accountable.' [9h](p.1)

S.6a Human Rights Issues

Freedom of Speech and the Media

S.6.5. The US State Department Report for 2003 summarises these issues as follows:

> 'SaM and Serbian law provide for freedom of speech and of the press; however, political pressure from various factions, an uncertain regulatory environment, and vulnerability to libel suits placed constraints on free expression by journalists, editors, and other media.' [2c](p.8.)

S.6.6. According to the EC Stabilisation and Association Report 2003, published March 2003, Milosevic's 1998 oppressive media laws have now been repealed, but criminal defamation laws (embodied within the Criminal Code) remain which can be used to restrict the media. [75a](p.15) Though the Government itself did not use libel laws to suppress free expression in the media, former members of the Milosevic regime and government officials proved successful in private cases against media outlets that criticised them because of the low threshold defining libel, according to the US State Department Report for 2003. [2c](p.9.) In 2003, the US State Department report continued that this was apparent in the case of Government communications director Vladimir "Beba" Popovic's libel actions against five media outlets. [2c](p.9.) The US State Department Report for 2003 also mentions that libel can result in jail terms, and courts have the power to issue "conditional sentences" that silence offending journalists with the threat that any further offence will lead to immediate imprisonment. [2c](p.9.) The EC Stabilisation and Association Report 2004, published April 2004, noted 'The depenalisation of slander and libel is pending in Serbia' though 'Legal and practical impediments to the free operation of media persist.' [75b](p.14)

S.6.7. As reported in the US State Department Report for 2003, the Government has begun to reform Radio Television of Serbia (RTS), the main propaganda tool of the former regime, into a public broadcasting service. [2c](p.8) The reform process was started in the summer of 2001 when a new Board of Governors was appointed, made up of professionals from various sectors of society.[2c](p.8) However, according to the EC Stabilisation and Association Report 2004:

> 'In Serbia, the Parliament violated some procedural requirements foreseen by the Broadcasting Law for the appointment of the Broadcasting Council. No action has been taken to remedy the situation. This is a source of

concern also with a view to the allocation of the broadcasting licences.' [75b](p.14)

S.6.8. The EU Stabilisation and Association Report 2003 states, 'Political interference continues in Serbia, with several cases of direct pressure and intimidation by some leaders of the ruling coalition (mostly on local media).' [75a](p.15) This claim is echoed in the US State Department Report for 2003. [2c](p.8)

S.6.9. The US State Department Report for 2002 stated that local authorities occasionally harassed journalists and on occasions dismissed journalists from posts in publicly owned media outlets during 2002. [2b](p.9) Also in the US State Department Report for 2003, the Government did not restrict access to the Internet, though there were reports that it selectively monitored e-mail correspondence. [2c](p.10)

S.6.10. The US State Department Report for 2003 states that the Government directly censored some of the media in 2003, especially during and using the powers of the State of Emergency. [2c](p.8) A Reuters news report of 17 April 2003 mentions that media watchdog organisations, Reporters Without Borders and the Committee to Protect Journalists criticised the government's ban on reporting, quoting reportedly from the text of the ban: 'The government order bans reporting "on the reasons for the state of emergency and its implementation, excluding carrying the official statements of competent government bodies."'[4e](p.1) The Reuters report further states 'Media violating the rules face temporary closure and fines up to 500,000 dinars ($8,637)'. [4e](p.1) Also, according to the US State Department Report for 2003, the daily newpapers Nacional and Dan and the weekly Identitet were banned, allegedly for hindering the police investigation into the assassination of Serbian PM Djindjic. [2c](p.8) The State of Emergency was lifted on 22 April 2003, as reported by the Institute for War and Peace Reporting, in a report filed 23 April 2003. [43ab]

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Freedom of Religion

S.6.11. The law, according to the US State Department Report for 2003, in both SaM and Serbia provides for freedom of religion. [2c](p.10) The religion of the ethnic Serb majority is Orthodox Christianity, which is represented by the Serbian Orthodox Church (according to the Europa regional Study, 4th edition, 2004) [1a](p.521). The Serbian Orthodox Church is held to benefit from some preferrential treatment from the Government, according to the US State Department Report for 2003. [2c](p.10)

S.6.12. Although in the past the Milosevic regime was closely associated with the Serbian Orthodox Church, according to the US State Department Report for 2002, a rift developed during the Kosovo conflict that widened further during the year 2000. [2b](p.11) However, the Church continues to have close links with the current administration and enjoys some preferential treatment compared to other religious groups. [2b](p.11) In 2001, Jehovah's Witnesses, Protestants and Muslims have reported difficulties in acquiring land for religious purposes, again as relayed in the US State Department Report for 2002. [2b](p.11) The US State Department Report for 2002 continued, that the Serbian Orthodox Church condemned anti-Semitic statements made by a defrocked former member Dr Gavrilovic. [2b](p.11)

S.6.13. According to the Helsinki Committee of Belgrade, in their publication *Human Rights in Transition – Serbia 2001,* (also identified as the Helsinki Committee of Belgrade's Annual Report for 2001) published 2002, the Orthodox Church has enjoyed unprecedented publicity owing to support from President Kostunica: the Church is seen as a prime force behind the conservative nationalist movements emerging in the country. [7g](section 14: Revival of conservative idea, p.1) In 2001 the Serbian government passed a decree introducing religious instruction in state institutions and schools in spite of considerable public opposition, especially in Belgrade and Vojvodina, as reported by the Helsinki Committee of Belgrade in their Annual Report 2001. [7g](section 15: Church and freedom of religion, p.1-4) The US State Department Report for 2003 noted that the Law on Religious Freedom stated that primary and secondary school children are required to learn one of seven "traditional religious communities". [2c](p.11) According to the (Belgrade) Humanitarian Law Center's Shadow Report of January 2003, it can be seen as discriminating against minority religions. [63b](p.22) The EU stabilisation and Association Report for 2003 held that the Law is viewed by some as a violation of the principle of separation of church and state and is currently under appeal at the Constitutional Court.[75a](p.17) The US State Department Report for 2002 stated that although there was an intention to introduce Orthodox, Catholic and Muslim religious leaders into military units, only Serbian Orthodox clerics have been introduced to date. [2b](p.10) Overall the assessment of the European Commission's Stabilisation and Association Report for 2004, runs:

> 'There have been no developments in the adoption of new legislation, although drafts were prepared earlier (at the then federal level). Generally, the situation in this field is positive.' [75b](p.15)

S.6.14. The US State Department Report for 2003 outlines incidents of societal discrimination and harassment against members of minority religions such as Jews, Jehovah's Witnesses, Catholics and Protestants: Jewish leaders have reported an increase in anti-Semitic activity, typically begun by small-circulation anti-Semitic publications. [2c](p.10.)

S.6.15. The USSD for 2003 further stated that the Government has rescinded the registration of one religious group, the Sanatan Society for Spiritual Science, claiming that the group's documents promoted criminality. [2c](p.10)

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Freedom of Assembly and Association

S.6.16. The following information is from the US State Department Report for 2003: 'The Constitution provides for freedom of assembly, and the Government generally respected this right in practice, except during the State of Emergency'. [2c](p.10) The European Commission's Stabilisation and Association Report for 2004 indicated that little was being done to promote civil society:

> 'In Serbia there has been no progress on the legal staus of both domestic NGOs and foreign associations (which have no legal basis). The Ministry for Public Administration and Local Government is

> preparing a new draft, in cooperation with the civil society. The tax regime remains unfavourable, hindering NGO's work and independence.' [75b](p.13)

S.6.17. According to a report from B92 News, a Serbian news agency, in February 2001, the Yugoslav Constitutional Court ruled as unconstitutional several decrees issued by the Milosevic regime. [5c] The B92 report continues that these included a decree authorising the police to remand citizens in custody for 24 hours in certain circumstances; a decree authorising the Interior minister to ban movement in public places; and a decree which permitted the restriction of the inviolability of citizens' correspondence. [5c]

S.6.18. As reported in the (UK) Foreign and Commonwealth Office Country Profile of Serbia and Montenegro, updated 15 July 2004, the State of Emergency imposed on 12 March 2003 gave the Government increased powers to ban political demonstrations and gatherings. [11p](p.4)

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Political Activists

S.6.19. The US State Department Report for 2003 stated: 'There were no reports of political killings committed by the Government or its agents; however, security forces killed nine individuals.' [2c](p.2) The BBC reported on 7 April 2003 that there were no developments in police investigations of numerous cases of political killings from previous years, apart from the case of Ivan Stambolic the former President of Serbia, whose remains were found in March 2003. [8p] The US State Department Report for 2003 reports:

> ' The Special Prosecutor for Organized Crime filed charges in September with the new Belgrade Special Court for Fighting Organized Crime in this case and in the 2000 attempted murder of Serbian Renewal Movement leader Vuk Draskovic. Indictees include Milorad "Legija" Lukovic, Slobodan Milosevic, former RDB chief Radomir Markovic, former VJ Chief of Staff Nebojsa Pavkovic, and former Deputy RDB Chief Milorad Bracanovic.' [2c](p.2,3)

S.6.20. During the State of Emergency, according to Associated Press syndicated news reports of April 2003, former FRY President Kostunica and other opposition leaders suggested that the emergency powers may be being used to target political opponents. In mid April 2003, about 2000 people alleged to have links with organised crime were being held under the emergency powers. [58d] The State of Emergency was supported by the EU, as reported in the Southeast European Times [76a] and was lifted on 22 April 2003, as reported by the Balkan Crisis Report of 23 April 2003. [43ab]

S.6.21. Allegations of torture and abuse of by security forces of political opponents to the Government continued and escalated after the State of Emergency: The European Commission's Stabilisation and Association Report for 2004 recounts that

serious allegations of torture were made against the Serbian police after the State of Emergency. [75b](p.13) The same report continued:

> 'Many of the allegations relate to pre-trial detention. This has thrown up a clear distinction in the actions of Ministries. The Serbian Ministry of Justice indicated on a number of occasions that this is not a matter within its responsibility while the Serbian Ministry of Interior noted that complaints have been investigated and have found to be groundless. The opaque investigative process within the Ministry of Interior does not however enable justice to be seen to be done and further fuels concerns raised in particular by local human rights organisations that there is no effective independent investigation of complaints.' [75b](p.13)

Employment Rights

S.6.22. According to the US State Department Report for 2003: 'The law provides for the right of association and all workers except military and police personnel have the legal right to join or form unions.'[2c](p.18) The USSD for 2002 reports that of approximately 1.8 million employees in the socially owned sector, around 60 to 70 percent belong to unions. Approximately 361,000 people work in the private sector but only 4 percent are unionised. Additional 500,000 persons worked in the unofficial economy and were not registered employees. Due to the poor state of the economy, one-third of union workers, or around 600,000 persons were on long-term mandatory leave from their firms during 2001, pending improvement of the economy. The largely splintered approach of the independent unions has resulted in few achievements in terms of increased wages or improved working conditions. [2b](p.17)

S.6.23. According to the US State Department Report of 2003, usually, the law provides for the right to strike. However, the Law on Strikes restricts the right from employees in "essential service production enterprises", such as education, electric power and postal services, and these employees must announce their strikes at least 15 days ahead and must ensure a "minimum level of work" is provided. This law covered approximately 50 percent of all employees. [2c](p.18)

S.6.24. The US State Department Report for 2003 continues: 'During the State of Emergency, all strikes, protests, and public gatherings were forbidden.' [2c](p.18) After the State of Emergency was lifted there were a number of major protests in various employment sectors, but, in the opinion of the US State Department, 'The independent unions, while active in recruiting new members, did not reach the size needed to mount Republic-wide strikes.' [2c](p.18) The US State Department report continued, 'In general, job security fears due to high unemployment, along with disorganization of private sector trade unions, limited workers' willingness to strike.' [2c](p.18)

S.6.25. According to the US State Department Report for 2003, the minimum wage is about $75 per month, which is insufficient to provide a decent standard of living for a worker and family: the cost of food and utilities for a family of four is about $200. [2c](p.19)

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People trafficking

S.6.26. Serbia is both a transit and (to a lesser extent) a destination point for women trafficked from Eastern Europe, especially Romania, Moldova, Bulgaria, Ukraine and Russia, so states the US State Department Report for 2003. [2c] (p.20) The USSD for 2003 continues that the central point in Serbia for the transit trade is Belgrade, where organised crime is most entrenched. The International Organisation for Migration (IOM) estimated that between 6,000 and 7,000 women were trafficked through Serbia in 2002. The IOM reported seeing far fewer trafficked women in Serbia in 2003, but was unsure whether there was an actual decrease or less detection. [2c] (p.20)

S.6.27. Again from the US State Departrment report of 2003, as of 11 April 2003, the Criminal Code prohibits the trafficking in persons. New penalties range from 1 to 10 years for a single offence, 3 to 40 years for multiple offences, and 5 to 40 years if minors or deaths are involved. [2c] (p.20)

S.6.28. During 2001, the authorities began to take action against trafficking, according to the USSD Report for 2003: headed by the Anti-Trafficking Coordinator, the multidisciplinary team spans many Serbian Government departments, two NGOs and the IOM and the OSCE. [2c] (p.20) The US State Department Report for 2003 states the following:

> 'With the dissolution of the FRY, the position of Anti-Trafficking Coordinator moved from the federal level to the republic level and was held by the Deputy Head of the Department of Border Police. The Coordinator leads a multidisciplinary anti-trafficking team, which included many Serbian Government ministries (MUP, Social Welfare, Health, Justice, Labor, Finance), the IOM, the OSCEand two local NGOs – Astra, which was dedicated exclusively to the fight against trafficking and ran a trafficking victims' hotlineand carried out extensive public awareness campaigns to prevent trafficking, and the Counseling Center Against Family Violence, which ran a shelter for trafficking victims. NGOs and volunteers provided legal, medical, psychological, and other assistance to victims. The IOM managed repatriation of victims and repatriated 36 women determined to be victims of trafficking during the year [2003].' [2c](p.20)

S.6.29. IOM also opened a Regional Clearing Point in 2002 in Belgrade to collect information on trafficking from all the Balkan countries, according to the USSD for 2003. [2c](p.20)

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Freedom of movement

S.6.30. The Constitution provides for freedom of movement – as the US State

Department Report for 2003 states: 'The Constitution provides for these rights, and the Government generally respected them in practice.' [2c](p.12). The US State Department Report for 2002 noted, that in 2001, ethnic Albanians and Sandzak Bosniaks sometimes encountered harassment at borders when re-entering the country, but to a much lesser degree than in the past. However, in 2002, the report continues, there were reports of Muslims being singled out for unusually long searches at Serbia's border with Bosnia. [2b](p.11). The US State Department Report for 2003 stated that these problems were no longer being encountered in 2003: 'Bosniaks crossing into Serbia from Bosnia no longer reported being subjected to lengthy searches by border police.' [2c](p.12)

S.6.31. The US State Department Report for 2002 states that many persons living in Serbia and Montenegro who were born in other parts of the former Yugoslavia were unable to establish citizenship in Yugoslavia, under the previous government. [2b](p.11) The report continues that, refugees who applied for Yugoslav citizenship were forced to give up their Bosnian or Croatian citizenship to become eligible for Yugoslav citizenship and in an attempt to rectify this problem, the Government amended the 1997 Citizenship Law to allow dual citizenship in February 2001. [2b](p.11) The USSD Report for 2002 continues, 'However, many of those granted citizenship have retained their refugee cards instead of turning them in for Yugoslav identity cards, presumably in the belief that that [sic] the benefits of refugee status are greater than those they would receive as citizens.' [2b](p.11)

S.6.32. On 29 October 2002, (as reported in the US State Department Report for 2002), the Governments of FRY and Bosnia and Herzegovina signed a Treaty on Dual Citizenship, which gave citizens from both countries the option of dual citizenship, with equal rights and privileges for travel between the countries. The treaty further secures the right of refugees to return by guaranteeing access to health benefits, social security, and other benefits earned while working in the previous country of residence. [2b](p.11.)

S.6.33. According to the European Commission's Stabilisation and Association Report 2003, there are 231,000 IDPs in Serbia [75a](p.19.) whereas the US State Department Report for 2003 states, 'There were approximately 216,000 IDPs from Kosovo, mainly Serbs, Roma and Bosniaks.' [2c](p.12.) Most live in various types of private accommodation but about 7% live in collective centres where living conditions can be extremely poor, according to the United Nations Office for the Co-ordination of Humanitarian Affairs ((UN) OCHA) . [61a] The EC Stabilisation and Association Report for 2004 continues:

> 'The high number of refugees and Internally-Displaced Persons (IDPs) continued to burden the difficult economic and social situation in both republics. According to the Serbian authorities, there are currently 278,000 refugees and 207,000 registered IDPs. The authorities are making efforts to address the issue, in cooperation with countries in the region and with UNMIK. The implementation of the 2002 National Strategy continued, but with difficulties. Integration is reliant upon scarce financial resources.' [75b](p.15)

S.6.34. In a letter to CIPU, dated 2 August 2004, the UNHCR gave the UNHCR

estimates of IDPs, as of 1 May 2003, to be 233,938 people as IDPs in Serbia and Montenegro (state union) in total, of whom 205,391 were held to have coriginally come from Kosovo. [17o](p.2) The UNHCR letter continues:

> 'Following the withdrawl of civil registration and other municipal offices in Kosovo, parallel municipal structures were located in Southern Serbia. To obtain civic documents, IDP's [sic] are obliged to approach the "dislocated offices" in person, unlike other citizens of SCG. Most civic documents are only valid for a period of 6 months, with the result that IDPs are required to travel on a regular basis to maintain their civic status. Such requirements place a heavy financial burden on IDP's [sic], who are alreadyan economically disadvantaged group. Further problems stem from the non recognition of documents between UNMIK and authorities in Serbia.' [17o](p.2)

S.6.35. According to the US State Department Report for 2002, in 2002, the Serbian government, with UNHCR support, started to close 62 collective centres housing refugees from Bosnia and Croatia (but not those housing IDPs) by setting qualifications for people to remain housed in collective centres and seeking alternate housing for others. [2b](p.11) By June 2003, the BBC reported on 20 June 2003, the collective centres had a population of 22,000 people. [8u] By August 2004, according to the UNHCR in their letter to CIPU, dated 2 August 2004, the population of the Collective Centres had dropped to 9,620 IDPs and a further 1,700 IDPs in unofficial centres and similar arrangements. [17o](p.2) Access to employment, schooling and health services is often limited for such people, according to the UN Office of Coordination of Humanitarian Affairs's Humanitarian Risk Analysis Report no. 18 of April 2002, particularly if they are not registered with the authorities or do not have identity documents. [61a](p.16) The US State Department Report for 2003, published March 2004, reported the following: 'Most Serb IDPs from Kosovo rented inadequate lodgings or were housed with host families or relatives; however, approximately 9,000 remained in collective centers which foreign observers found to be inadequate for any purpose other than emergency shelter.... The Government, with support of the UN High Commissioner for Refugees (UNHCR), worked on closing 115 collective centers housing refugees (not IDPs) from Bosnia and Croatia by setting qualifications to remain housed in collective centers and seeking alternate housing for others.' [2c](p.12) Further details about the situation for Roma are provided under Ethnic Minorities.

S.6.36. According to the EC Stabilization and Association Report for 2003, the Serbian Government adopted a "National Strategy for Resolving the Problems of Refugees and Displaced Persons" in May 2002, focusing on return or local integration of refugees from Croatia and Bosnia, though the status of IDPs has not yet been regulated. [75a](p. 19) The Norwegian Refugee Council's Global IDP Project 2003 Report's section on Serbia and Montenegro draws attention to its perceived plight of IDPs from Kosovo in Serbia:

> 'Neither able to return to Kosovo, because of the security situation and the political stalemate over the province's future status, nor to fully integrate into their new environment, most IDPs currently live in a state

of legal and social "limbo".' [16a](p.27)

S.6.37. The Global IDP Project report also adds information about access to documentation and registration, summarising the situation as follows:

> 'In June 1999, many status and property registry books, as well as court archives were removed from Kosovo and brought to municipal registry offices "in exile" established in various locations in central and southern Serbia. IDPs faced numerous difficulties in obtaining doucments such as birth certificates or citizenship certificates from these dislocated registry offices. Complicated, time consuming and costly procedures prevented many IDPs from obtaining important personal documents.' [16a](p.27)

> 'Displaced persons who were required to register – either for the first time or because registry books were missing or destroyed – faced similar problems, severely hampering their ability to enjoy their legal rights. Roma encountered additional difficulties because they rarely were registered in birth registry books and therefore often do not possess identification cards.' [16a](p.27/28)

> 'Although new legislation providing for the transfer of the Kosovo registry books to Serbian registry offices came into effect on 7 June 2003, the administrative practices have not improved significantly under the new authorities.' [16a](p.28)

S.6.38. The Constitution, according to the US State Department Report for 2003, provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. [2c](p.12.) The report continues that the Government co-operates with UNHCR and other humanitarian organisations assisting refugees: there are approximately 317,000 refugees in Serbia from other former Yugoslavian countries, the majority from Croatia (212,000) [2c](p.12.). The US State Department Report for 2002 adds: 'There were no reports of the forced return of persons to a country where they feared persecution'. [2b](p.12)

S.6.39. The UNHCR, however, is at pains to point out that other factors are involved regarding asylum, with continuing problems of definition from the dissolution of the FRY, stating in a letter to CIPU, dated 2 August 2004 the following:

> 'UNHCR would like to draw a distinction between the status of refugees from the former-Yugoslavia and persons seeking asylum from countries outside the former-Yugoslavian territory. Whereas the staus of the former caseload is protected by virtue of the 1992 Serbian Law on Refugees, newly arriving asylum seekers do not have access o an effective asylum procedure and cannot be said to be adequately protected against *refoulement*.' [17o](p.2)

Returns from EU States to Serbia

S.6.40. The UNHCR expressed its concern, in its position paper of August 2004 entitled *UNHCR Position on the Continued International Protection Needs of Individuals from Kosovo*, that some European Union States were returning persons who were from Kosovo or who had been living as IDPs from Kosovo in Serbia, back to Serbia via Belgrade. [18g](p.8,9) The UNHCR stated:

> 'UNHCR is of the opinion that the implementation of the concept of internal flight or relocation alternative in Serbia proper and Montenegro towards persons originating from Kosovo and belonging to ethnic minorities would not be a reasonable option in most cases, particularly considering their inability if returned to register as IDPs in Serbia proper or Montenegro and the subsequent problems they can be expected to encounter in accessing basic human rights and services.' [18g](p.8)

S.6.41. The UNHCR continued that it was concerned about such returns affecting the work of UNMIK as obliged by Council Resolution 1244: 'Moreover, UNHCR is of the view that the implementation of the Internal or Relocation Alternative concept towards this caseload could also raise an issue under the obligations stemming from the United Nations Security Council Resolution 1244 of 10 June 1999 to return refugees and IDPs to their homes in Kosovo.' [18g](p.9)

S.6.42. The UNHCR in the same position paper expressed concern about the capacity Serbia has to accommodate more refugees: 'Similarly, there are already serious constraints on the absorption capacity.' [18g](p.8,9) The US State Department Report for 2003 notes: 'The housing situation for Roma is expected to be aggravated by the return of approximately 50,000 Roma to Serbia, mostly originally from Kosovo, who were being deported from Germany and Switzerland under bilateral readmission agreements.' [2c](p.16,17)

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S.6b Human Rights – Specific Groups

Ethnic Groups

S.6.43. The US State Department Report for 2003 states, 'Minorities constitute 25 to 30 percent of the population of Serbia and included Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.' [2c](p.16) Various commentators, namely the US State Department in the Report for 2003, the Balkan Crisis Group in a news report of April 2004, and the EU stabilisation and Association Report for 2003, report the opinion that equal rights are provided in law for all citizens, regardless of ethnic group, religion, language, or social status, but ethnic minority groups were severely oppressed under the Milosevic regime. [2c](p.16) [43e] [75a](p.14)

S.6.44. The EC Stabilisation and Association Report of 2004 notes that, 'There has been steady progress in the implementation of minority rights, but problems in ensuring full and adequate cooperation between different levels of government persisted, affecting compliance with some of Serbia and Montenegro's international obligations.' [75b](p.15)

S.6.45. In general terms, the Human Rights Watch Report for 2003 notes that treatment of Hungarians, Croats, Bosniaks, and Albanians in Serbia (outside of Kosovo) was satisfactory in 2002, but that serious concerns remain regarding the treatment of Roma. [9e](p.3)

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Hungarians and Croats in Vojvodina

S.6.46. According to Europa Regional Survey of Central and South Eastern Europe, 4th edition, 2004, of the 26 different ethnic groups in Vojvodina, Hungarians constitute the largest minority, accounting for approximately 17% of a total population of 2.4 million, while the Croats represent approximately 3.7%. Vojvodina had enjoyed autonomous status within the old SFRY, but this was removed under the 1992 constitution of FRY. Nevertheless, Vojvodina retained its provincial assembly and their own political parties and organisations represent all the various ethnic minorities. The largest of these is the Democratic Community of Vojvodina Hungarians (DCVH). [1a] (p.572 – 573.)

S.6.47. The Helsinki Committee Annual Report for 2003 (published 2004) points out that the independence issue is partly because the province is the most productive in Serbia, generating 40% of its wealth, yet most of this revenue goes towards subsidising other parts of the Republic. [7h](p.335) The same Helsinki Committee report presses the idea that full autonomy should be restored to Vojvodina, though this is unlikely for Serbian political reasons. [7h](p.369,370) The Omnibus Act on Vojvodina granted increased powers of self-government to Vojvodina in 2002, but stopped far short of restoring full autonomy, according to the US State Department Report for 2002, [2b](p.16) and the EC Stabilisation and Association Report, 2003. [75a](p.9)

S.6.48. The US State Department Report for 2003 reported that Vojvodina was quiet in terms of ethnic co-existence in 2003:

> 'There were no reports of violence or harassment against ethnic Hungarians in Vojvodina during the year [2003]. However, on 27 September [2003], graves were desecrated in a predominantly Hungarian Catholic cemetery. Some members of the Vlach community in Bor complained about the Serbian Orthodox Church's refusal to conduct religious services in the Vlach language rather than in Serbian.' [2c](p.16)

S.6.49. In April 2003, the Helsinki Committee for Human Rights in Serbia reported back on an EU funded project monitoring the "small" minorities of Vojvodina – namely, Macedonians, Ashkaelia, Germans, Czechs, Jews and Ukrainians. [7la] The Helsinki Committee for Human Rights' findings indicated that these groups were numerically in decline as members moved away, perceived as a result of lacking a significant presence in Vojvodina political life: the Serbian authorities' designations of "national minorities" were held to have contributed to this situation. [7la]

S.6.50. In August 2004, reports emerged of renewed problems for the Hungarian ethnic minority in Vojvodina, with Keesing's Update for July / August 2004 reporting the following:

'The Hungarian Foreign Minister, Laszlo Kovacs, wrote to the Prime Minister of serbia, Vojislav Kostunica, in early August [2004], calling on the Serbian authorities to halt a series of violent attacks on ethnic Hungarians in the Vojvodina province of northern Serbia. Kovacs warned that Hungary would lodge formal protests at European level if the Serbia authorities did not begin to prosecute the perpetrators of the attacks.' [90a](p.46175)

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Muslims in the Sandzak

S.6.51. The Sandzak, according to the Helsinki Committee of Belgrade's annual report for 2003, published 2003, is an area that straddles the Serbia/Montenegro border, originally an internationally disputed area of the Ottoman Empire. [7h](p.373) Of its 11 municipalities, 6 are in Serbia and 5 in Montenegro. [7h](p.374) According to the Helsinki Committee's report, the March 2002 census recorded that of the 136,087 Bosniaks in Serbia, 417 people lived in Vojvodina and135,670 lived in central Serbia (of whom, 134,128 lived in the Sandzak municipalities). [7h](p.375)

S.6.52. Bosniaks are Muslims who speak a dialect of Serbian and are related to Bosniak communities in Kosovo, Bosnia and Turkey, notes a Radio Free Europe news article of 2002. [30e] The Bosniak population was previously recognised as a consituent ethnic group prior to the dissolution of the socialist Yugoslav state, according to Serbia 2003 report produced by Helsinki Committee of Belgrade in 2004; but had lost such a status afterwards: 'Following the dissolution of the state, Bosniaks found themselves in the position of a "new", unrecognised minority, whose identity was frequently and brutally denied.' [17g](p.378)

S.6.53. Since the fall of Milosevic, the situation in Sandzak has improved considerably. The OSCE noted in January 2002 that, 'Despite the mixed ethnic composition of the area and a difficult recent history, inter-ethnic relations in Sandzak appear harmonious' [31f](p.10) In 2003, the Helsinki Committee for Human Rights in Serbia commented, in their report of 2002 activities, 'Long-standing predictions of some politicians and experts about an imminent break-out of crisis in Sandzak never materialised.' [7m](p.337)

S.6.54. According to the Balkan Crisis Report (no 353 of July 2002) since the year 2000, Serbs have been leaving the Sandzak area, some of them having lost their public sector jobs. The exodus may have been partly prompted by the actions of the Muslim Party of Democratic Action (SDA) which has dismissed Serb managers in state companies and local authorities since coming to power two years ago. Local news reports claim Sulejman Ugljnin, the main Sandjak leader, has installed a number of his family and associates in senior local government posts. Serb departures may also be economically motivated because property values in Novi Pazar (the largest town in the region) are considerably higher than elsewhere in Serbia. [43f]

S.6.55. According to the US State Department for 2003, all seven Sandzak municipalities have multi-ethnic municipal assemblies; Bosniaks lead local governments

in the three Muslim majority municipalities in the Sandzak region. In Novi Pazar, the municipal government gave the Bosnian dialect official status, as allowed under the 2002 Law on Local Elections. Under-representation of ethnic minorities in the assemblies is still an issue in 2003, according to the USSD Report for 2003. [2c] (p.13)

S.6.56. According to the Helsinki Committee in their report on activities in 2003, the Bosniaks in the Sandzak have been concerned by a number of issues in 2003. The Sandzak Bosniaks are concerned about the status of the Bosniak language and its dialects [7h] (p.387,388) , especially in relation to instruction in Bosniak and wider issues of education [7h] (p.388-390) and of the media and culture [7h] (p.391-392). The Judiciary is seen to be representative of the Bosniak community, but pay differentials with other Serbian judges rankle, and corruption is held to be a problem amongst judges and court officials. [7h] (p.393-394). The economy is in a precarious situation. [7h] (p.397-398). But boundary issues are a key issue in the Sandzak, with the Helsinki 2003 Report stating:'Division of Sandzak into two parts by Serbia and Montenegro is not acceptable for the majority of Bosniak population and the leading Party of Democratic Action.' [7h] (p.398). It is regional integrity of the Sandzak that propels it into the centre of the dissolution of the state union debate: 'The first reason for preservation of the state union, as urged by Sandzak Bosniaks, lies in their need to protect and develop their national identity.... The second reason has to do with the conviction that in such a way favourable conditions for an accelerated economic development of the region may be created.' [7h] (p.407-408).

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Ethnic Albanians in Serbia

S.6.57. According to Helsinki Committee reports of 2001, there are no up-to-date figures on the numbers of ethnic Albanians living in Serbia. However, according to the Helsinki Committee report, estimates suggest that there are likely to be about 70,000 – 100,000 ethnic Albanians living in Southern Serbia and a further 5,000 in Belgrade and other much smaller communities throughout the Republic. Under Milosevic, ethnic Albanians were generally subject to harassment and discrimination, which escalated during the war in 1999, when shops owned by ethnic Albanians were destroyed and employees of public utilities and large companies were dismissed on spurious grounds [7b](p.2) Until the change of regime, about 2,000 ethnic Albanian prisoners from Kosovo were being held in poor conditions in Serbian prisons. All have now been released, according to the US State Department Report for 2002. [2b] (p.7)

The Presevo Valley

S.6.58. The Presevo Valley is an area in southern Serbia close to the border with Kosovo, which comprises the municipalities of Presevo, Bujanovac and Medvedje. It is estimated that there are up to 100,000 ethnic Albanians living in the area, where they form the majority of the population, according to Humanitarian Law Center (Belgrade) in report of 2002, *Albanians in Serbia.* [63c](p.2) The International Crisis Group in their December 2003 report, Southern Serbia's Fragile Peace, give figures of the various ethnic populations from the 2002 Serbian Census of the area: Presevo – 31,098 Albanians, 2,984 Serbs, and 322 Roma; Bujanovac – 23,681 Albanians,

14,782 Serbs, 3,867 Roma; Medvedja – 7,163 Serbs, 2,816 Albanians and 109 Roma. [69d](p.3)

S.6.59. The Europa Regional Survey of Central and Southeastern Europe, 4th edition, 2004 gives the following background information regarding the Presevo valley ethnic Albanian community: although disadvantaged in social, political and economic terms, ethnic Albanians showed a high degree of integration and co-operation with the Serb population and authorities until late 1999. [1a] (p.539) From December 1999, a growing number of violent attacks on Serb police targets started occurring in the area, causing considerable unrest. [1a] (p.539) The attacks were carried out by an ethnic Albanian military group called the UCPMB (Ushtria Clirimtare e Medvedja, Presheve Bujanovac - Liberation Army of Presheve, Medvedje and Bujanovac). [1a] (p.539) The group is thought to have been an offshoot of the KLA/UCK and its aim appears to have been to gain greater autonomy for ethnic Albanians in the Presevo area. During the year 2000, attacks by the UCPMB on Serb forces escalated, with over 30 Serb police officers killed. Fearing an escalation of the fighting, several thousand ethnic Albanians fled the area for Kosovo. [1a] (p.539)

S.6.60. In 2001, the Deputy Prime Minister of Serbia, Mr Nebojsa Covic, acknowledged that ethnic Albanians in the Presevo area had grievances in relation to the discrimination they suffered (according to A Radio Free Europe newsport of 15 February 2001) and indicated that the situation could only be resolved by negotiation. Mr Covic put forward a detailed peace plan to NATO in February 2001. [30a](p.1)

S.6.61. According to the (UK) Foreign and Commonwealth's chronology of events in or affecting Kosovo, assembled in July 2002, in May 2001, the UCPMB accepted an amnesty from the Serb authorities.[11h] Continuing, the report states, the organisation handed over significant quantities of weapons, disbanded and withdrew from the Presevo area.[11h] Also according to the (UK) Foreign and Commonwealth's chronology of events in or affecting Kosovo, assembled in July 2002, on 3 June 2002, the FRY assembly formerly passed the amnesty law for persons suspected of committing terrorist acts in southern Serbia between 1 January 1999 and 31 May 2001.[11h] The Humanitarian Law Center confirmed later in 2002 that the amnesty has been implemented correctly. [63c](p.26.)

S.6.62. Following the Covic plan, the Serb authorities undertook to implement a series of "confidence building measures" in Southern Serbia. A Radio Free Europe news article of 15 February 2001 outlined the following measures, including:

- Making the ethnic balance of those employed in state services, business and social activities reflect that of the population of the area.
- Guaranteeing ethnic Albanians "an appropriate level of representation" in municipal councils and assemblies, as well as Serbia's parliament.
- Making the police force in the area ethnically mixed, with one ethnic Albanian police officer for every Serb.
- Economic regeneration of the area, including the repair of all Albanian houses to

accommodate displaced Albanians who wish to return to the area. [30a](p.2)

S.6.63. UNHCR undertook a detailed assessment of implementation of the Covic plan in January 2002. [21b] Significant progress had been made in many areas. In particular, a multi-ethnic police force had been established with training provided by the OSCE. By the end of 2002 the Multi-Ethnic Police Force (MEPF) had been deployed throughout Southern Serbia, according to the US State Department Report for 2002, [2b](p.16) and were trained in modern police tactics, according to an OSCE news report of April 2002. [31b] The International Crisis Group's assessment (in their December 2003 report) of the implemention of the Covic Plan is more critical:

> 'Many non-governmental and multilateral organisations have played important supporting roles in reconstruction, refugee return, democratisation and media training. In short, the international community has been the oil that greases the wheels of the peace process. Nevertheless, there is a sense among Albanians of the Presevo Valley that the Covic Plan is not delivering the promised end to tensions with Serbian security forces and prosperity.' [69d](p.18)

S.6.64. The Balkan Crisis Report has been following the political hopes of the ethnic Albanians of the south Serbian region, with information following from the BCR's news reports. Many ethnic Albanians continue to hope that the Presevo Valley region will one day be transferred to Kosovo in exchange for Serb enclaves on the Kosovo side of the border. Accordingly, some 65,000 ethnic Albanians refused to vote in the Serbia Republic level elections in October 2002. [43s] Ethnic Albanian leaders have also indicated that they will refuse to undertake national service with the Serbian forces. [43t] In August 2003, it was reported that South Serbia's Albanian political parties had created a unilateral association, the National Council of Albanians. [43af] Most South Serbian Albanians have reportedly welcomed the NCA as a pan-Albanian front, seeing it as their voice whilst having previously been wary of the outcome of dialogue between the Serbian authorities and past ethnic Albanian representatives, namely the PDD in 2001. [43af] Ethnic Albanian politicians from Kosovo have been wary about talking with Belgrade. [43ah]

S.6.65. According to a UN interagency progress report of January 2002, complaints of police harassment of ethnic Albanians in southern Serbia decreased over 2001. [21b](p.3) The US State Department Report for 2003 notes: 'There were few reports of police harassment against the ethnic Albanian population, and there were no reports of physical abuse or brutality; however, police killed two ethnic Albanians during an attempted arrest.' [2c](p.16) (The USSD for 2003 gives further details about the two deaths: 'On March 27 [2003], authorities killed Dusan 'iptar' Spasojevic and Milan Lukovic – both implicated in the Djindjic assassination – during a shootout with police while the pair was resisting arrest. However there were allegations that police executed the two after they were already in custody.' [2c](p.2)) The Humanitarian Law Center reported an incident in June 2002 when an ethnic Albanian man was shot by a VJ soldier, who has since been suspended. [63c](p.28,29.)

S.6.66. The Human Rights Watch stated in their 2003 annual report, 'While Southern

Serbia remains a relative success story on minority rights, the tensions that emerged in February 2003 highlight the importance of progress on the Albanian minority's longstanding grievances with respect to employment and educational opportunities.' [9h](p.5) The report continues that there have been sporadic incidents of violence from ethnic Albanian extremists, including attacks on police stations and various bomb incidents. [9h](p.4) The International Crisis Group's conclusion in December 2003, adds, 'Southern Serbia is dependent in part on the continued good will of both the Serbs and Albanians, as well as on the continued engagement of the international community.' [69d](p.26)

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Roma

S.6.67. The European Commission's Stabilisation and Association Report for 2004, published April 2004, noted the following on Roma:

> 'Work has continued on Roma integration and a special directorate was established in the Ministry in April 2003. The NGO community was fully involved and valuable cooperation with the media also began. In coordination with the Serbian authorities, several actions to support the Roma community were taken, including free distribution of school textbooks and support in secondary and high education. In spite of these valuable efforts, the vulnerable situation of the Roma community persists and it continues to face discrimination and practical problems notably concerning housing.' [75b](p.15)

S.6.68. Intimidation and harassment is common and violent attacks by skinheads and police has not always adequately dealt with. The Humanitarian Law Centre, a Serbian NGO and advocacy group, investigated 241 cases of attacks on Roma in the period 2000 - 2002, by individuals and groups, and by the police. [63a](Introduction) The incidents outlined in the HLC report *Roma in Serbia*, published December 2003, are illustrative:'This report cites only the most serious and typical incidents'. [63a](Introduction)

S.6.69. Amnesty International has reported (in its September 2002 report) that frequent attacks with little apparent protection provided by the authorities have led to many Roma feeling too scared to go out in the evening. [3f](p.17) The Humanitarian Law Center (HLC) reported in its shadow report to the *Implementation of the Framework Convention*, published January 2003, that judicial proceedings are unduly prolonged when Roma appear as plaintiffs and the police response when Roma are assaulted by private citizens is often inadequate. [63b](p.18) However a change occurred when, as reported in the Amnesty International report of September 2002, in May 2001, two skinheads were convicted for an attack on two Roma that was accepted by the court as being motivated by ethnic hatred. [3f](p.17)

S.6.70. Incidents of police brutality against Roma continued in 2002 and 2003. HLC investigated several cases of police abuse, including beatings both at police stations and in the street. [63a] Complaints reported by the Humanitarian Law Center include as follows: 'The investigated cases show that during routine procedures such as identity

checks police officers regularly maltreated and physically abused Roma. Cases of physical abuse, even of children, were registered in connection with other police work such as execution of court orders.' [63a](sect.1.1) Complaints alleging use of excessive force by police officers have not been properly investigated, according to the HLC in its shadow report of January 2003. [63b](p.18) The report continues, though courts have started sentencing officers for subjecting Roma to acts of torture, sentences are usually light. [63b](p.18)

S.6.71. The HLC report *Roma in Serbia*, published December 2003 notes that societal discrimination against Roma is widespread, ranging from non-admittance to restaurants, nightclubs, and sports centres. [63a](Introduction) Only rarely have Roma been successful in gaining legal remedy for having been denied access to public places, according to the HLC in January 2003. [63b](p.18) In July 2002, as reported by Amnesty International in their annual report for 2002, published 2003, the municipal court in Sabac ruled in favour of Roma who were barred from using a public swimming pool: this was the first time that existing law had been used to prove discrimination against Roma. [3f](p.18) In January 2002 HLC filed a lawsuit against the Trezor disco in Belgrade for denying admission to Roma. [63b](p.17) No reports could be found to date (August 2004) as to whether the Trezor case has been resolved.

S.6.72. The US State Department Report for 2003 and Amnesty International (AI) (in *Concerns in Europe: January – June 2002*, published 2003) state that estimates vary but there are probably about 45,000 Roma Internally Displaced Persons (IDPs) in SaM, mostly from Kosovo. [3d](p.78) The USSD Report for 2003 quotes from UNHCR estimates: 'The UNHCR estimated that there were 40,000 to 45,000 displaced Roma living in Serbia proper, as many Kosovar Roma were perceived as Serb collaborators during the Kosovo conflict and so could not safely return there. [2c](p.12) AI continues that local municipalities are often reluctant to accept them and IDPs have been deprived of humanitarian assistance because "as a nomadic people" they allegedly do not require it. [3d](p.78) The USSD Report for 2003 states a slightly different reasoning: 'Local municipalities often were reluctant to accommodate them, hoping that if they failed to provide shelter, the Roma would not remain in the community (See Section 5 [in the original report]). If Roma did settle, it was most often in official collective centers with minimum amenities or, more often, in makeshift camps on the periphery of major cities or towns.' [2c](p.12) In Belgrade and other towns in Serbia and Montenegro, many Roma IDPs live in squalid illegal settlements, without access to electricity, running water or sanitation, the USSD Report for 2003 continues. [2c](p.12) There is a higher incidence of ill-health and infant mortality than among the general population, according to the Humanitarian Legal Center Shadow report of January 2003. [63b](p.19)

S.6.73. Local authorities are inadequate in their rehousing of Roma, according to the US State Department Report for 2003, and have evicted Roma from tenancies arbitrarily, leading to great individual difficulty, such as, in July 2003, the Roma family of eight who were left homeless. [2c](p.17) For the most part Roma have no prospect of finding employment, according to the UN Humanitarian Risk analysis report 18, of July 2002. [61a](p.23)

S.6.74. Information from the Humanitarian Law Center's shadow report of 2002 and the US State Department Report for 2002 concludes that Roma children have poor

access to education, owing partly to language difficulties and to entrance tests that have not been adapted to their circumstances:

> 'Many Roma children never attend primary school, either for family reasons, because they were judged to be unqualified, or because of societal prejudice. Due to this lack of primary schooling, many Roma children did not learn to speak Serbian, and there was no instruction available in the Romani language. Some Roma children were mistakenly placed in schools for children with emotional disabilities because Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian.' [2b](p.15)

In Vojvodina, over 70% of Roma children are either semi-literate or illiterate. [63b](p.28) Some schools have refused to accept Roma children or they have been taught in separate, all-Roma classes. [63b](p.28) However, additional lessons have been organised for Roma children by NGOs and there has been an expansion in extra mural education for Roma children. [63b](p.28) According to the US State Department Report for 2002, UNHCR, with support from the Serbian government, has run head - start programmes, to help Roma children. [2b](p.17)

S.6.75. The USSD for 2003 notes that problems for Roma IDPs are exacerbated by difficulties regarding registration and acquiring identity cards: 'Roma IDPs from Kosovo were particularly subject to discrimination and abuse; most of them lacked identity documents, making it difficult for them to gain access to social services and state-provided health care.' [2c](p.17)

S.6.76. For several years, according to the Humanitatian Law Center report *Albanians in Serbia* published in 2002, Roma organisations have been demanding recognition of their minority status, as is enjoyed by Roma in Romania and Hungary. This demand has been met with the 2003 Framework Convention on the Protection of Rights and Freedoms of National Minorities which specifically designates the Roma community as a national minority in Serbia. [63b](p.6f.) Under Article 4 (2) of the law, the authorities have an obligation to adopt legislation and measures to improve the position of persons belonging to the Roma national minority, with Article 4 (2) stating:

> 'The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.' [63b](p.8.)

The law has led to positive discussions between Roma leaders, government representatives and the OSCE on ways in which the situation for Roma might be improved, according to an OSCE Press Release of 12 March 2002. [31d]

S.6.77. The US State Department Report for 2003 summarises the Government's

response as follows:

> 'The Federal Minorities Law recognizes the Roma as a national minority. It explicitly bans discrimination and calls for government measures to improve Roma's conditions. The SaM Human and Minority Rights Ministry has a four-person section, currently funded by the OSCE, dedicated to Roma issues.' [2c](p.16)

S.6.78. The USSD for 2003 continues that property issues are a key element in Roma concerns, with Serbian authorities reluctant to intervene as Roma squatter communities are evicted to facilitate private property development. The local authorities in some areas have provided alternative housing; others have announced schemes but run into local and financial difficulties; and others are failing to provide. [2c](p.16,17)

S.6.79. The BBC followed a Roma family returned to Belgrade from Germany in January 2004. The report noted the family felt they were harassed by their neighbours, including the bullying of the children at school, and faced economic hardship. [8l](p.1) The report continued in general terms about Roma returns from Germany, quoting comments by the Council of Europe on returned Roma likely to face poverty upon return. [8l](p.2) The report continues, reporting that the cases of mixed-marriages are a concern to German human rights activists. [8l](p.2-3) The Serbian Government's response is reported as '"Legally speaking, it's not formal discrimination, but a social problem. Their rights are fully recognised, but not fully implemented."'(Vladimir Djuric, Roma Rights Secretariat) [8l](p.3) The report ends with the returned Roma family complaining of the Serbian Government's incapacity to assist in their particular plight. [8l](p.3-4) (See above, Returns to Serbia)

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Jews

S.6.80. There has been an increase in the expression of anti-Semitic feeling in Serbia, manifested in graffiti, vandalism, leaflets, statements in the media and harassment of the small Jewish community. The Helsinki Committee for Human Rights in Serbia attributes this in part to the growing influence of a newly created right wing nationalist group called Obraz.[7k][section 14: Revival of Conservative Idea, p.2-3.) Obraz was alleged to have carried out attacks on ethnic minorities. The organisation, whose website contains anti-Semitic and racist material, was founded in 1997 and has an estimated membership of 30,000 in SaM. The HLC has asked the public prosecutor to take action against Obraz under Article 134 of the FRY Criminal Code, which prohibits incitement of ethnic and religious hatred, though to Amnesty International's knowledge none has been taken (as of September 2002) [3f](p.3)

S.6.81. According to the Helsinki Committee, Belgrade, early in the year 2001, there were reports of anti-Semitic leaflets being circulated in Kikinda. On 1 February 2001, Muslim and Jewish cemeteries in Zrenjanin and in Belgrade were vandalised and a synagogue was painted with swastikas. The incident was reported to the police but the perpetrators were not found. On 13 and 14 February 2001, stickers with swastikas and anti-Semitic messages were placed on the entrance of the Jewish

Community Centre of Belgrade, on the gate of the synagogue, and on the fence of the Jewish cemetery. Jewish community members believe that the perpetrators were members of a radical nationalist group. [7k][section 14: Revival of Conservative Idea, p.2)

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Women

S.6.82. According to the EC Stabilisation and Association report, 2004, published April 2004:

> 'Serbia and Montenegro is a signatory to the UN Convention of Elimination of all Forms of Discrimination against Women (CEDAW) and its accompanying Protocols. The national legislation is also mostly in accordance with international standards, but the adoption of an Anti-Discrimination Act is necessary as a further guarantee and protection mechanism. In spite of the fact that there are no legal restrictions, the representation of women in public life remains poor, as is their practical access to job opportunities.'[75b](p. 14)

S.6.83. Women hold less than 10% of ministerial-level positions in the Serbian and federal governments, according to the US State Department Report for 2003. [2c](p.13)

S.6.84. According to the US State Department Report for 2003, the traditionally high level of domestic violence still persists. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities and spousal rape is not recognised as an offence. The Centre for Autonomous Women's Rights in Belgrade offers a hotline for victims of rape and spousal abuse and sponsors a number of self-help groups. The Centre also offers help to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflict in the former Yugoslavia. [2c](p.15)

S.6.85. The Women's Commission for Refugee Women and Children, in their September 2001 report on the Serbian situation state that women refugees and internally displaced people - especially households headed by single females and widows - face particular problems, including difficulties in obtaining documentation of their husbands' deaths that would entitle them to pensions. [35a](p.2.)

S.6.86. The US State Department Report for 2003, published March 2004, noted : 'While women's social status was not equal to men's, women served, in significant positions and numbers, in government, politics and professional occupations, though they were not well represented in commerce.' The report continued that entrenched societal attitudes limited the effect of equality legislation, with discrimination particularly prevalent in rural areas and within the domestic sphere. [2c](p.15)

Children

S.6.87.'The state attempts to meet the health and educational needs of children' according to the US State Department Report for 2003. [2c](p.15) (see also sections on

medical services and education).

S.6.88. The country served as a source, transit and destination point for trafficking of girls for forced prostitution. Roma children are particularly at risk, according to the US State Department Report for 2003: 'Trafficking in children for use in begging or in theft rings was a problem among Roma.'[2c](p.20) (See trafficking)

Child Care

S.6.89. According to information contained in a letter from the (UK) Foreign and Commonwealth Office, dated 18 October 2002:

> 'There are many homes / orphanages for children under 18 in Serbia and Montenegro and these are state run. They take both boys and girls. As they are state run, the conditions are not up to European standards and there are no other alternative child care arrangements that can be made apart from adoption (normally babies are adopted.)' [11i]

Homosexuals

S.6.90. Homosexuality is not mentioned in any law or in the constitution of Serbia except where the age of consent is concerned (18 for homosexuals and 14 for heterosexuals). Despite this, there was widespread discrimination under the previous regime. There is no clear evidence of this continuing under the current administration, though a 1998 survey reported by the International Lesbian and Gay Association indicated that there is a high level of homophobia in Serbian society. [25a]

S.6.91. According to accounts of the Helsinki Committtee group of Belgrade (report not dated, circa 2002) [7i](headed, 'Media in Serbia:Gay rights and freedoms) and Amnesty International (report of September 2002) [3f](p.16), gay and lesbian activists, taking part in a march through Belgrade on 30 June 2001, were attacked by skinheads and right wing nationalists. Although police eventually intervened, human rights organisations considered their action inadequate. The Belgrade police chief justified his failure to deploy adequate numbers of police by claiming that he had not expected such violent anti-gay protests. [7i](headed, 'Media in Serbia:Gay rights and freedoms) (p.3)

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MONTENEGRO

M.2 GEOGRAPHY

M.2.1 The Republic of Montenegro lies in the south west of SaM on the Adriatic Sea. It has an area of nearly 14,000 sq. km and a population of 670,000, quoting the 2003 official Census data, as reported on the UK Foreign and Commonwealth website, update 15 July 2004). [11p](p.1) The capital is Podgorica, with a population of 152,025, according to the Government of Montenegro's website, as of April 2004, with the ethnic make-up of the population approximately as follows: Montenegrins 61.9% Bosniak Muslims 14.6%, Serbs 9.3%, Albanians 6.6%, Others 7.6% [81a]

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M.3 ECONOMY

M.3.1 According to the US State Department Report of 2003:

> 'The economy, more market-based than state-owned, was mixed agricultural, industrial, and tourist-orientated. Real gross domestic product growth for the year was approximately 2.5 percent, and annual inflation was approximately 7.8 percent. Wages have not kept pace with inflation due to the slow growth of the economy. Low per capita income, and the tolerance for corruption it fostered, combined with a high cost of living to create conditions ripe for crime.' [2c](p.44)

M.3.2 The USSD for 2003 continues, stating that unemployment is officially estimated at 40% but many work in the black economy, so that the true figure is likely to be about 22%. Large government enterprises, including all the major banks industrial and trading companies, generally observe the minimum wage standard, which is $62.50 per month. This figure is comparable to unemployment benefits. The gross average wage for 2002 was $231 (185 Euros) per month; insufficient to provide a decent standard of living for a family [2c] (p.52) According to the Montenegrin Red Cross, in a report of dated 22 September 2002, more than half the population lives below the poverty line, with nine per cent dependent upon outside assistance. [65a] The European Commission's Stabilisation and Association Report for 2004 adds; 'According to the World Bank, material poverty affected 10% of the population in Serbia and Montenegro in mid-2002 (defined as the population with consumption below the country-specific absolute poverty line of Euros 60 per month). [75b](p.22).

M.3.3 The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004 relays that in November 1999 the Deutschmark was introduced as a parallel currency; a year later the dinar was dropped altogether; and the Euro replaced the Deutschmark in 2002 . [1a] (p.541, 542)

M.3.4 The European Commission's Stabilisation and Association Report for 2004 adds:

> 'The main sources of growth in Montenegro are industrial production and tourism with annual increases of 6% and 9% respectively in the first nine

months of 2003 compared with the same period in 2002. However, economic data on output are highly unreliable as they include only statistics based on the large socially owned and state owned companies, thus excluding a rapidly emerging private sector whose share in total output is constantly growing.' [75b](p.21)

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M.4 HISTORY

M.4.1 The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004 relates the following: Montenegro is the smaller of the two republics that make up Serbia and Montenegro (the population of Serbia is more than ten times that of Montenegro). The issue of possible independence for Montenegro has dominated the political agenda in recent years. Unlike other former Yugoslav republics, Serbia and Montenegro have previously existed as independent states (1878 - 1918). [1a] (p.532)

M.4.2. The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004 continues that in the years before his downfall in 2000, Milosevic sought to exploit the relative size of Serbia's population and economy over that of Montenegro. Following the war in Kosovo, the Montenegrin government began to demand more autonomy and to move away from the federal control of the Milosevic regime, culminating in August 1999, with Djukanovic called for revision of the federation, an independent army for Montenegro and a change to the Deutschmark as the Montenegrin currency. [1a] (p.564) Milosevic responded with a partial economic embargo, which later became a full economic blockade. [1a] (p.564) This was followed in December 1999 by a stand-off between the Federal army and the Montenegrin police at Podgorica airport. [1a] (p.564)

M.4.3. After the fall of Milosevic, the Europa Regional Survey account continues, Djukanovic called an election for 22 April 2001, seeking a mandate for his party (the Democratic Party of Socialists (DPS), to proceed with a referendum on independence for Montenegro in late June/early July 2001. His electoral platform was based on independence for Montenegro followed by a new negotiated federation with Serbia on equal terms. [1a] (p.564)

M.4.4. A Guardian newspaper overview, of 1 June 2002, reported that during 1999 and 2000, EU states and the US provided considerable financial support to Montenegro and encouraged its resistance to the Milosevic regime. [56a] The Guardian report continues that although such support has continued, Western leaders have made it clear that they are opposed to independence for Montenegro, largely because of fears that this could precipitate similar moves in relation to Kosovo and Bosnia and destabilise the region. [56a]

M.4.5. The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004 continues that on 14 March 2002, an EU brokered deal saw Serbia and Montenegro sign "the Belgrade Agreement", whereby the republics would continue as one state, changing its name to Serbia and Montenegro (SaM). SaM would retain some federal institutions, including the Presidency and the defence and foreign ministries. Republic level governments would deal with most other affairs. Provision was made, within the agreement, for a referendum to take place in either republic on the issue of independence, but only after three years. [1a] (p.565.) The UK Foreign and Commonwealth

Office website profile, updated 15 July 2004, states:

> 'Whilst the new Constitutional Charter enjoys strong support from the European Union, local opinion remains divided. However, the Charter contains a provision that, three years after adoption, the republics of Serbia and Montenegro will have the right to reconsider the status of the state union, and to withdraw, following a referendum. [11p](p.3)

M.4.6. Balkan Crisis Report no. 372 of 7 October 2002 relayed that in June 2002, the FRY parliament ratified the Belgrade Agreement, clearing the way for legal experts to work up a constitution from the framework arrangement agreed. [43g] The report continued that in July 2002, the Liberal Alliance of Montenegro (LSCG) formed an unlikely alliance with the opposition coalition "Together for Yugoslavia", solely for the purpose of unseating the government, leaving Djukanovic with no option but to call an election. [43g]

M.4.7. According to the Serbian press, (in a VIP Daily News Report of 23 October 2002) Djukanovic's coalition, the Democratic List for a European Montenegro, won an absolute majority in the elections, held on 20 October 2002. [68a] The coalition, made up of Djukanovic's DPS party and (as a junior party) the Social Democratic Party (SDP), won 39 of the 75 seats of parliament. The pro – Yugoslav Together for Changes coalition, made up of the SNP, SNS and NS won 30 seats. Having precipitated the election, the LS party stood on its own and gained only 4 seats. A coalition of Albanian parties won 2 seats. [68a] According to the US State Department Report of 2003 Djukanovic resigned as President on 25 November 2002 in order to become the republic's Prime Minister. Speaker of Parliament Filip Vujanovic became acting president. [2c](p.49)

M.4.8. Presidential elections were held in Montenegro on 22 December 2002, according to the UK Foreign and Commonwealth Office website country profile updated 15 July 2004. Although Vujanovic won 84% of the vote, the result was declared invalid as the turnout was less than the 50% of the electorate required to elect a president. [11p](p.5) The US State Department Report for 2002 reported that the elections were held according to international standards of conduct: 'International monitors judged the election to be free and fair.' [2b](p.47)

M.4.9. The Presidential Election was repeated on 9 February 2003, according to the UK Foreign and Commonwealth Office (FCO) website's country updated 26 July 2004) but although Vujanovic again won a clear majority of votes, once more the turnout failed to meet the 50% threshold. [11p](p.5) On the third poll, on 11 May 2003, Mr Vujanovic won, with 63.3 per cent of votes cast, as reported by the BBC in news reports of 11 May 2003 [8y] and 12 May 2003. [8z] A new Law on Elections has been introduced which no longer requires a turnout of 50%; rather, the candidate who wins more than half the votes cast will be elected president (from the FCO website, updated 15 July 2004). [11p](p.6)

M.4.10. According to the summary of events in the SaM country profile, UK Foreign and Commonwealth Office website, updated 15 July 2004, on 4 February 2003, after many months of negotiations between the republics of Serbia and Montenegro, and with the mediation of EU High Representative Javier Solana, the Constitutional Charter

was adopted. [11p](p.5)

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M.5 STATE STRUCTURES

Constitution

M.5.1 Montenegro, according to the US State Department Report for 2003, is constitutionally a constituent republic of the Serbia and Montenegro State Union. [2c](p.43) The USSD 2003 report continues that since the dissolution of the Federal Republic of Yugoslavia, it has developed into a multiparty, multiethnic parliamentary democracy, and like Serbia, has a presidential and a parliamentary system of government. [2c](p.43) The USSD 2003 report continues that 'The Montenegrin Government continued to act largely independently from the Republic of Serbia on most issues.' [2c](p.43)

M.5.2 According to the US State Department Report for 2003, 'The [Montenegrin] Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.' [2c](p.49)

Citizenship

M.5.3 Article 7 of the 2003 Constitutional Charter of the State Union of Serbia and Montenegro sets out the basic right of citizenship:

'A citizen of a member state shall be also a citizen of Serbia and Montenegro. A citizen of a member state shall have the same rights and duties in the other member state as its own citizens, except for the right to vote. [74a](p.2)

M.5.4. The problems associated with Montenegrin citizenship are summarised in the European Stability Initiative report, *Serbian-Montenegrin Relations and the Question of Citizenship of FRY Citizens*, Executive Summary of November 2001:

> 'The new Montenegrin citizenship law from 1999, written in accordance with international standards, reads as if Montenegro were an independent state, and refrains from defining Montenegrin citizenship as subsidiary to Yugoslav citizenship. Unlike in the Serbian citizenship law, there is no provision for automatic Yugoslav citizenship by a citizen of the Republic of Montenegro. Under this law, even a foreigner would theoretically be able to obtain Montenegrin citizenship without necessarily becoming a Yugoslav citizen at the same time.'[16a](p.2)

The report continues with the information that the Montenegrin law forbids the holding of both Serbian and Montenegrin citizenship.[16a](p.2)

Political system

M.5.5. Information reported in September 2001 by the Institute of War and Peace Reporting (IWPR) in its profile of Montenegro is that the Montenegrin parliament is unicameral, with 75 seats. [43h] Deputies serve a four-year term and elect the Prime Minister and the cabinet, which is then directly answerable to the parliament. [43h] The cabinet is responsible for the internal and external affairs of the public. [43h]

M.5.6. In 1998 President Djukanovic became the first president popularly elected in elections that foreign observers considered generally free and fair, as relayed in the Europa Regional Survey 2004 entry for Montenegro. [1a](p.564) According to the US State Department Report of 2003, the Montenegrin political scene is dominated by two major coalitions: 'The political scene in Montenegro was dominated by two major coalitions, one led by Prime Minister Milo Djukanovic of the Democratic Party of Socialists (DPS), and another by opposition leader Predrag Bulatovic of the Socialist People's Party [(SNP)].' [2c](p.43) According to the US State Department Report for 2002, 'The pro-independence Liberal Alliance of Montenegro (LSCG) was first allied to Djukanovic but then abandoned his coalition after Djukanovic signed the Belgrade Agreement [in March 2002].' [2b](p.42) Djukanovic subsequently resigned to become Prime Minister, as reported on the SaM country profile, UK Foreign and Commonwealth Office website, updated 15 July 2004. [11p](p.6)

M.5.7. The UK Foreign and Commonwealth Office (FCO) website profile also relays that parliamentary elections for the 75-member Montenegrin Republican Assembly took place on 20 October 2002. [11p](p.6) According to the FCO information, Djukanovic's coalition made up of the Democratic Party of Socialists (DPS) and the Social Democratic Party (SDP), won an overall majority. [11p](p.6)

M.5.8. According to the European Commision's (EC) Stabilisation and Association Report for 2004, published April 2004:

> 'In Montenegro, the Government which had been constituted in January 2003 continued to be in place (despite the resignations of some ministers). However, some of the newly-formed Ministries, such as the one in charge of European integration, lack infrastructure and resources.' [75b](p.4)

M.5.9. The EC Stabilisation and Association Report for 2004 relayed that, 'In Montenegro, problems with repeated failures of the presidential elections (in December 2002 and February 2003) were resolved with the legislative changes of February 2003 (abolition of the turnout requirement for both election rounds) which led to the election of Filip Vujanovic in May 2003.' [75b](p.5) At the third poll on 11 May 2003, (according to the BBC new report of 11 May 2003) Mr Filip Vujanovic, the Democratic Party of Socialists's candidate, won with 63.3 per cent of the vote cast. [8y] According to a Balkans Crisis News report of 31 January 2003, international observers were strongly critical of the pressure placed on state employees to vote in the presidential elections of February 2003. Although there was no pressure as to how votes should be cast, the Government was keen to ensure a sufficient turnout to make the elections valid. The opposition tried to encourage people not to vote. [43u]

Further information about the political situation is provided in section 4 above.

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Judiciary

M.5.10. The Constitution provides for an independent judiciary, the right to fair trial, the presumption of innocence, access to a lawyer and the right to appeal. However the US State Department for 2003 reported that, 'The Constitution provides for an independent judiciary; however, courts often were subject to political influence and corruption and remained inefficient.' [2c](p.43) The US State Department Report concludes that in 2003 the judiciary was not independent in practice, in that it was susceptible to political pressure. [2c](p.46)

M.5.11. According to the US State Department Report for 2003, the court system consists of municipal, high (or district), and supreme courts at the republic level. There also is a military court system under the control of Federal authorities: civilians are not tried in these courts. [2c](p.46)

M.5.12. The EC Stabilisation and Association report 2003 commented that:

> 'The inherited problem of low legal awareness, the failure to remove political appointees, the legacy of the non-respect of judicial independence was reflected in further attempts by the executive to interfere in the functioning of the judiciary. Some members of the judiciary showed serious professional commitment and independence, but the maintenance of law and order suffers from the lack of co-operation between different services.' [75a] (p.13)

According to the US State Department Report for 2002:

> ' Poorly paid judges and courtroom staff, a historical lack of co-operation between police and prosecutors, a backlog of cases, often primitive courtroom facilities, and corruption remained problems. Although judges are poorly paid, they receive free housing, which to some extent offset their low salaries.' [2b](p.44)

M.5.13. There was a lack of harmonisation between Montenegrin Republic law and Yugoslav federal law and the US State Department held, in the US State Department Report for 2002, 'There was a general lack of clarity about whether Yugoslav federal law holds sway in Montenegro.' [2b](p.44)

M.5.14. According to the EC Stabilisation and Association report, 2004, published March 2004:'The 2002 legislation on courts foresaw the establishment of the administrative court and the court of appeal and reinforced the safeguards of the independence of judges, including the appointment and dismissal procedure where the main role is reserved to the High Judicial Council, a body composed of practitioners and without the involvement of the executive.' [75b](p.10) The US State Department Report for 2002 gives the following further details: the Law provides for a Court Council that nominates and initiates dismissal procedures against judges and court presidents. The Supreme Court president will head the Court Council, which will

include lawyers and judges but not government members. The Law on Courts also institutes an appeals court and an administrative court with the aim of reducing the burden on the Republic Supreme Court. The first of the Law on Court's provisions was implemented in December 2002 with the formation of the High Judicial Council. [2b](p

M.5.15. According to the US State Department Report for 2003, there are no reports of political prisoners. [2c](p.46)

Legal Rights / Detention

M.5.16. The US State Department Report for 2003 provides the following information. 'The law prohibits arbitrary arrest and detention; however, at times the police arbitrarily arrested and detained persons.' [2c](p.45) The USSD report for 2003 continues: 'Arrests require a judicial warrant or "high suspicion that the suspect committed an offense."' [2c](p.46) The US State Department Report for 2002 noted 'CEDEM [Center for Democracy and Human Rights] reported that police sometimes violated the 24-hour limit on detention, applying the previous Criminal Procedure Code's provision for a 72-hour period of detention.' [2b](p.44) The USSD report for 2003 continues 'There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail.' [2c](p.46)

M.5.17. According to the US State Department for 2003, the law prohibits forced exile, and the government did not employ it. [2c](p.46) On 26 February 2002, the death penalty was abolished in Serbia and replaced with a maximum sentence of 40 years imprisonment, with Montenegro taking the same decision and abolishing the death penalty in June 2002, as reported by the Human Rights Watch in their World Report 2003. [9e](p.2)

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Internal Security

M.5.18. According to the US State Department for 2003:

> 'The Republic's police, under the authority of the Ministry of Internal Affairs (MUP), have responsibility for internal security. The Montenegrin State Security Service (SDB), also located within the MUP, has authority to conduct surveillance of citizens. A detachment of the SaM Army was stationed in Montenegro and co-operated with Montenegrin police to arrest traffickers. While civilian authorities generally maintained effective control of the security services, there were some instances in which elements of the security forces acted independently of governmental authority. Some members of security forces committed human rights abuses.'[2c](p.43,44)

M.5.19. The Helsinki Committee for Human Rights in Montenegro (HCM) were reported within the US State Department Report for 2002 stating that there were fewer reports of police violence and abuse in 2002 than in previous years; that there were no reported incidents of police brutality at political rallies during 2002; but that 'However police occasionally beat suspects during arrest or while suspects were

detained for questioning.' [2b](p43) The US State Department Report for 2003 repeats the charge: 'The law prohibits such practices [torture and other cruel, inhuman, or degrading treatment of punishment] however, police occasionally beat suspects during arrest or while suspects were detained for questioning.' [2c](p44) The EC Stabilisation and Association Report for 2004, published April 2004, noted

> 'An increase in cases of police torture in Montenegro is quoted by the Council of Europe. These cases are rarely addressed and punished, notably due to the fact that the prosecution has to rely upon the co-operation of the police, which often leads to obstruction. Pressure upon victims not to press charges is also reported.' [75b](p.13)

M.5.20. Criminal proceedings against police are rare, according to the US State Department Report for 2002, tend to be of long duration and convictions often result in minor penalties. [2b](p.43,44.) The EC Stabilisation and Association Report for 2003, published March 2003, notes:

> 'Montenegro has also, with international assistance, prepared new legislation, including a Code of Ethics, which foresees separation of state security from law enforcement. Police training has taken place and some efforts towards downsizing have been made. It is worrying, however, that the Montenegrin authorities have not implemented the new Federal Criminal Procedure Code. Efforts have been made to implement stricter internal control of the police (hot lines for citizens' complaints), but the issue of internal accountability needs to be addressed in a comprehensive way through clear legislative provisions.' [75a](p.12)

The EC Stabilisation and Association Report for 2004 adds:'The Montenegrin parliament adopted the Criminal Code and Criminal Procedure Code in December 2003. The Codes were prepared with wide public consultation and international expertise.' [75b](p.12), and the US State Department Report for 2003 continues:'In December [2003], Parliament adopted the Criminal Procedure Act; it was expected to take effect in April 2004 and to supercede all previous criminal procedure laws.' [2c](p.45)

M.5.21. According to the US State Department Report for 2002, there were reports that police were involved in trafficking and took bribes at border checkpoints in 2002. [2b](p.44)

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Prisons

M.5.22. According to the US State Department Report for 2003, 'Prison conditions generally meet international standards; however some problems remain. Prison facilities were antiquated, overcrowded and poorly maintained.' [2c](p.45) The USSD 2003 report continues that women are held separately from men. The law also requires that juveniles are held separately from adults, as are pre-trial detainees from convicted criminals, but that overcrowding means that this does not always occur in practice.

[2c](p.45)

M.5.23. The EC Stabilisation and Association Report for 2004 notes the following regarding Montenegrin prison conditions:

> 'The situation in Montenegrin penal institutions is difficult, due to the lack of adequate resources and infrastructure. However, the treatment of prisoners is improving, and there are ongoing prison staff training projects. Nevertheless, special attention should be paid to further improving prison conditions of vulnerable groups, such as juveniles, but also drug addicts.'[75b](p.10)

M.5.24. As reported in the US State Department for 2003, the Government permits prison visits by human rights monitors, including the International Committee for the Red Cross (ICRC), and local NGOs, and they conducted visits during the year. [2c](p.45) According to the US State Department Report for 2002, in October 2002, convicted killer Savo Radovanovic broke out of the Bijelo Polje jail and went on his own accord to the Spuz prison near Podgorica, where he pleaded with warders to allow him to transfer there because conditions were unacceptable at Bijelo Polje. [2b](p.44)

Military service

M.5.25. Montenegrin military service follows a state union wide pattern: 'Military service is compulsory for all young men' states the Serbian Armed Forces website, accessed 4 August 2004. [74d](p.2) The website further reports that military service begins at the age of 17, and is an obligation as a citizen until the age of 60. [74d](p.2) According to the International Helsinki Committee (Belgrade) report for 2001 published in 2002, service was reduced in December 2001 from 12 down to 9 months' service for regular conscripts and from 22 down to 13 months for conscientious objectors: 'The Federal Assembly arrived at a compromise [between two constrasting proposals] reducing the military service from twelve to nine months for armed soldiers and from twenty-two to thirteen months for conscientious objectors'. [7l](section 5, p.12) The provisions for conscientious objection continue under the new state union of Serbia and Montenegro, as read in Article 58 of the Constitutional Charter: 'Recruits shall be guaranteed the right of conscientious objection.' [74a](p.13)

M.5.26. The following information is given in the Amnesty International annual report for 2002: 'In February 2001, an Amnesty Law came into force providing immunity from prosecution to conscientious objectors and deserters who had refused to participate in wars between 1992 and 2000.' [3e](p.3) Some 24,000 received amnesty as a result of the FRY Amnesty Law, passed in February 2001(described in the Serbia section) and which also applies to Montenegro (as reported in a UK Foreign and Commonwealth Office Brief of 12 January 2001) [11a]

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Medical Services

M.5.27. According to the Government of Montenegro's Ministry of Health website, information has been collated throughout the year 2003 with a view to informing radical reforms. [74c] An apparent lack of information means the following information via the World Health Organization (WHO), Department of Emergency and Humanitarian Action report on Montenegro in 2000, is still a key resource:

> 'Generally health facilities in Montenegro (21 PHC [Primary Health Care] facilities, 8 hospitals, 3 special hospitals and 2 special institutions) are functioning and in reasonable condition. However, age and lack of funds for maintenance, mainly in the Northern part, has affected both buildings and equipment, and there is justified desire to update obsolete machinery.' [48a](p.1)

M.5.28. The WHO Report 2000 continues, 'State health care remains largely free, but patients often have to bring their own consumables and drugs, which severely affects access to services for the vulnerable. Refugees and internally displaced people receive health care largely through the national network, although some large camps have their own outreach supported by international organisations and staffed by MoH [Ministry of Health] medical personnel.' [48a](p.1)

M.5.29. From World Health Organization (WHO) data posted on WHO's website in 2002 and accessed October 2002, treatment for mental health disorders is available, though there is a shortage of psychiatric staff and bed spaces. It includes a listing of drugs for the treatment of mental illness. The information from this source dated 2002 states there is no national mental health policy or national program. [48c]

M.5.30. The United Nations Environment Programme (UNEP), in a press release dated 27 March 2002, has confirmed that low level contamination by depleted uranium was found at five sites in Serbia and Montenegro: the study concludes that the contamination does not pose any immediate radioactive or toxic risks for the environment or human health, but recommends that authorities take certain precautionary measures in line with those UNEP recommended for Kosovo. [22a]

M.5.31. The World Bank in May 2004 reached the Appraisal Stage of a US $7 million project proposal for the upgrading of the Montenegrin healthcare service, according to the World Bank Project Information Document [PID] Report No: AB607.[89a] The World Bank PID continues with the information:

> 'The [Montenegrin] Government's strategy for the health sector was presented to the Parliament and approved in November 2003. The Ministry of Health has prepared new draft framework laws on Health Protection, Health Insurance and Medicinal Products, to underpin their strategy for reform. These laws are planned to be adopted in 2004.'[89a](p.3)

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Education

M.5.32. According to the US State Department Report for 2003, 'The Government does

not restrict access to the Internet or academic freedom.' [2c](p.48) The Europa Regional Survey for Central and Southern Europe, 4th edition, 2004 relays the following information: The educational system of SaM is organised at republic level. Elementary education is free and compulsory for all children between the ages of 7 and 15, when children attend the "nine year school". Various types of secondary education are available, but vocational and technical schools are most popular. Alternatively, children may attend a general secondary school (gymnasium) where they follow a four-year course that will take them up to university entrance. There are 142 institutions of higher education over the two republics. [1a] (p.549)

M.5.33. The US State Department, in the USSD 2003 Report, holds that schools suffer from under-funding. [2c] (p50.) Ethnic Albanians have access to instruction in their native language but some have criticised the government for not developing a curriculum covering Albanian ethnic culture and history. Most Roma children received little or no education beyond primary school level. [2c] (p51.)

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M.6 HUMAN RIGHTS

Overview

M.6.1. The US State Department Report for 2003 summarised the human rights record for Montenegro for 2003 as follows:

> 'The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat and abused citizens, although human rights groups noted that there were fewer reports of police abuse than during previous years. Police arbitrarily arrested and detained civilians. Media independence was a problem; however, the Government exercised slightly less influence over the media than in previous years. Pressure from politicians sometimes resulted in distorted coverage of events by state and some private media. Domestic violence and discrimination against women continued to be problems. Some discrimination persisted, particularly with regard to Roma. Trafficking in women and children for sexual exploitation continued to be a problem. [2c](p.44.)

M.6.2. The EC Stabilisation and Accesssion Report for 2004 puts the Montenegrin republic's human rights structure into the state-union perspective, stating:

> 'There has been steady progress in the implementation of minority rights. However, the lack of clarity of the new constitutional arrangement and a lack of coordination with the parallel Montenegrin institutions impeded efforts in these fields, affecting compliance with some of Serbia and Montenegro" international obligations.' [75b](p.11.)

M.6.3. The EC's Stabilisation and Association Report 2004 also noted developments at state union level:

> 'There was some progress in the field of human rights. The accession to the Council of Europe in April 2003 and the Ratification of the European Convention for Human Rights and of the European Convention on the Prevention of Torture (in March 2004) were important positive developments. The authorities now need to ensure the effective implementation of these conventions. [75b](p.11)

M.6.4. The first Ombudsman was appointed by the Montenegrin Assembly on 21 October 2003, according to the US State Department Report for 2003.[2c](p.50) The EC Stabilisation and Association Report for 2004 likewise notes the appointment but adds that the Office is beset with financial and infrastructual problems. [75b](p.14) On the legislative basis of human rights' protection in Montenegro, the EC Stabilisation and Association Report 2004 continues:

> 'The basic human and minority rights are enshrined in the new Charter on Human and Minority Rights, adopted on in [sic] February 2003. The Charter has the force of a constitutional law. A good state Law regulating minority rights from 2002 exists, but de facto only applies in Serbia – as Montenegro is preparing its own legislation. Whereas for most of 2003 there had been almost no cooperation between the state and Montenegrin authorities, a positive change took place in October 2003, with the establishment of a sub-office of the State Ministry for human and Minority Rights in Podgorica, headed by a Deputy Minister appointed by Montenegro.' [75b](p.11)

M.6a Human Rights - Issues

Freedom of speech and the Media

M.6.5. According to the US State Department Report for 2003:

> 'The Constitution and laws provide for freedom of speech and the press, and the Government generally respected these rights in practice; however, officials brought or threatened libel suits when accused of wrongdoing. Despite some steps to move away from state control of the media, certain private media, such as the daily Publika, retained close ties to the Government.' [2c](p.47)

M.6.6. Until 2002, according to the US State Department Report for 2002, the State media was effectively controlled by the governing coalition, which also controlled state television and several print newspapers and magazines. [2b](p.9) However, in September 2002, Parliament passed a Media Law partly drafted by local NGOs and approved by the Council of Europe, which creates regulatory structures designed to insulate state-owned media from direct party control. [2b](p.9) Implementation of the Media Law began in November 2002, according to the EC stabilisation and Association report of 2003, [75a](p.15)

M.6.7. The EC Stabilisation and Association Report for 2004 states the following regarding media reform in 2003:

> 'In Montenegro, the implementation of the 2002 set of media laws has continued, albeit with difficulties. Notably, the cancellation of previous live broadcasts of parliamentary sessions triggered a parliamentary crisis involving a long-term opposition boycott.' [75b](p.14)

> 'The provisions on prison sentences for slander and libel were removed from the Criminal Code in December 2003. Fines now replace prison sentences. A draft law on free access to public information has been prepared and should be adopted in line with the recommendations of the Council of Europe.' [75b](p.14)

M.6.8. According to the US State Department Report for 2003, in addition to local media, a wide variety of international output is available, including Belgrade's B-92, Italian Television (RAI), Croatian State Television (HRT), the British Broadcasting Corporation (BBC), the Voice of America (VOA), Radio Free Europe (RFE). Foreign publications from abroad are available. [2c](p.47) Access to the Internet is unrestricted and academic freedom is respected. [2c](p.48)

M.6.9. Dusko Jovanovic, the editor-in-chief of the main opposition daily paper Dan, was shot dead on 28 May 2004; the BBC reported on 3 June 2004 that two suspects were arrested the following week. The report however adds that the motives for the killing are unclear:

> 'Dan newspaper has been critical of the government of the republic - which is part of Serbia and Montenegro - accusing it of corruption and involvement in trafficking and smuggling.'[8av]

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Freedom of Religion

M.6.10. According to the US State Department Report for 2003, the law provides for freedom of religion and the Government generally respects this right in practice. [2c] (p.48) The Ministry of Religion was abolished in early 2003, according to the US State Department Report for 2003. [2c] (p.48) According to the EC Stabilisation and Association report, 2004, 'There have been no developments in the adoption of new

legislation, although drafts were prepared earlier (at the then federal level). Generally, the situation in this field [religious freedom] is positive.' [75b](p.15) The Montenegrin Government stated through its website (accessed April 2003) that 69% of the population are Orthodox Christian, though these are divided between the Serbian Orthodox Church and the Montenegrin Orthodox Church; 19% are Muslim; and 4% Catholic. [81a]("population") According to the US State Department Report for 2003, the Montenegrin Constitution equates the Orthodox Church, Islamic Religious Community, and Roman Catholic Church, and declares them separate from the State, but acknowledges that in practice, the Serbian Orthodox Church receives preferential treatment. [2c] (p.48.) According to the US State Department Report for 2003, 'Tensions continued between the canonically unrecognised Montenegrin Orthodox Church and the Serbian Orthodox Church, but these tensions were largely political.' [2c](p.48)

M.6.11. In 2003, according to the US State Department for 2003, there was a complaint by an NGO that a member of the Jehovah's Witnesses received a prison sentence in circumstances that suggested the court discriminated against the accused on the basis of his membership of the group. [2c](p.48.)

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Freedom of assembly and association

M.6.12. The Constitution provides for freedom of peaceful assembly and association and the Government generally respects this right, according to the US State Department for 2003. [2c](p.48)

Employment rights

M.6.13. According to the US State Department Report for 2003:

> 'The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally centered on advancing the needs of a specific group of workers. The high unemployment rate limited unions'bargaining power and willingness to take action.' [2c](p.51)

M.6.14. The US State Department Report for 2003 continued: strikes were frequent throughout the year, mainly caused by the economic situation, unpaid salaries, manipulation and fraud in the privatisation process, and denial of union rights. The minimum wage of $62.50 per month was generally respected by larger enterprises in 2002 and was equivalent to unemployment benefits. The gross average wage was about $231 per month, which was insufficient to provide a decent standard of living for a family. [2c](p.52)

M.6.15. The 2002 Law on Employment came into force in May 2003, and refugees were so deprived of registration with the Montenegrin Employment Bureau (IDPs were already prevented from registering), as mentioned in the US State Department

Report for 2003. [2c](p.49.)

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People trafficking

M.6.16. According to the US State Department Report for 2003, the existing Montenegrin Criminal Code views people-trafficking as a crime, with penalties of up to 8 years' imprisonment (10 years, if the victim is under 14 years of age) and further, stiffer penalties when the new Criminal Code comes into effect. [2c](p.52) However, there is a low conviction rate and the USSD Report for 2003 comments: 'NGOs and international organizations suspected that the small number of arrests did not reflect the full extent of the trafficking problem.' [2c](p.52)

M.6.17. According to the US State Department Report for 2003, Montenegro is primarily used as a transit point for trafficked women. Women are trafficked from Romania, Ukraine, Moldova, Bulgaria, and Russia, often passing through Belgrade and on to Kosovo or Albania, where they continue to Italy and other western European countries. Trafficking has steadily increased in recent years. [2c](p.53)

M.6.18. According to the US State Department Report for 2003, an anti-trafficking board composed of relevant government ministries, social services, international organisations, and NGOs was introduced in 2001 and is chaired by a National Co-ordinator appointed by the Interior Ministry. A law enforcement task force investigates and prosecutes trafficking cases. Under the board's direction, a shelter for trafficking victims and a 24-hour hotline were established in Podgorica. The Interior Ministry reported that the shelter has housed approximately 49 women since it opened in 2001. [2c](p.53)

M.6.19. In October 2001, the Interior Ministry signed a memorandum of understanding with two local NGOs determining procedures for protecting possible trafficking victims, according to the US State Department Report for 2003. This is to enable the distinguishing of possible victims of trafficking from prostitutes and illegal migrants and referred possible victims to appropriate social services. [2c](p.53) However, the US State Department Report for 2003 continues, in some cases potential victims are still being detained, fined and deported for illegal border crossing and prostitution. The Government generally returns victims to their own country; a number of international donors have funded repatriation through IOM. [2c](p.53)

M.6.20. According to the USSD Report for 2003, the Federal and Serbian governments provide support to NGOs and other international organisations in the form of shelter and school space, shelter security, and public television and radio time. International organisations sponsor police training in methods of dealing with human trafficking. [2c](p.53.) In the previous US State Department report, for 2002, it is stated that general awareness of the problem has improved following internationally sponsored public awareness campaigns conducted throughout the country, but action has been slow. [2b](p.19)

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Freedom of movement

M.6.21. According to the US State Department Report for 2003, the Republic's Constitution provides for freedom of movement and the government generally respects this right in practice. [2c](p.48)

M.6.22. The USSD for 2003 further relates the following regarding Montenegro's treatment of refugees and asylum seekers:

> 'The law provides for the granting of refugee status to persons who meet the definition in the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. There is no law that provides for asylum. In practice, the Government provided some protection against refoulement and granted refugee status. Such cases were referred to the office of the UN High Commissioner for Refugees (UNHCR) in Belgrade for determination.' [2c](p.48)

M.6.23. Figures from the USSD for 2003 are as follows: 'According to the UNHCR, there were 13,299 refugees from the former Yugoslavia in the Republic (9,716 from Bosnia and Herzegovina, 3,560 from Croatia).' [2c](p49) According to the US State Department Report for 2003, while citizens are routinely issued travel documents, only those refugees who are leaving the country permanently are issued with travel documents. [2c](p.49.) It is likely that most of the refugee population wish to remain in Montenegro, according to the Women's Commission for Refugee Women and Children in September 2001. [35a] (p.25.)

M.6.24. In a letter to CIPU, dated 2 August 2004, the UNHCR stated:

> 'The Decree of Montenegro on Displaced Persons dated July 1992 regulates the rights and obligations of both refugees and IDPs. It offers very limited access to civil as well as socio-economic rights to both categories. Consequently, IDPs in Montenegro are, as a rule, not able to neither [sic] receive permenant residence permits, nor access to the labour market and they have a very limited access to health care. The above Decree does not provide for the right to work for IDPs and a Decree on Employment of non-Residents of 2003 further restricts access by IDPs to the grey area of economy [sic], through the imposing of additional taxes to employers who would hire non permanent residents of Montenegro.'[17o](p.5)

M.6.25. The Women's Commission's report continues, that conditions for refugees and IDPs vary. Some of those with relatives or property in the country have been able to find housing and, in some cases, employment. The situation for others is bleak. Although international relief agencies and local NGOs are providing valuable support, government health, education and social sectors are underfunded. It is also notable that UNHCR's budget for the region in 2002 was nearly halved compared to that for 2000. [35a](p.2.)

M.6.26. The US State Department Report for 2003 reported, 'Many Roma refugees lived in large collective centers, with only limited access to health care and education. One of the major problems for Roma children is their lack of knowledge of the Serbian language; Albanian is the first language for most Roma in Montenegro, particularly IDPs. [2c](p.49) Thus according to the US State Department Report for 2003, 'Most Roma children received little or no education beyond the primary school level.' [2c](p.51) (see Roma)

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M.6b Human Rights - Specific Groups

Ethnic groups

M.6.27. According to the Government of Montenegro, from the Government website accessed April 2003, the ethnic breakdown of the population is as follows: Montenegrins 62%, Bosniaks 15%, Serbs 9%, Albanians 7% with some others, including Roma. [81a] According to the European Center for Minority Issues, in Brief no. 8 of March 2002, written by Florian Bieber, Montenegro's record is better than other former Yugoslavian states': 'Inter-ethnic relations in Montenegro have been considerably better throughout the process of Yugoslavia's disintegration than in most other republics.' [46a](p.2) A ReliefWeb article of 26 September 2002 continues that Montenegro accepted Internally Displaced Persons (IDPs) from Kosovo as well as from other parts of the region. [65a](p.1) In 1998, refugees and IDPs made up 20% of the population of Montenegro, though this proportion dropped by 2002 to 14,570 refugees and 29,639 intenally displaced people (IDPs), according to the International Federation of the Red Cross's bulletin of September 2002. [65a](p.1) The latest figures, from the US State Department Report for 2003, published March 2004, run: 'There were approximately 18,019 IDPs from Kosovo. The majority of IDPs were ethnically Montenegrins (5,816) and Serbs (4,515); however, there were also Roma (3,118) and others.' [2c] (p.48) The US State Department Report for 2003 also states that societal discrimination against ethnic minorities persists. [2c] (p.51)

M.6.28. Ethnic Albanians number 50,000 and make up about 7% of the population, according to the Government of Montenegro, from the Government website accessed April 2003. [81a] The (UK) Foreign and Commonwealth Office's opinion, stated in a letter dated 2 January 2001, is as follows:

> 'The Montenegrin authorities, unlike the former Milosevic regime, have for some time pursued a policy of inclusion towards ethnic minorities. Ethnic relations are traditionally good by regional standards: many ethnic Albanians support the mainstream (i.e. non-ethnic) political parties; there are some Albanians in the Government.'[11b]

M.6.29. According to the US State Department report of 2003, 34% of the police force is made up of Bosniak Muslims and many of the Muslim police officers are deployed in the

predominantly Muslim Sandzak area in the north of the Republic. [2c](p.45) (See Serbia section on Bosniaks) The USSD Report for 2003 continues:

> 'Some Bosniaks complained that the division of the Sandzak region between Montenegro and Serbia created some problems for residents. The majority of Montenegrin Bosniaks supported the Djukanovic Government and were integrated into national political parties.' [2c](p.51)

M.6.30. Albanian language elementary and secondary school education is provided in several municipalities, with the European Commission Stabilisation and Association Report for 2004 stating: 'Serbia and Montenegro [as a state union] is a signatory to all relevant UN treaties that include guarantees of equal access to education and academic freedoms, and signed the Bologna Declaration in September 2003. Furthermore, there are solid guarantees in the national constitutional and legislative acts, including towards minorities.' [75b](p.15) According to the shadow report presented to the European Commission in January 2003 by the Humanitarian Legal Center, the Government established an Albanian language chair at the faculty of humanities in Niksic in 2002, though this has not been popular because it was not established in an Albanian majority area. [63b](p.30)

M.6.31. Overall, the US State Department Report for 2003 states:

> 'Societal discrimination against ethnic minorities persisted. While there was no officially sanctioned discrimination against the Roma population, prejudice against them was widespread.' [2c](p51.)

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Roma

M.6.32. While there is no official discrimination against Roma population, prejudice is widespread. According to the US State Department Report for 2003, societal and racial discrimination, as well as the aspects of traditional Roma practices and customs, limits their access to education, health centres and employment. Local authorities often ignore or condone societal intimidation and ill treatment of members of the Roma community, many of whom were IDPs from Kosovo. [2c](p.51.)

M.6.33. The Humanitarian Law Center (HLC) notes in their shadow report of January 2003, that the housing situation for Roma in Montenegro is sometimes better than in Serbia. Local authorities in some municipalities have allowed Roma to build settlements on city owned land or provided alternative housing. In some cases, Roma squatters have moved into abandoned buildings and local authorities have accepted this. However, many Roma live in slums without even basic amenities. [63b](p.19).

M.6.34. A Refugees International report of September 2002 states that Roma refugees and IDPs, mostly from Kosovo, tend to fare worse than those from other ethnic backgrounds, about 50% of them living in large collective centres, often in very poor conditions with no electricity, running water or sanitation. [67a](p.1) The report continues that the IDPs are heavily dependent upon support from international NGOs that is gradually being reduced as aid budgets are cut. [67a](p.1) Other Relief Web documents of September 2002 express concern that many Roma have little or no access to health

care or education. [65a]

M.6.35. According to the Humanitarian Law Center (HLC) in *The Shadow Report on the Implementation of the Framework Convention for the Protection of National Minorities in Serbia, Montenegro, and Kosovo* produced by HLC and presented to the European Commission in January 2003, states that as in Serbia, Roma experience difficulties in relation to gaining access to public amenities and this is sometimes compounded by violence against them by private citizens. The Shadow Report continues: 'Roma do not always enjoy full protection of the law: judicial proceedings are often unduly prolonged when Roma appear as plaintiffs, and the police response when they are physically assaulted by private citizens is often inadequate.' [63b](p.18)

M.6.36. One of the main problems for Roma children is their lack of knowledge of the Serbian language, as mentioned by the US State Department Report for 2003.[2c](p.49) Roma girls in particular, according to the Women's Commission report of September 2001, have less access to education, vocational training and employment than any other group. [35a](p.3,4.) The Shadow Report reported that some schools have refused to accept Roma children or they have been taught in separate, all Roma classes.[63b](p.28) It continued that additional lessons have been organised for Roma children by NGOs, with an expansion in extra mural education for Roma children. [63b](p.28) The Deputy of the Montenegrin Ministry for Refugees commented to the Women's Centre for Refugee Women and Children in September 2001, '" We estimate there are 1,500 primary school children who are not in school. Most of them are Roma children. Our intention is to integrate the children into the local school system, but the impediments are serious. They include social discrimination, language and cultural barriers, poverty and hygiene."' [35a] (p.23.)

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Women

M.6.37. According to the US State Department Report for 2003, the traditionally high level of domestic violence still persists. [2c](p.50) It continues that the few official agencies dedicated to coping with family violence have inadequate resources [2c](p.50) and few victims of spousal abuse ever file complaints with the authorities. [2c](p.18) A lack of female police officers at police stations resulted in long delays in investigating rapes, assaults and offences against women. [2c](p.18) According to the EU stabilisation and Association Report for 2003, changes in 2002 to the Montenegrin Criminal Code introduced wider protection from domestic violence. [75a](p.18)

M.6.38. Women do not enjoy a status equal to that of men and few women hold upper level management positions in government or commerce (according to the US State Department Report for 2003 and the EU stabilisation and Association Report for 2003. [2c](p.50) [75a](p.18) According to the US State Department Report for 2003, increasing numbers of women are serving, however, in professional fields such as law, science, medicine and human rights organisations and are legally entitled to equal pay for equal work, though in practice they do not always receive it. [2c](p.18) The USSD Report for 2003 continues that women are allowed 12 to 18 months maternity leave. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected

women to discrimination in the home. [2c](p.50) The Federal Parliament ratified the Optional Protocol (to the Convention of Elimination of all forms of Discrimination against Women (CEDAW)) in December 2002, according to the EU stabilisation and Association Report for 2003. [75a](p.18)

M.6.39. Montenegro, according to the USSD for 2003, is primarily a transit point for trafficked women and children, and to a lesser extent a destination country. [2c] (p.53)

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Children

M.6.40. 'The Government attempts to meet the health and educational needs of children, but insufficient resources at times impede this goal,' states the US State Department Report for 2003. [2c](p.50)

M.6.41. The education system provides 8 years of mandatory schooling, according to the US State Department Report for 2003. [2c](p.50) Although ethnic Albanian children have access to instruction in their native tongue, the government was criticised for not developing a curriculum in which they could learn about their own culture and history. The Women's Commission report of September 2001 contends that children of refugees may have problems in accessing adequate health care and education, and often live in unhealthy conditions. [35a](p.15.) In particular, the US State Department Report for 2003 adds, most Roma children receive little or no education beyond the primary school level – see section on ethnic minorities. [2c] (p.51)

M.6.42. There is no societal pattern of abuse against children. However, according to the Women's Commission report of September 2001, domestic violence is a particular problem among refugees. [35a] (p.2.) Also, according to the US State Department Report for 2003, the law does not allow a juvenile allegation of a crime without a parent or guardian present. Consequently, there is almost no reporting of child abuse or incest. [2c] (p.51)

M.6.43. According to the USSD Report for 2003, the official minimum age for employment is 15 years, although in farming communities it is common to find younger children assisting their families. [2c](p.52.)

M.6.44. The country served as a transit point for trafficking of girls for forced prostitution, according to the US State Department Report for 2003. [2c](p.51)

Child care

M.6.45. Information received via the FCO in October 2002: there are six state run institutions accommodating children in Montenegro. Only one of these is for children under 18 without parental care, the remaining five catering for children with special needs. UNICEF is in discussion with the government about the conditions in these establishments, which have suffered from under-funding in recent years, and some may be closed. Apart from the adoption of babies, there are no alternative arrangements for children under 18 without parental care. [11i]

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CONTENTS: KOSOVO

K.2 Geography

K.2.1 The province of Kosovo lies in south-west Serbia, states the Europa Regional Survey of Central and South-Eastern Europe, 4th edition, 2004. [1a](p.521) The population figures given by the Europa Regional Survey, are drawn from the 1991 Census of the former Federal Republic of Yugoslavia, stating that of the 1.956 million people registered as being in Kosovo, there is an ethnic majority of 92 percent ethnic Albanians, and an ethnic minority population including Serbs, Roma, Muslim Slavs, Turks and Croats. The largest town and provincial capital is Pristina (population 155,499 – 1991 census). [1a](p.522)

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K.3 Economy (and infrastructure)

K.3.1 According to the US State Department Report for 2003, 'The economy, in transition from a centrally directed to a market-based economy, was based primarily on agriculture, mining industries, and construction services, with a heavy dependence on foreign remittances.'[2c](p.21) 50% of the population were considered by UNDP, in January 2002, to be living in poverty. [21c](p.5) The European Commission's Stabilisation and Association Report for 2004 outlines the basic current economic situation as follows:

> 'After the post-conflict and reconstruction driven boom, with growth of 21% in 2001, Kosovo's GDP [Gross Domestic Product] has slowed down substantially to 3.9% in 2002 and an estimated 4.7% in 2003, GDP per capita remains low at about 700 Euros per year (the lowest in the Western Balkans), while GDP per head is higher resulting from remittances and foreign assistance. Private sector activities continued to be dominated by reconstruction and trade as well as service related businesses. Unemployment is high – notably among the minorities – and likely to increase. Even though the registered unemployment rate – 47% of the labour force in 2002 – is exaggerating the actual level due to the sizable grey economy, the labour market is confronted with an increasing inflow of job-searchers, in particular young people.' [75b](p.59)

K.3.2 According to the Secretary General's Report of 30 July 2004 to the UN Security Council:

> 'The Kosovo economy continues to be far from self-sustaining. Growth is still mainly driven by foreign assistance, remittances from abroad and public spending. The trade deficit remains substantial. The number of unemployed seeking work continues to rise and the demographic trend gives rise to major concerns as an increasing number of young, employable people are entering the labour market.'[15m](p.12)

K.3.3 The Secretary General's report for 30 July 2004 continues that the Provisional Institutions and UNMIK have promoted a legal framework that ensures the economy will be market-orientated, with privatisation issues a key concern, a process currently

hampered by budget and administrative problems. [15m](p.12,13)

K.3.4. UNMIK has issued, according to the US State Department Report for 2003, 1.3 million identity cards and 182,000 drivers' licences. [2c] (p.31)

K.4 History

K.4.1 Although a province of Serbia, and therefore part of the old FRY, Kosovo has been administered on an interim basis by the UN since June 1999. On 9 June 1999, FRY signed an agreement requiring the withdrawal of all their forces from Kosovo. According to the Europa Regional Survey 2004, the UN Interim Administration Mission in Kosovo (UNMIK) was mandated to run Kosovo. [1a] (p.528) On 10 June 1999, the United Nations adopted Security Council Resolution 1244 [20a], which brought Kosovo under UN mandate and allowed the establishment of an international security presence, according to the Europa Regional Survey 2004 account .[1a](p.528, 537) On 27 August 2003, the Serbian parliament passed a declaration stating that Kosovo was held by the Serbian authorities to be an "indivisible" part of Serbia, as part of an on-going concerted claim to Kosovo as Serbian territory. [30g]

K.4.2 The Europa Regional Survey 2004 continues that within weeks of the UN mandate, over 800,000 ethnic Albanians who left Kosovo during the conflict had returned, with about 200,000 Serbs and Roma leaving the province, fearing revenge attacks. [1a]p.537)

K.4.3. UNMIK's description of its mandate is taken from the UNMIK main website, under the page title of *About UNMIK*:

> 'In particular, resolution 1244 has called upon UNMIK to:
>
> - perform basic civilian administrative functions;
> - promote the establishment of substantial autonomy and self-government in Kosovo;
> - facilitate a political process to determine Kosovo's future status;
> - coordinate humanitarian and disaster relief of all international agencies;
> - support the reconstruction of key infrastructure;
> - maintain civil law and order;
> - promote human rights; and
> - assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.
>
> Working closely with Kosovo's leaders and people, the mission performs the whole spectrum of essential administrative functions and services covering such areas as health and education, banking and finance, post and telecommunications, and law and order.' [19h](About UNMIK)

K.4.4. In addition to UNMIK, and in a process of measured handover of governance, the UK Foreign and Commonwealth Office website account (updated 26 July 2004) notes the development of the Provisional Institutions of Self-Government (PISGs):

> 'In May 2001, the new 'Constitutional Framework for Provisional Self-Government' was adopted. This set out, under the overall authority of the SRSG [Special Representative of the Secretary General] the responsibilities ('competences') of the local authorities (such as education, environment) and the 'reserved competences' of UNMIK (such as external relations, security). Following province-wide elections in November 2001, the Kosovo Assembly was established. In March 2002 the Provisional Institutions of Self-Government (PISG) were formed with Mr Ibrahim Rugova as President and Dr Bajram Rexhepi as Prime Minister.' [11q](p.6)

K.4.5. The EC Stabilisation and Association Report for 2004 reported that the process of transfer of non-reserved competencies from UNMIK to the PISG was completed by December 2003. [75b](p.52) The same report is critical of the PISG's performance: 'The PISG (Assembly, Government, President, and Courts) have improved their overall performance compared to the poor performance of 2002 when they were established. However, the late and inadequate reaction of the PISG to the events of March 2004 raises serious concerns.' [75b](p.52)

K.4.6. Talks between the Serbian Government in Belgrade and Kosovan politicians resumed for the first time since the 1999 war in October 2003, in Vienna, according to a contemporary BBC report of 14 October 2003. [8ag] Though the initial talks were inconclusive, according to BBC reports of 4 March 2004 [8ab] and of 14 October 2003 [8ag], talks were continued in Pristina on 4 March 2004. [8ab] The talks were on technical issues of mutual interest; they expressly did not cover the final status of Kosovo. [8ag]

K.4.7. Source documents across the spectrum of opinion regard the Violence of March 2004 as historically an event that reminded UNMIK, the International Community and other bodies that the ethnic divisions of 1999 are still in evidence in Kosovo. The OSCE Mission in Kosovo (OMiK), in their initial report published in conjunction with UNMIK in May 2004, state: 'The March events reminded us of the far reaching ethnically-motivated violent attacks, carried out especially against Kosovo Serbs and Roma in the summer of 1999.' [15c](p.4) The Human Rights Watch reiterates this historical perspective in its report, *Failure to Protect*, of July 2004: 'The violence across Kosovo represents the most serious setback since 1999 in the international community's efforts to create a multi-ethnic Kosovo in which both the government and civil society respect human rights.' [9a](p.1)

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Ethnic Violence, 17 – 19 March 2004

K.4.8. The key event of 2004, and within the period of control under UNMIK, was the ethnic violence that flared up in March 2004. The following paragraphs give an account of the build-up to the riots, a day by day account of events, and subsequent overall impact on Kosovo. The specific impacts of the riots are documented throughout the

country report, with details of impacts upon ethnic minorities in the sections below on Ethnic Minorities in general and by specific group.

Before

K.4.9. The Secretary General reported to the Security Council in the 30 April 2004 report that ethnic tension had been apparent since late 2003. [15f](p.2) The International Crisis Group (ICG) in its April 2004 report *Collapse in Kosovo* has identified a number of trends leading to the March violence, such as Albanian frustration over the status of Kosovo (particularly in relation to UNMIK's "Standards Before Status" policy) throughout 2003; the stagnant economy and declining work force / growing unemployment; disaffected youth boosting extremist groups such as the Albanian National Army (AKsH); incidents from September 2003 onwards that included the murder of Serbs [69c](p.11) ; and the continuance of Serb parallel structures (see below, 4.1.). The main event that triggered the violence was the three Albanian children drowned on 16 March 2004, allegedly by being chased into the river by Serb youths (an event that UNMIK could find no evidence that implicated the Serb community, and was rather a tragic incident of misadventure.) [69c](p.145) The Human Rights Watch report of July 2004, *Failure to Protect,* added that the "War Associations" – the associations of ethnic Albanian veterans mainly previously belonging to KLA – were instrumental in the development of the violence. [9a](p.17ff)

Key Events

K.4.10. The following is a brief day-by-day account of the violence of 17 – 19 March 2004. For more detail of day-to-day events as they unfolded, please refer to CIPU Country Information Bulletin Serbia & Montenegro (Kosovo) 1/2004

K.4.11. Day 1: Wednesday 17 March 2004. (The following summarises the ICG account, in their April 2004 report *Collapse in Kosovo:* Appendix A: A Chronology of Violence [69c]) Events mainly focused round Mitrovica town in the morning, with Albanian mobs congregating, attacking UNMIK property in southern Mitrovica, working towards the main bridge. Main bridge held by the Kosovo Police Service (KPS) and a KFOR Polish riot squad; clashes between UNMIK / KFOR and the Albanian mobs ensued. Serb / Albanian clashes around the Three Towers Albanian enclave in northern Mitrovica. [69c](p.1)

K.4.12. By midday, news of trouble in Mitrovica had spread to Pristina and Caglavica: Serb mobs and traffic blocks emerged in Caglavica, and Albanian mobs assembled in Pristina with the intention of battling with the Serbs in Caglavica. Meanwhile an Albanian mob of mainly students marched from Pristina University campus to UNMIK headquarters, and then proceeded towards Caglavica in the early evening. KFOR and UNMIK evacuated the Serb population of Caglavica; rebuffed the Albanian mobs at the entrance to the village from Pristina after an initial breakthrough by the rioters. [69c](p.1) Riots went on throughout the evening and night in Pristina, with mobs torching abandoned UNMIK vehicles, unimpeded by the security forces; the mobs started to disperse at midnight and by 02:00 hrs, the streets had emptied. [69c](p.1)

K.4.13. By late afternoon, news had spread throughout Kosovo. Incidents in a

number of locations throughout the province. In Prizren and in Lipljan, Serbs and KFOR forces were attacked, and injuries including deaths reported. [69c](p.1) Violent protests were reported in Gnjilane, in Urosevac, Kosovo Polje and Pec. Incidents of violence also reported in Novo Brdo. [69c](p.1)

K.4.14. The action taken by security forces on Day 1 was essentially reactive, and to minimise loss of life by evacuation and where possible using protective cordons. There were instances of the security forces losing control temporarily in individual situations; and of individual units overwhelmed by the mobs. [69c](p.1)

K.4.15. By the end of Day 1, according to the ICG report, the security forces were at a low point. 'Overnight, throughout Kosovo the security forces were in considerable disarray, overstretched and exhausted.' [69c](p.49.)

K.4.16. Day 2: Thursday 18 March 2004. The morning was held to be relatively calm, most of the mobs having dissipated. Most mobs reassembled and the first incidents reported around noon. Large scale violence occurred in Prizren. [69c](p.49.) The afternoon and evening was punctuated with incidents of Albanian mobs on the rampage targeting Serb property, and in violent engagement with the security forces. [69c](p.49,50,51.) In the late afternoon, two Albanian mobs converged in southern Mitrovica to attack the Ashkaelia settlement of Vushtri (previously evacuated) and destroyed the entire neighbourhood. [69c](p.51.) The ICG report notes only one incident of an non-Albanian being directly threatened on Day 2 (a Serb nun held prisoner at Devic convent, Drenica); otherwise, the security forces had ensured the safe evacuation of targeted groups. [69c](pp.52.)

K.4.17. Action taken during Day 2 by the security forces revolved around the evacuation of all people in danger, mainly to local KFOR bases, and on to enclaves if possible (see below, Serbs.) Property was cordoned off by KFOR and other security forces; in a number of places, KFOR established blocks on the routes of Albanian mobs, and attempted to pacify them. The Serb village of Caglavica was attacked again, and KFOR resisted effectively the Albanian mobs. [69c](pp.52.)

K.4.18. Day 3: Friday 19 March 2004. According to the ICG report, 'Attempts by agitators in several locations around Kosovo to resume the violence fizzled out.' [69c](p.52.) Extremist organisations reined in their agitators. [69c](pp.18,52.)

K.4.19. Action taken on Day 3 by the security forces consisted of consolidating the uneasy peace; reinforcements flown into Pristina overnight took control of patrolling the city's streets in the morning. [69c](p.51.)

Subsequent Events

K.4.20. Immediate reaction to the Violence focused on the overarching issue of the final status of Kosovo. Reuters reported in a news report on 22 March 2004, the opinion that: 'Western procrastination over the future of Kosovo must share the blame for an explosion of violence in the U.N. protectorate, according to former senior envoys to the Balkans.' [4f] The article outlines the problems of a declared future for Kosovo of either an independent country or under a series of ethnic cantons. [4f] Christian Aid reiterated the call for a political solution on 24 March 2004: 'Last week's [17-19 March 2004]

violence between Albanians and Serbians shows why the need to address the future of Kosovo is more pressing than ever.' [13a]

K.4.21. According to the report to the Security Council, April 2004:

> 'UNMIK police are actively investigating all incidents related to the violent events. So far, investigations have resulted in over 260 arrests in connection with the violence. A further 400 arrests have been made for violations of curfew, which had been imposed in some areas by KFOR and UNMIK police to prevent further violence. International prosecutors are currently working on more than 45 cases and approximately 120 other cases are being handled by the local judiciary.' [15l](p.3)

K.4.22. According to the report to the Security Council, 30 July 2004:

> 'Considerable progress has been made to bring to justice those responsible for the violence in March [2004]. UNMIK has received 73 of the additional international police investigators requested from Member States, and others are expected shortly.' [15m](p.7)

The same report continues that international prosecutors were handling 52 cases involving serious crimes; and the local judiciary, 260 plus cases related to the violence. [15m](p.8)

K.4.23. The comment of the EC Stabilisation and Association Report 2004 ran:

> 'Just at the time when the direct dialogue between Pristina and Belgrade seemed to be finally on track and the Kosovo standards implementation plan was about to be finalised, the ethnically motivated violent incidents that occurred in March 2004 marked a serious setback to the establishment of a secure, democratic and multi-ethnic Kosovo.' [75b](p.51)

K.4.24. According to the Secretary General's Report of 30 July 2004 to the UN Security Council:

> 'Following the widespread violence that occurred throughout Kosovo in March [2004], the Provisional Institutions have made some progress in the priority areas of standards implementation, reconstruction of property damaged or destroyed during the violence, inter-ethnic reconciliation initiatives, and reform of local government. However, much still remains to be done to repair the physical and psychological damage that resulted from the violence.' [15m](p.15)

K.4.25. In a similar vein, the UNMIK website reported the opinion of Hédi Annabi, the Assistant Secretary-General for [UN] Peacekeeping Operations, given to the UN Security Council on 5 August 2004:

> 'Despite some progress in Kosovo since violent clashes in March, the

province faces an uphill challenge in moving forward along the path of normalization, ethnic reconciliation, strengthening its still-fledgling democratic institutions, and creating a tolerant, inclusive society, a senior United Nations official told the Security Council today.'[19j]

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K.5 STATE STRUCTURES

Constitution

K.5.1 Under UN Security Council Resolution 1244, the text of which is published on the main United Nations website as document S/Res/1244(1999) [20a], the United Nations Mission In Kosovo (UNMIK) is responsible for performing basic civilian administrative functions and promoting the establishment of provisional self-government (Article 10). [20a](p.3) UNMIK is led by the fifth Special Representative of the UN Secretary General (SRSG), Søren Jessen Petersen, who was appointed on 16 June 2004, according to an announcement on the UNMIK website dated 16 June 2004. [19h]The previous incumbents were Bernard Kouchner, Hans Haekerrup, Michael Steiner, and Harri Holkeri. According to the UK Foreign and Commonwealth Office country profile on Kosovo, accessed 7 April 2003, the organisational structure of the administration is arranged in four distinct "pillars", run by the following organisations respectively: Law and Order – UN; Civilian Administration - UN; Institution Building - the Organisation for Security and Co-operation in Europe (OSCE); and Reconstruction and Economic Development – EU. [11q](p.1)

K.5.2 According to the US State Department Report for 2003, until the municipal elections in October 2000, the involvement of the local population in the official administration was limited to their participation in various advisory bodies, the highest being the Joint Interim Administrative Structure (JIAS). [2c] (p.21.) However, the JIAS was superceded by a 120 seat Assembly, according to the US State Department Report for 2003, following the province's first Assembly elections in November 2001. [2c] (p.21.) On 4 March 2002, according to the Secretary General's report to the UN Security Council of 22 April 2002, the Assembly approved the development of Provisional Institutions of Self-Government (PISG). [15e](p.1,2)

K.5.3 According to a UN press release of 17 May 2002, the Constitutional Framework for Provisional Self Government established the legal structure for the PISG, including the Assembly: various competencies from the Constitutional Framework were transferred to the PISG after the general elections of 17 November 2001. [21d](p.1) However, UNMIK retains control of the certain competencies, i.e. foreign affairs, monetary policy, justice and public order. UNMIK also retains a veto over any measures that appear to violate UNSCR 1244 and the assembly is not permitted to discuss the future status of Kosovo, according to contemporary news reports, namely of the BBC [8g] and of CNN news, [12b] both filed on 10 December 2001.

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Political System

K.5.4 According to the Europa Central and South-Eastern Europe Regional survey, 2004, the three main ethnic Albanian political parties in Kosovo are the Democratic League of Kosovo (LDK), founded 2000, and formerly the Democratic Alliance of Kosovo (DAK = LDK) [1a](p.550); the Democratic Party of Kosovo (DPK = PDK) [1a](p.550) and the Alliance for the Future of Kosovo (AAK). [1a](p.550) The DAK/LDK predated the existence of the Kosovo Liberation Army (KLA/UCK) and they formed the main focus for resistance to the Serb regime in the years before the conflict. [1a](p.537) Led by Ibrahim Rugova, the DAK/LDK always advocated the achievement of their aims by peaceful means. [1a](p.550) They were critical of the violence against ethnic minorities following the conflict, much of which was alleged to have been perpetrated by extremists associated with the KLA. [1a] (p.571)

K.5.5 The PDK evolved from the political arm of the KLA and is headed by former KLA commander, Hashim Thaqi, according to the Europa Regional Survey of Central and South-Eastern Europe 2004. [1a](p.537, 550) The KLA was officially disbanded on 20 September 1999, with many former members being absorbed into the newly formed Kosovo Protection Corps (KPC/TMK): 'NATO agreed to the reconstitution of the KLA as a 5,000-member civil emergency service force, to be known as the Kosovo Protection Corps.' [1a](p.529) The Europa Regional Survey of Central and South-Eastern Europe 2004 states that the KPC is led by former KLA commander Agim Ceku. [1a](p.529) The Europa account continues, stating that both parties, (as well as the third most popular ethnic Albanian party, the Alliance for the Future of Kosovo (AAK)) have independence for Kosovo as their principal policy. [1a](p.529)

K.5.6 The Secretary General's report to the UN Security Council of 15 January 2002 held that the election for the Assembly in 2001 passed off largely without violence and was considered to be free and fair. [15b](p.1) According to a BBC background brief on the Kosovo Assembly, dated 10 December 2001, the LDK won the 2001 elections with about 46% of the vote, taking 47 seats. But it failed to secure an overall majority and needed to enter a coalition with the other main political parties. [8g](p.2)

K.5.7 The Secretary General's report to the UN Security Council of 15 January 2002 continues that the Kosovo Serbs boycotted the municipal elections of October 2000 because they saw them as part of a process that would lead to the eventual independence of Kosovo from Serbia. However, the Serb Coalition "Povratak" agreed to take part in the Assembly elections of November 2001, and the Serb community participated in the voting following intensive negotiations between UNMIK and the FRY authorities, which led to the signing of a "Common Document". The Common Document addressed Serb concerns, including those about security, justice and returns issues. [15b](p4,5)

K.5.8 According to the UK Foreign and Commonwealth Office website profile of Kosovo, updated 26 July 2004:

> 'The Constitutional Framework set out that 20 of the 120 assembly seats are to be reserved for the additional representation of non-Albanian communities. Of these 20 seats 10 shall be allocated to representatives of the Kosovo Serb community.' [11q](p.6)

K.5.9. According to the EC Stabilisation and Association Report, 2003, the OSCE are monitoring the workings of the Assembly to ensure that ethnic minority members are able to fulfil their function within it. [75a](p.7)

K.5.10. As reported in the Secretary General's report to the UN Security Council of 29 January 2003, Kosovo's second municipal elections were held on 26 October 2002, won again by the LDK, and the elections passed off reasonably calmly and were judged to be within "European standards" by monitors. [15i](p.5,6) The Secretary General's report continues that Kosovo Serbs only voted in the five municipalities where they constitute the majority: elsewhere participation was minimal, with a virtual boycott by Serbs in Mitrovica. [15i](p.5)

K.5.11. As reported by the Institute of War and Peace Reporting (IWPR) in their news report for 4 March 2003, on 25 February 2003, Kosovo Serb leaders formed an Association of Serbian Municipalities, which comprises the 220 Serb representatives who won seats in the October 2002 municipal elections. They have called for federalisation of Kosovo into two separate ethnic entities. The move has been condemned by the international community and has been seen as a political tactic in relation to any possible moves towards independence for Kosovo. [43aa]

K.5.12. The Serb community still runs such parallel institutions to the PISGs in 2004, in the three northern-most municipalities and in Northern Mitrovica (city), according to the ICG report of April 2004. [69c](p.7) The parallel structures represent to the Serbs a holding on to access to services and residual power, and thus a relative autonomy. UNMIK expressed concerns about the continuance and intransigence of the Serb parallel structures in late 2003 and by February 2004, in the SRSG's quarterly report to the UN Security Council, were highly critical of Serb intransigence. [69c](p.8) The effects of the March 2004 riots, according to the ICG report, is to have rendered PISG promises of security for Serbs meaningless. The ICG report recommends that UNMIK proceeds to recognise the Serb parallel structures:'Such regularisation of parallel structures should be for the purpose of paving the way for decentralisation of local government authority along the lines of the Council of Europe (Civiletti) plan – leading towards a looser and less "integrated" mode of co-existence than imagined in UNMIK's present unitary administration model.' [69c](p.39)

K.5.13. According to the UK Foreign and Commonwealth Office website country profile, accessed April 2003, in 2002, Michael Steiner, the third SRSG, responded to calls from ethnic Albanian politicians for an early decision on independence for Kosovo by stressing the need for "standards before status," meaning that the Assembly and PISG would have to achieve the 8 benchmark standards of governance can be achieved before any such steps could be taken, as reported by the Human Rights Watch in their World Report 2003 [9e](p.5.) To quote Steiner's words from a news report relayed by Radio Free Europe on 30 December 2002, "On the status question, we have done nothing this year because it is not [yet] time to deal with this status because, as you know, I am saying 'standards before status.' That means that before you can solve the formal issue, the most difficult issue, you need to create the preconditions." [30f](p.1) The "Standards" Steiner was referring to relate to democracy, the rule of law and human rights, and a multi-ethnic society, according to the report dated 16 October 2002 published by the Council of Europe Office of the Commissioner for Human Rights.

[82a](p.37) They included freedom of movement for all in Kosovo and the return of over 100,000 displaced Serbs and other minorities as referred to in the news report relayed by Radio Free Europe on 30 December 2002. [30f](p.1)

K.5.14. On 31 March 2004, UNMIK published a 120-page document entitled the Kosovo Standards Implementation Plan (KSIP) setting out a plan towards the fulfilment of eight key "standards", as reported by the Balkan Crisis Report No. 491, dated 13 April 2004.[43a](p.1) The same article in the Balkan Crisis Report, which reported the publication of standards, contends that both ethnic Albanian and ethnic Serb communities will find the document's demands a challenge [43a](p.2,3.):

> 'Local analysts doubt the drive to achieve these standards will be successful, citing irreparably damaged ethnic relations, political divisions in the Albanian community, the presence of Albanian and Serbian extremists, and a perception that the international community is using delaying tactics to avoid tackling the tricky issue of final status head on.' [43a](p.1.)

K.5.15. According to the Secretary General's Report of 30 July 2004 to the UN Security Council:

> 'Operational responsibility for running the Assembly elections in 2004 will for the first time be entrusted to the people of Kosovo. A multi-ethnic Central Election Commission was created to conduct the elections.' [15m](p.7)

K.5.16. The same Secretary General's report, of 30 July 2004, has also been critical of the then current Assembly's performance and stance in 2004:

> 'The performance of the Kosovo Assembly has been mixed. In an attempt to act outside its competences as set out under the Security Council resolution 1244(1999) and the Constitutional Framework, on 8 July [2004] the Assembly voted to propose a comprehensive set of 38 amendments to the Constitutional Framework drawn up by the Assembly Committee for Judicial, Legislative and Constitutional Framework Matters. The assembly took this action despite clear warnings by UNMIK that such changes were outside its powers. UNMIK immediately issued a public statement reiterating that, while a comprehensive review is beyond the competence of the Assembly, UNMIK is open to discussing proposals that are not within the areas reserved to the Special Representative and are submitted in accordance with the Constitutional Framework.' [15m](p.5)
>
> 'The Assembly's functioning during the reporting period was also inconsistent. It has continued to hold plenury sessions on a monthly rather than a weekly basis, which has led to longer sessions and has meant that most postponed agenda items are delayed for a month or longer rather than one week as was the case in the past. Faced with a packed agenda, the Assembly at times rushed through debates and voting, at the risk of affecting negatively the overall quality of legislation adopted.' [15m](p.5)

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Judiciary

K.5.17. According to the US State Department Report for 2003, 'The Constitutional Framework provides for an independent judiciary; however, the judiciary was at times subject to bias and outside influence, particularly in inter-ethnic cases, and did not always provide due process.' [2c](p.25) The Ombudsperson's Institution for Kosovo's Fourth Annual Report, published July 2004, goes further: 'Due to the above-mentioned [in the OI Annual Report] undemocratic structure of UNMIK, it is difficult to speak of an independent judiciary in Kosovo.' [6b](p.12)

K.5.18. According to the US State Department Report for 2003, 'The court system includes a Supreme Court, 5 District Courts, 24 Municipal Courts and a Commercial Court.'[2c](p.26) Initially, the compilation of criminal law is based on Serbian provincial law in force in Kosovo in 1989 combined with regulations issued by UNMIK and was somewhat complicated and unwieldy: from the report dated 16 October 2002 published by the Council of Europe Office of the Commissioner for Human Rights, 'The law applicable in Kosovo is a complex and rapidly evolving mix of old law of the province of Kosovo prior to 22 March 1989... UNMIK regulations (some of which have already [October 2002] been amended) and international human rights standards whether universal or European.' [82a](p.18) The US State Department Report for 2003 updated, stating: 'On July 6 [2003] the SRSG adopted a new Criminal Code and a new Criminal Procedure Code; however, in order to leave time for training of judges, prosecutors, attorneys and other legal staff, the codes were expected to be implemented until April 2004.' [2c](p.26)

K.5.19. UNHCR / OSCE reported in their tenth joint report of 12 March 2003 that in 2002 UNMIK managed to employ a significant number of judicial staff from ethnic minority communities. [18d](p.29) According to the Secretary General's report to the UN Security Council of 15 January 2001, it had been difficult to achieve and maintain an ethnic balance in the judiciary, though the Department of Justice in 2001 created the Judicial Integration Section to coordinate a minority recruitment strategy in the judiciary. [15b](p.7) The UN Secretary General's quarterly report of 29 January 2003 reported in greater detail: that the indigenous justice system comprises 373 local judges, including 16 Kosovo Serbs and 17 from other minority communities. [15i](p.8) According to the US State Department Report for 2003, UNMIK has been working with the Serbian Government to ensure a representative ethnic mix when appointing to vacant judge and prosecutor positions, including applying postive discrimination policies: 'Under an agreement between UNMIK and the Government of Serbia, when filling vacant judge and prosecutor positions in the local Kosovo justice system, Serbs and all other ethnic minorities were to be given preference if otherwise equally qualified.' [2c](p.53) The US State Department Report for 2003 cautioned that:

> 'Legal experts and human rights observers continued to express concern that a fair trial was unlikely in criminal cases involving ethnic minorities, and prosecuted or tried by Kosovo Albanian judicial personnel. As a result, such cases were routinely assigned to international judicial personnel.' [2c](p.26)

K.5.20. UNMIK is dependent on international judicial support, according to the US State Department Report for 2003, which is taking the lead in processing the large number of war/ethnic/organised crimes as well as other cases that may affect the security situation, and according to the US State Department Report for 2003, at the end of 2003, 'Approximately 12 UNMIK-appointed international judges and 5 international prosecutors worked in the District and Supreme Courts.' [2c](p.26)

K.5.21. The USSD Report for 2003 mentions that UNMIK is encouraging the development of a competent Kosovan judiciary:

> 'UNMIK, through the OSCE, maintained several organizations to increase the professionalism of the judicial corps. The Kosovo Judicial Institute (KJI) continued to train judges and prosecutors and have focused training efforts on continuing legal education. The Judicial Inspection Unit (JIU) continued to monitor judicial performance and make recommendations on both discipline and training; the KJPC was responsible for cases of judicial misconduct.' [2c](p.26)

K.5.22. A working group, the Criminal Defense Resource Center (CDRC) has been set up to expand the availability of legal aid and to guarantee access for minorities, according to the USSD report for 2003. [2c](p.27) The Ombudsperson's Institution (OI) has since published its Fourth Annual Report (for 2003 – 2004, on the 12 July 2004), and the Ombudsperson, Marek Antoni Nowicki, has commented widely in many areas of his remit, concluding, 'Much effort is required to achieve even a minimum level of protection of rights and freedoms in Kosovo.' [6b](p.2)

K.5.23. Amnesty International (AI) noted in their annual report for 2002 that UNMIK failed to guarantee detainees the assistance of legal counsel, including during interrogation. [3e](p.4) AI in the same report also noted that the failure to establish a comprehensive witness and victim protection programme compromised the ability of UNMIK police to investigate and prosecute those suspected of trafficking in women. [3e](p.4) (See below, People Trafficking)

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Legal rights /detention

K.5.24. According to the US State Department Report for 2003:

> 'UNMIK regulations prohibit arbrary arrest and detention; however, these prohibitions were not always observed in practice. Police may detain criminal suspect for up to 72 hours without charging them: however, there were reports that CIVPOL used the 72-hour investigation detention authority as a means of minor punishment with no intention of filing charges, particularly in the case of petty offenders.' [2c](p.25)

K.5.25. The US State Department Report for 2002 reported, 'Lengthy pretrial detention continued to be a problem in cases of serious crimes; some detainees allegedly involved in ethnically based crimes were held on the basis of weak evidence.' [2b](p25.) The report further stated: 'Some observers and detainees claimed there was an ethnic bias in the amount of time it took to bring some cases to trial. [2b](p25.) The report gave numbers of 1,122 persons remained in pretrial detention as of 24 November 2002; 555 persons of whom were said to be sentenced. [2b](p25.) The US State Department Report for 2003 states, regarding detainees in 2003, 'Approximately 550 persons were in pretrial detention (45 percent of the total prisoners in Kosovo facilities.)' [2c](p25.)

K.5.26. The US State Department Report for 2003 states, 'KFOR did not require arrest warrants to implement a safe and secure environment under UNSCR 1244; however, the detention process by KFOR was transparent.' [2c](p.25) An Council of Europe, Commissioner for Human Rights report, entitled Kosovo: the Human Rights Situation and the Fate of Persons Displaced from their Homes, of 16 October 2002 report noted that neither international law nor the security situation on the ground supported such practices. [82a](p.22,23)The same report indicates that there have been some complaints of ill - treatment while in police custody and some allegations of corruption. [82a]

K.5.27. On 7 April 2004, the United Nations reported in a press release that Harri Holkeri, the then SRSG, announced the introduction of two new Codes, the Provisional Criminal Code and the Provisional Criminal Procedure Code. [21i] In Mr Holkeri's reported words, "The enforcement of these new Codes now provides us with a wider range of criminal offences to prosecute and a greater range of punishments to go with it." [21i]

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Internal security

K.5.28. Internal security in Kosovo is explained as follows according to the US State Department Report for 2003:

> 'The UN-authorized, NATO-led peacekeeping force for Kosovo, known as the Kosovo Force or KFOR, continued to carry out its mandate to maintain internal security and defend against external threats. Policing was done by UNMIK Civilian Police (CIVPOL), which continued to transfer basic police authority and functions to the Kosovo Police Service (KPS), while maintaining oversight.' [2c](p.21)

K.5.29. There is also a residual semi-official force, the Kosovo Protection Corps (KPC) that is not part of the internal security forces, that is under UNMIK scrutiny, is monitored, and in the process of administrative transformation into a civil defence organisation, in 2003 encouraged to develop a demining capability, according to the UN Secretary General's report to the Security Council of 15 October 2003, stating:

> 'UNMIK is further defining the legal basis for KPC activities as a civil emergency agency.... KPC has further developed its demining capability, though a critical funding shortfall for demining operations persists' .[15k](p.13)

The leader of the KPC, Agim Ceku, was previously a commander of the (now disbanded) Kosovo Liberation Army (KLA): in October 2003, the BBC reported on 23 October 2003 that he was temporarily detained by the Slovenian authorities on the basis of a Serbian arrest warrant. [8af]

K.5.30. As reported to the UN Security Council by the Special Representative of the (UN) Secretary General, of 30 July 2004, 5,983 KPS officers were in service, with continuing efforts being made to increase the level of representation from ethnic minority communities, currently 15.5% (9.5% Serbs and 6% from other ethnic minority groups). [15m](p.18, Annex 1)

K.5.31. Until late 2003, the figures for violent crime had dropped significantly since the 1999 war. The overall crime pattern that began to emerge in Kosovo before late 2003 was considered by UNMIK police to be becoming more akin to the kind of crime pattern seen in other countries, according to an UNMIK Newsletter report of January 2002. [19b]

K.5.32. While the security position improved in the period 2000 to early-2003, KFOR undertook a process of "unfixing" its static checkpoints, according to the Secretary General's report to the UN Security Council, 29 January 2003. [15i](p.9) According to the same report to the Security Council of January 2003, by the beginning of 2003, KFOR had only 30 fixed checkpoints remaining throughout Kosovo. Also, since February 2002, the number of KFOR escorts was halved. [15i](p.9) The situation after the ethnic violence of March 2004 has been reversed, for example as so concluded by a CNN newsreport of 18 March 2004.[12f]

K.5.33. UNMIK and KFOR force, through the ethnic violence clashes of March 2004, have lost capacity. In the summary as part of the UNHCR position paper of 30 March 2004, UNHCR states:

> 'As far as violence against UN infrastructure and personnel is concerned, protesters stoned several UNMIK buildings, systematically destroyed UN vehicles and burned the UN flag. Concern for the safety of staff was such that evacuation was necessitated in various locations. The killing of two police officers (an UNMIK and a KPS officer) during an attack on a patrol in Podujevo on the night of 23 March 2004 has served to underline the continuing threat to UNMIK personnel.' [12n](p.2)

K.5.34. During the year 2002, according to the US State Department Report for 2003, a total of 68 civilians were murdered, compared to 136 in 2001 and 245 in 2000. Of the 68 fatalities, 60 were ethnic Albanians, 6 were ethnic Serbs and 2 were of unknown ethnicity. [2b](p.21) In 2003, according to the US State Department Report for 2003, there were 72 murders, 17 from ethnic minorities, 13 of whom were Serb, and 7 of the Serb murders held to be ethnically motivated. 4 murders were of unknown ethnicity. [2c](p.38) The US State Department report was written before the

disturbances in March 2004 and its attendent death toll (finally established at 19 people killed.) The US State Department Report for 2003 noted that, "The high-profile violent crimes against Serbs were allegedly ethnically motivated, but there was no clear evidence to confirm this because no one was convicted by year's [2003] end.'[2c](p.38) Some of the attacks in 2002 on Albanians, according to the US State Department Report for 2002, were connected to ethnic violence: 'Retaliatory violence, including killings, against Kosovar Albanians also continued.' [2b](p.22) The same USSD report reported action tacken on a Serb-collaborator case that occurred in 2001:

> 'On July 6 [2002], CIVPOL and KFOR troops arrested eight Kosovar Albanians accused of the August 2001 killing of a Kosovar Albanian family of five, including three children. The motivation for the killing was believed to be the retribution for the father's alleged cooperation with Serb authorities during the 1999 war. Several suspects were members of the KPC [Kosovo Protection Corps] and Kosovo Police Service. [2b](p.22)

K.5.35. Small arms and light weaponry (known collectively as SALW by monitors) are used by criminal and radical elements in Kosovo, with the South Eastern Europe SALW Monitor published in 2004 by the UNDP South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) stating: 'Attacks are usually committed with SALW, often military-style weapons. Incidents involving hand grenades and bombs are also common.' [21j](p.168) The report further adds 'Research conducted by the Small Arms Survey (SAS) in 2002 estimates that there are between 350,000 and 480,000 small arms in Kosovo, excluding arms held by international forces – of these, the vast majority, 330,000 to 460,000, are civilian-held small arms, both legal (approximately 20,000) and illegal.' [21j](p.173) The report continued with the SAS conclusions: 'SAS concludes that the "widespread availability of guns" in the entity [Kosovo] "constitutes a central challenge to the reduction of insecurity and promotion of development", and has a number of consequences for Kosovo society:"direct effects include fatal and non-fatal injuries, as well as psychological and physical disabilities due to small arms misuse... The indirect effects are more numerous – including social, economic, and human development dimensions."' [21j](p.174) Overall, the South Eastern Europe SALW Monitor of 2004 report concludes: 'It is clear that illegal SALW remain easy to come by and are widely diffused throughout Kosovo.' [21j](p.176)

K.5.36. Blood feuds between ethnic Albanians in Kosovo is an issue on which occasional comment occurs. UNMIK police attended an incident on 29 May 2002, reported by UNMIK Police Briefing News on 3 June 2002, that was held to be a case of an internecine quarrel, reportedly a blood feud. [91a] A Kosovan Albanian journalist via the Balkans Crisis Report No 481 of 4 February 2004 wrote of a revival of blood feuds in Kosovo, adding, 'In the communist era, blood feuds were relatively rare among Albanians either in Kosovo or Albania. But after the turmoil of the 1990s, the ideas contained in Leke's canon [written tribal laws of Northern Albania that formalise the rules of engagement in blood feuds] revived, first in the chaos of post-communist Albania and then in neighbouring Kosovo, too, after the NATO strikes and the withdrawl of Serbian forces.'[43aq](p.1) The article continues: 'From the end of the war in Kosovo in 1999 until late 2003, Kosovo recorded around 40 murders

related to blood feuds, according to the Council for the Defence of Human Rights and Freedoms, KLMDNJ.' [43aq](p.2)

K.5.37. According to the US State Department Report for 2003, a key difficulty in relation to allegedly ethnically-based murder and violence cases is the low arrest, prosecution and conviction rate. [2c] (p.38) The Ombudsman for Kosovo reiterates the point in his third annual report (published July 2003):

> 'As noted in previous Reports, the responsible UNMIK authorities have also failed to investigate other serious crimes that were committed since their arrival, in particular cases involving interethnic violence against non-Albanian communities. In part this failure appears to have stemmed from the constant turnover of the investigative staff of UNMIK Police. In this regard, the spring 2003 establishment by the UNMIK Police of a "cold crimes" unit, for the purpose of re-examining unsolved murders can be seen as a positive development.' [6a] (p.6)

K.5.38. Further details of ethnically motivated violence, generally and as suffered by ethnic group, are provided in the section on ethnic minorities.

Mitrovica

K.5.39. The OSCE Municipality Profiles, updated June 2004 notes that the area of greatest ethnic tension and hostility in Kosovo is the city of Mitrovica. [89 - Mitrovica] Divided by the river Ibar, the city had, until March 2004, about 9,000 Serbs controlling the north bank and more than 90,000 ethnic Albanians living on the south side. The presence of 2,000 Albanians in the north, up and until March 2004, living under great pressure to leave from extremist Serbs, added to the tension. [89 - Mitrovica] Mitrociva has been a flashpoint since and before riots erupted in April 2002 after the arrest of one of the Serb "bridge watchers" (para militaries who monitored people crossing the bridge) for a traffic violation. [89 - Mitrovica] By early 2003, KFOR and UNMIK police were manning the bridge instead of the "bridge-watchers" and 20 Serb KPS officers were patrolling the streets according to a Balkans Crisis Report of 3 January 2003. [43w]The US State Department Report for 2003 records on-going property disputes in 2003: 'In Mitrovica, Kosovo Serbs in the northern part of the city continued to illegally occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part of Mitrovica also denied Kosovo Serbs access to their property.' [2c](p.28)

K.5.40. Between 17 and 19 March 2004, ethnic unrest broke out in northern Mitrovica, described by the BBC in its 19 March 2004 news report: 'The upsurge in violence is the worst since the Nato-led bombing campaign against the former republic of Yugoslavia in 1999'. [8aj](p.2) Initial reports from the BBC and CNN on 17 March 2004 (and other news agencies) indicated that three Albanian children were run into the river Ibar by Serbian youths, and two bodies were recovered on Wednesday morning, 17 March 2004. [8ak][12d] Later reports, such as the Washington Post account of 22 March 2004, noted that four children were involved, with two children drowned one missing and one survivor, and that the only account available is from the survivor. [29a]The funeral

of the two dead children was held on Sunday 21 March 2004, with seven thousand mourners, and tight security that ensured it proceeded peacefully, according to an Agence Presse report of 22 March 2004. [72d]

K.5.41. In Mitrovica, the BBC reported on 17 March 2004 that there were confrontations between the Serb and Albanian populations at key border points, particularly the bridges over the Ibar and in northern Mitrovica. [8am] As UNMIK CIVPOL (the UN Police) and the KPS (the Kosovan Police Service) intervened, disorder extended to the ethnic groups clashing with the police, again as reported by the BBC and CNN. [8am][12d] By 11:30 pm Wednesday 17 March 2004, it was reported by the BBC that UN Staff had been withdrawn from Mitrovica. [8al]

K.5.42. From Mitrovica, other flashpoints developed during 17 March 2004 and on until 19 March 2004. By Wednesday noon, 17 March 2004, various acts of disorder were mentioned in BBC reports, mainly perpetrated against the Serb minority and typically being acts of arson throughout Kosovo, including in Pristina. [8al] By Thursday 18 March 2004, Serb churches were being targeted for arson by Albanian rioters, again according to BBC news reports. [8al] The UNMIK webpage carried that UN Secretary General, Kofi Annan, condemned the practice of deliberately targeting homes and religious properties.[19g] By the end of Wednesday 17 March 2004, 7 people were killed and over 200 people had been injured, according to the BBC. [8al] CCN carried a report that KFOR announced and enforced a curfew at 19:00hrs local time. [12e]

K.5.43. According to the Canadian reporter, Jeff Heinrich, writing in a news article for The (Montreal) Gazette on 24 May 2003, before 1999, there was a one-kilometer stretch of habitation that ran along the northern bank of the river Ibar, and in turn, formed the Roma Mahala, or district, in Mitrovica. [83e] It had a population of 7,000 people, living in approximately 1,400 dwellings. It was held to be one of the largest Roma districts in Kosovo. [83e] The entire district was destroyed in the Kosovo War, with the population displaced. [83e] Remaining Roma have been caught in tensions between Serb and Albanian populations, and have been harassed by both. [83e] The UNHCR report of January 2003 adds further information about the Mitrovica Roma:

> 'Today, the vast majority of Roma from Mitrovica municipality have either fled abroad or live in three IDP camps in the North, namely the Cesmin Lug camp in north Mitrovica with 256 IDPs, the Warehouse in Leposavic with 200 IDPs, and Zitgovac camp in Zvecan with 186 IDPs. The few returnees originating from Mitrovica who have returned to Kosovo remain in secondary displacement in these camps, since the security at place of origin in Mitrovica municipality is prohibitive.'[17j](p.15)

The UNHCR report proceeds, outlining cases of harassment of Roma camp inmates by the surrounding Serb majority, concluding 'Such incidents of harassment go unreported for fear of worsening their tenuous situation with the the domicile Serbs, who continue to dislike the idea of hosting Albanian-speaking Roma from the Albanian south (south Mitrovica]. [17j](p.15)

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Prisons

K.5.44. The US State Department Report (USSD) for 2003 states: 'Prison conditions generally met international standards: however, overcrowding, lack of adequate recreation facilities, and the need for repairs remained problems.' [2c](p.24) The USSD for 2003 report continues: 'UNMIK administered six low and medium security prisons in Kosovo: Pristina, Prizren, Mitrovica, Peja and Gjilan.' [2c](p.24) There is one maximum security prison at Dubrava, Istog, the USSD for 2003 continues, which is in need of refurbishment and is overcrowded. On 4 September 2002, a protest over the conditions led to a riot that resulted in 5 deaths [2c](p.24)

K.5.45. According to the Secretary General's report to the Security Council, 29 January 2003, 'At present there are 1,202 local Kosovo correctional staff officers, of whom 18 per cent are female and 12 per cent are from ethnic minorities. The targeted total is 1,688.' [15i](p.8) According to the Secretary General's report to the Security Council, 15 October 2003:

> 'During the reporting period [June to September 2003] 64 more persons, mostly from minority groups, were recruited into the Kosovo Correctional Service, which now has a staff of 1,416. Of these, 84.9 per cent were Kosovo Albanian, down from 86.2 per cent during the last reporting period; Kosovo Serb representation has increased marginally, from 11 per cent to 11.2 per cent, while the proportion of non-Serbian minority groups has substantially increased, from 2.8 per cent to 3.8 per cent. Some 18 per cent of the staff are female.' [15k](p.6)

K.5.46. According to the US State Department Report for 2003, the KFOR detention centre at Camp Bondsteel was dismantled in 2003. [2c](p.24.) Three UNMIK prison officers were killed in a shootout in April 2004, according to a CNN news report of 18 April 2004. [12g] Later reports, such as the BBC news report for 19 May 2003, showed that the incident was an isolated incident of internal UNMIK strife, and was not related to the detention of prisoners. [8at]

K.5.47. According to the USSD for 2003, prison visits by NGOs were permitted:

> 'Prison officials consistently permitted visits by independent human rights observers. Prisons and detention centers permitted the International Committee for the Red Cross (ICRC) full access to prisoners and detainees; however the OI [Ombusperson Institution] was the only institution entitled to unimpeded and unannounced access to all detention centers and prisons, without prior 24-hour notice, and there were no reports that the OI was denied this right during the year.' [2c](p.24.)

Medical services

K.5.48. According to the Topical Information Fact Sheet entitled Health System in Kosovo – 3rd Update May 2002, produced by the Kosovo Information Project (a

subscription information service run by ICMPD and IOM):

> 'Kosovo's health care system cannot currently provide adequate care for the following groups of patients: Cancer (requiring radio or chemotherapy); All heart surgery, including installation of pacemakers; Intra-ocular surgery (surgery within the eye); Severe and chronic mental illness, including mentally ill criminals (there is no mental hospital in Kosovo and no possibility to keep criminal patients securely.) ' [27a](p.13.)

At the fourteenth meeting of the Standing Technical Working Group of the European Centre for Minority Issues, Kosovo/a: Citizens' Support Initiative (held on 17 July 2003), the Expert Group on Health and Social Welfare did present a list of policy recommendations with possible timeline for discussion and debated at the forum, giving a structure to issues facing health care providers in Kosovo. [46b]

K.5.49. All hospitals are working, but the capacity of their laboratories and x-ray departments is limited. According to the Topical Information Fact Sheet entitled Health System in Kosovo – 3rd Update May 2002, produced by the Kosovo Information Project (a subscription information service run by ICMPD and IOM): 'Patient [sic] with conditions that require regular laboratory control (eg. transplantation patients taking immuno-suppressive drugs) may not be able to find the necessary laboratory tests.' [27a](p.13) According to the UK Department For International Development (DIFD) in their seminal 2001 overview of Kosovo healthcare service, 'Service delivery is through 64 recognised facilities, including six regional hospitals, 34 health centres (including Health Houses and Family medicine Centres), eight public health institutes and 12 pharmacies. Private facilities do exist but are not registered with the DHSW [Department of Health and Social Welfare].'[33b](p.3)

K.5.50. According to a Balkans Crisis Report of 2 January 2003, there is a growing AIDS problem in Kosovo, thought to originate from the large influx of prostitutes into the province. [43x] (see below, Trafficking) The Topical Information Fact Sheet entitled Health System in Kosovo – 3rd Update May 2002, produced by the Kosovo Information Project (a subscription information service run by ICMPD and IOM) stated:

> 'The official health care system currently procures only essential drugs needed for the common condition. Consequently, many patients with rare, chronic diseases (e.g., lack of growth hormone, haemophilia, HIV/AIDS) will not be able to find the drugs they need in the public health care institutions or in the state pharmacies. Private pharmacies may be able to import the drugs they need, but they are likely to be expensive and the supply may be uncertain.' [27a](p.13)

K.5.51. Although mental health provision in Kosovo is underdeveloped, treatment for psychological conditions including Post Traumatic Stress Disorder (PTSD) is available in Kosovo. In a standard UNHCR position on psychiatric care in Kosovo, presented in a letter dated 11 February 2004, the UNHCR stated the following:

> 'In response to the specific issue in this case we made enquiries of our Branch office in Pristina and the following is a

summary of their assessment. They were able to confirm that there is a psychiatric clinic within the University Clinical Centre in Pristina. In addition to this clinic, there are no other specialised facilities which could provide systematic treatment to victims of rape, PTSD cases and / or other cases requiring psychiatric treatment. The psychiatric clinic in Pristina is constantly faced with various problems, including the small number of specialist staff, the large number of patients, inadequate facilities to address the needs for hospitalisation / observationas well as an overall lack of funds. The situation, therefore, is difficult to say the least. Whilst a number of NGOs are active in Pristina with a remit which includes the assistance of victims of torture and rape they too are heavily constrained by limited capacity and resources. Furthermore we are told that the limited resources that are available are confined to Pristina; only occasionally are visits to the field actually made.'[17m](p.3)

K.5.52. The Medical Foundation for the Care of Victims of Torture conducted a fact-finding mission in Kosovo in August 2003, into the issue of mental health services in Kosovo: the resulting report by Dr Helen Bolderson and Karen Simpson, published January 2004, outlines the state in August 2003 of mental health services across the six mental health service regions of Kosovo. [38a] The Bolderson / Simpson Report outlines that the present mental health care system was devised in 2000, with emphasis on a community based system; 'The Plan was to establish seven community mental health centres (CMHCs), 14 protected apartments providing shelter for patients in remission, half of which would give 24-hour cover, and six intensive care psychiatric units, distributed on a territorial basis, based almost entirely on the existing locations of the general hospitals.' [38a](p.16) The six Mental Health Regions, mainly based on the five pre-existing catchment areas, are Pristina, Mitrovica, Pec, Gjovaka, Prizren, and Gjilan: 'The Regions cater for populations of around 250,000 – 330,00, except for Pristina, which has 500,000 inhabitants.' [38a](p.18,19) The Bolderson / Simpson Report continues: 'Each Region has one hospital psychiatric ward and one CMHC with the exception of Gjilan, which has two Centres.' [38a](p.19)

K.5.53. On 3 October 2002, the Kosovo Information Project researchers reported to CIPU that of the Selective Serotonin Uptake Inhibitor group (SSIs) drugs available in Prishtina pharmacies, only Fluoxetin was available on a regular basis, with Fluoxetin 20mg – 30 capsules at between 6.70 and 7.30 Euros: Sertralin 50mg – 30 tablets at 23.30 Euros was occasionally available. [27e] The Bolderson / Simpson Report states the following on medication available within the psychiatric wards:

'In Pristina hospital amitriptyline, haloperidol and chlorpromazine are the main drugs in use. Although fluoxetine is occassionally used, SSRIs (modern antidepressants and the mainstay of pharmacotherapy in post traumatic stress disorder (PTSD)) are not routinely available. The range of antipsychotics is very limited, and there is total absence of some classes of drugs e.g. bipolar medication. In Pec hospital the Regional director referred to the shortage of drugs as "a misery and catastrophe… we don't even have elementary drugs in the psychiatric

ward."' [38a](p.22)

'The only drugs available in Ferizaj Centre were: Fluphenazine,(injection) Haloperidol (injection and oral) and Biperiden Hydrochloride (injection). Drugs are given only in the most serious cases as anti-psychotic drugs are very expensive.' [38a](p.27).

K.5.54. According to the Bolderson / Simpson report, PTSD in cases of women who have been raped are not dealt with by the CMHCs:

'"No Centre deals with these cases because of the mentality [sic – prevailing societal attitude], we would need to be very careful and keep this confidential, we would send these people to CPWC [Centre for the Protection of Women]"(Dr Shkelzen Kadriu, Director CMHC, Gjilan, interview August 2003).' [38a](p.25).

K.5.55. According to the findings of the Bolderson / Simpson report, PTSD cases are reluctant to attend CMHCs, as two directors of CMHCs explained:

'"Nearly everyone in the population is suffering from the delayed onset of trauma now that the dead are being reburied. Such traumatised people, while possibly needing treatment for PTSD, do not wish to be associated with mentally ill people." (Dr Bahri Goga, Director of CMHC, Ferizaj, interview August 2003).' [38a](p.26).

'"People who have PTSD do not accept very well to stay with people who have schizophrenia as the stigma is very big so they do not come to the Centres, if they need some oral therapy they will go to see a psychiatrist privately." (Dr Shkelzen Kadriu, Director CMHC, Gjilan, interview August 2003).' [38a](p.26).

K.5.56. A report by Mental Disability Rights International (MDRI) in 2002, reported by the Human Rights Watch annual report for 2003, alleged that patients at the Shtimle Hospital were subjected to abuses by the staff. [9e](p.7) Shtime Social Institution, run by the Department of Work and Social Welfare for 205 residents, mainly ethnic Serbs, and including children, was visited by Bolderson and Simpson, and their report summarised the purpose of Shtime, the problems faced by the institution, and future plans thus:

'Shtime is categorised as a 'social institution'. It is officially designated for individuals with intellectual disabilities, but appropriate diagnostic criteria have not been applied and the residents are mentally ill people and 'social patients' who "have only minor disabilities and reside at the facility because they have no place else to go." (MDRI, *op.cit.*, p.20 citing UNMIK) [38a](p.27).

'MDRI are highly critical of Shtime on the grounds that it institutionalises its residents; lacks facilities; disregards human rights; relies on drugs for treatment; and allows occurrences of sexual abuse. The present

director refuted the allegations of sexual abuse and physical violence but drew attention to the problems he has encountered which [sic] have included lack of food supply; a massive number of clients; a huge mixture of cases; insufficient staff; and lack of planning for proposed changes.' [38a](p.27).

'The director reported that the current plan is to withdraw psychiatric cases and refer them to the CMHCs... Fifty to 100 beds will be available for out-patients and a day care centre for occupational therapy is planned: the aim is to make Shtime into a community facility.' [38a](p.28).

K.5.57. The Bolderson /Simpson Report identifies the following NGOs providing serrvices to vulnerable groups, operating in Kosovo in August 2003: the Kosova Rehabilitation Centre for Torture Victims (KRCT); Centre for Stress Management and Education (CSME); medica mondiale Kosova Team; Centre for the Protection of Women and Children (CPWC); Safe houses; Counselling Centre for Children and Parents – Ferizai; and ONE to ONE Counselling Centre for Children and Families. [38a](p.30-38).

K.5.58. According to a Balkans Crisis Report of 15 April 2003, the number of patients treated for psychiatric disorders by KCRT increased from 1,187 in 2001 to 2,812 in 2002. [43y]

K.5.59. Ethnic minorities' access to medical care has been affected by the March 2004 riots, according to the Secretary General's Report of 30 July 2004 to the UN Security Council:

'The destruction in March [2004] of health facilities which had been serving minority community patients in Kosovo Polje (Pristina region) has required minorities to travel greater distances to gain access to primary health care, which has proved particularly problematic given the limited freedom of movement and security risks faced by community members."[15m](p.11)

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Education system

K.5.60. According to the USSD for 2003, all children have the right, by virtue of the UNMIK Regulations, to equal access to schooling, and thus to native language education up to secondary level, with schools that operate in Serbian, Bosnian and Turkish as well as Albanian. [2c](p.36)

K.5.61. According to the USSD for 2003, access to education has been problematic for some minority, such as for a lack of trained Bosniak teachers. [2c](p.36) The USSD for 2003 Report continues: 'A lack of freedom of movement and reluctance to depart from a Belgrade-based curriculum led Kosovo Serb children to attend neighbourhood schools that were sometimes housed in inadequate facilities and lacked basic equipment.' [2c](p.36.)

K.5.62. The US State Department Report for 2003 mentions that Roma Ashkaeli and Egyptian children attend mixed schools with ethnic Albanians but sometimes face intimidation or are expected to work for their families from a young age at the expense of their education.[2c](p.36) In their report of activities undertaken in 2002, the Expert Committee on Education and Youth of the Standing Technical Working Group of the European Centre for Minority Issues (ECMI) expressed concern that students of these groups were under-performing academically, and that further efforts should be made to address this imbalance. [46c] Bosniaks can obtain primary education in their language but there is a shortage of Bosniak teachers at secondary level, according to the Humanitarian Law Centre (HLC)'s Shadow Report on the Implementation of the Framework Convention for the Protection of National Minorities in Serbia, Montenegro, and Kosovo of 16 January 2003. [63b](p.30)

K.5.63. On 5 May 2003, according to the US State Department Report for 2003, the Serb-run North Mitrovica University was licenced by the Kosovan authorities, and funding was provided jointly by the Kosovan authorities and from Serbia. [2c](p.36) The USSD Report for 2003 also states: 'The Government did not restrict access to the internet or academic freedom. [2c](p.29)

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K.6 HUMAN RIGHTS

Overview

K.6.1 According to most accounts particularly the Ombudsperson Institution's Fourth Annual Report [6b], human rights issues in Kosovo since March 2004 have been dominated by the issues of sufficiency of protection offered by the security forces to ethnic minority groups; ethnic minority groups' access to essential services and the development of institutions in Kosovo that respect such rights. On 23 August 2004, UNMIK reported that UNMIK and the Council of Europe signed two key agreements on human rights:

> 'In an effort to enhance the establishment of human rights in United-Nations-administered Kosovo, top UN and European officials today signed two agreements that seek to monitor compliance with important international principles and prevent torture and other inhuman or degrading treatment.' [19c]

K.6.2 The human rights issues are constitutionally overseen by the Ombudsperson Institution (OI), described in its own words in the OI's Fourth Annual Report as:

> 'Established by UNMIK Regulation No. 2000/38, the Ombudsperson institution is an independent institution which has the role of addressing issues concerning alleged human rights violations or abuse of authority by the Interim Civil Administration or any emerging central or local institution in Kosovo. It officially opened on 21 November 2000 in Pristina and consists of the international Ombudsperson himself [currently in August 2004, Marek Antoni Nowicki] his two local deputies, human rights lawyers and supporting administrative staff. Since the very beginning, the staff of

> the Ombudsperson Institution has been multiethnic – the majority is of Albanian ethnicity, other staff members are of Serbian, Turkish and Roma origin.' [6b](p.3)

K.6.3. The OI's summary of the human rights situation in Kosovo, as stated in the Fourth Annual Report of the OI in July 2004, runs:

> 'Much effort is still required to achieve even a minimum level of protection of rights and freedoms in Kosovo. Kosovo is still a long way from reaching these standards. The situation is especially, but not exclusively, difficult for the non-Albanian communities, in particular Serbs and Roma. Their situation with regard to the guarantees of their fundamental rights is very serious. The only hope is that the events of March 2004 and the conclusions drawn will help to bring about considerable change in this respect. Personally, however, I remain sceptical. It is not enough to rebuild destroyed houses. It is far more difficult to rebuild even the minimal trust that is essential for living together on the same territory.' [6b](p.2)

K.6.4. The OI's Fourth Annual Report identifies a number of areas of ongoing institutional weakness as areas of human rights abuse, particularly the legislative process [6b](p.8-11), the judiciary [6b](p.12-14), the IO itself and human rights protection mechanisms [6b](p.14-18), over property rights [6b](p.23-24), as well as the ongoing situations of various groups of people in Kosovo, namely the non-Albanian ethnic minorities [6b](p.18-20), IDPs [6b](p.21-22), missing persons [6b](p.22-23), and people with mental disabilities [6b](p.24-26). However, it is in the area of democracy and governance, particularly in relation to the relative autonomy of UNMIK / KFOR under the UN Mandate, that is identified as a key human rights problem by the OI, stating in the Fourth Annual Report (July 2004):

> 'This reporting period has seen the further transfer of certain UNMIK competences and functions to the local central and municipal authorities in Kosovo. However, UNMIK still continues to control, inter alia, the judiciary, the police and the legislature. While there have been improvements in some sectors, parts of UNMIK still do not appear to take the obligation they are under to guarantee basic human rights and freedoms to the population of Kosovo seriously enough.' [6b](p.7).

K.6.5. The importance of the March 2004 riots, and attendent human rights issues, is acknowledged by the UN authorities: according to the Secretary General's Report of 30 July 2004 to the UN Security Council, 'Much of the political effort in Kosovo over the reporting period [1 April 2004 – 15 July 2004] has been aimed at regaining some of the ground lost as a result of the violent events of mid-March [2004].' [15m](p.1)

K.6a Human Rights issues:

Freedom of Speech and the Media

K.6.6. According to the US State Department Report for 2003:

> 'UNMIK controlled broadcasting infrastructure through the Department of Post and Telecommunications, while the OSCE oversaw the Department of Media Affairs. UNMIK also regulated the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board.' [2c](p28-29)

K.6.7. The USSD for 2003 continues:

> 'Although the numbers of daily and periodic newspapers varied depending on available financing, there were six or seven of each during most of the year. Most of the main dailies were aligned with different political parties, although there were three independent daily newspapers. There were six daily newspapers in Albanian, all published regularly and locally.' [2c](p28)

K.6.8. UNMIK regulations govern the print media, primarily designed to prevent inflammatory ethnic-based rhetoric, according to the US State Department Report for 2003: 'UNMIK regulations prohibit hate speech and speech that incites ethnic violence, as well as newspaper articles that might encourage criminal activity or violence.'[2c](p.28.] 24 Ore ceased publication on 21 January 2003, the reasons, according to the USSD for 2003, being unclear – either because of threats or because of financial difficulties. [2c] (p.29)

K.6.9. The USSD for 2003 states there are 88 radio stations and 23 TV stations in Kosovo. [2c](p.28) Although the majority of broadcasts are in Albanian only, there are stations that broadcast in Serbian, Turkish, Bosniak and Gorani. [2c](p.28)

K.6.10. The US State Department Report for 2003 states that journalists have sometimes been subject to intimidation and harassment, often for political reasons. [2c](p.29) In the first months following the war, journalists who have published critical statements about the violence directed towards Serbs and other minorities were attacked, threatened or harassed. [2c](p.29) There was one report of a physical attack on a journalist in 2003:

> 'The TMC [Temporary Media Commissioner] received no complaints of threats or attacks against journalists; however, there was one reported case. On 5 September [2003] two journalists with Radio Television Kosovo engaged in a conflict with KPS officers, resulting in lacerations to the face of one of the officers. The journalists were not injured and were released with their equipment after being briefly detained.' [2c](p.29)

K.6.11. In analyses of the March 2004 riots, the role played by the media has been a particular strand of criticism. The Organization for Security and Co-Operation in Europe (OSCE), through its representative on Freedom of the Media, commissioned a report, *The Role of the Media in the March 2004 Events in Kosovo*, published circa May 2004, that analysed the role of the Albanian language media within Kosovo, and commented on Serb language media outside Kosovo. [31k] The report emphasised what it

considered to be an inflammatory role in all media that would not assist in the long-term stabilisation of Kosovo:

> 'Without the reckless and sensationalist reporting on 16 and 17 March [2004], events could have taken a different turn. They might not have reached the intensity and level of brutality that was witnessed or even might not have taken place at all.' [31k](p.3)

> 'Finally it should be noted that the events of mid-March [2004] were the first serious crisis that the Kosovo media has ever faced. While this report shows there is credible concern that the electronic broadcast media might have been one of the reasons for the outbreak of violence, long-term sanctions could prove counter-productive.' [31k](p.3)

K.6.12. One main criticism of the OSCE report *The Role of the Media* was the reporting of the initial event, the three drowned children of Caber. [31k](p.4-5) The subsequent misreporting by the Albanian language media was held by the OSCE to be highly inflammatory. [31k](p.5,7-11,14) Other main criticisms included the way that UNMIK's press releases were sidelined, ignored or perverted by context by the Albanian media [31k](p.15,16) The Recommendations that the OSCE suggested included a full, open investigation of the media's performance, particularly of RTK the only public broadcaster; strengthening the legal framework and the institutions of oversight (the Office of the Temporary Media Commissioner); establish balance in terms of a local Kosovo-wide Serb-language broadcaster; and for UNMIK to ensure that UNMIK's message is accurately, fairly and consistently reported. [31k](p.16-18)

K.6.13. On 29 May 2004, the International Federation of Journalists issued a report in protest, condemning the OSCE report, as reported in an accompanying press release:

> 'The report… is unconvincing and fails to establish any evidence of systematic attempts to distort news coverage and incite violence. "Even worse," said Aidan White, IFJ General Secretary… "It looks like politicians letting themselves off the hook over policies and actions that are the root causes of violence."' [66a]

Freedom of Religion

K.6.14. According to the US State Department Report for 2003, the Constitutional Framework and UNMIK regulations require officials to respect freedom of religion and to prohibit discrimination based on religion under international human rights laws and conventions. Religion in Kosovo is often inextricably linked to ethnicity. Most ethnic Albanians are Muslims, but there is a Catholic minority who lives mostly in the Southern and Western parts of the province: Serbs are almost exclusively Serbian Orthodox Christians. [2c](p.30.)

K.6.15. The USSD for 2003 continues that most ethnic Albanians are not strongly identified with their religion and their animosity towards Serbs is essentially on the basis of ethnicity, with the difference in religion a coincidental factor. It is estimated that some 70,000 Kosovar Albanians are Roman Catholic. 'Differences between Muslim and Catholic communities tended to be overshadowed by their common ethnic Albanian

heritage'. [2c](p.30)

K.6.16. Serbian Orthodox churches hold symbolic significance and during and after the 1999 war, over 100 were destroyed in retaliation for the mosques destroyed by the Serbs. UNMIK have taken steps to ensure that all religious communities could worship safely and deployed extra security at Orthodox religious sites. In November 2002 there were attacks on two Serbian Orthodox churches in Istog municipality (mentioned in the USSD for 2003 [2b](p.30), and the Secretary General's report of 29 January 2003 [15i](p.7) and there was vandalism of Serb cemeteries and the remains of a Serb monastery (according to the US State Department Report for 2003). [2c](p.30)

K.6.17. According to the US State Department Report for 2003, there have also been concerns for the safety of Orthodox priests and nuns who have experienced violence and harassment. [2c](p.30) Lack of freedom of movement has affected the ability of some Serbs to exercise their freedom to worship or attend weddings and funerals. [2c](p.30) Mr Alvaro Gil-Robles, Commissioner for Human Rights, in his report to The Council of Europe in October 2002, stated that some Orthodox churches remain closed because of the difficulty of providing adequate security. [82a](p.29)

K.6.18. However, during the ethnic unrest in March 2004, Serb religious sites were particularly targeted by Albanian mobs, and damage reported by the BBC on 22 March 2004 included the destruction of 22 churches and monasteries between 17 and 19 March 2004.[8am]

K.6.19. Islamic education issues were highlighted in a news report via the Balkans Crisis Report, no.430 of May 2003, noting that Islamic clerics were calling for inclusion of religious instruction in the Kosovo school curriculum. According to the report, many sections of the Muslim community are uneasy with the proposals; and the PISG authorities say that though they have yet to see the clerics' blueprint, they doubt that the proposals will be workable. [43ao]

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Freedom of Assembly and Association

Before the March 2004 Riots

K.6.20. The US State Department Report for 2003 outlines the general situation regarding the freedom of assembly as follows: 'UNMIK Regulations provide for freedom of assembly; however, UNMIK authorities occassionally limited this right based on security concerns.'[2c](p.29) The USSD Report for 2003 continues: 'No written permit was needed to hold a demonstration; however, organizers were required to notify UNMIK 48 hours in advance with the purpose, time and place, route, and contact person for demonstrations for police coordination purposes.'[2c](p.29) Prior to the March 2004 riots, the US State Department Report for 2003's opinion of UNMIK / KFOR crowd control ran: 'In most instances, UNMIK and KFOR authorities dispersed hostile protestors with minimal injuries; police generally responded more appropriately than in previous years.' [2c](p.29-30)

During the March 2004 Riots

K.6.21. In the words of the International Crisis Group's report, *Collapse in Kosovo*, published 22 April 2004, 'UNMIK police counted 33 major riots over 17-18 March [2004], involving an estimated 51,000 participants.'[69c](p.15) The clashes, according to the Secretary General's Report of 30 April 2004, besides the deaths of 8 Kosovo Serbs and 11 Kosovo Albanians, with 954 people injured, states:'In addition, 65 international police officers, 58 Kosovo Police Service (KPS) officers and 61 personnel of the Kosovo Force (KFOR) suffered injuries.' [15l](p.1) The right to assemble during the March 2004 riots was necessarily curtailed at times, as large crowds assembled with intent to cause violence and to disturb public order: an example of UNMIK imposing extraordinary measures was the general curfew imposed on at 19:00hrs,18 March 2004 in response to unrest, as reported by the BBC on 18 March 2004.[8a]

K.6.22. With regards to the policing of the March 2004 riots, the general comment of the OSCE Mission in Kosovo (OMiK) in their May 2004 analysis, *Human Rights Challenges following the March riots*, was:'In their immediate response to the events of 17-19 March [2004], KFOR, UMIK Police and the Kosovo Police Service (KPS) demonstrated serious gaps in their ability to control and contain the violence, and to protect the safety of members of minority communities.' [15c](p.6)

K.6.23. The International Crisis Group's report, *Collapse in Kosovo* offers an insight into the nature of the riots, and alludes to a changing dynamic: 'Although only a sizeable minority [of ethnic Albanians] took direct part in the violence and demonstrations, most are not unhappy that Albanians have forcefully reminded both the Serbs and the foreigners that they are the dominant community.'[69c](p.22)

K.6.24. There were threats of further violent demonstrations immediately after the March 2004 riots, with the Secretary General's Report of 30 April 2004 recounting: 'In the weeks following the violence, the Association of War Veterans threatened to hold more demonstrations in protest against UNMIK.' [15l](p.11)

After the March 2004 Riots

K.6.25. The Secretary General's Report of 30 July 2004 indicated that UNMIK has taken on a broad strategy of control:

> 'UNMIK continues to evaluate its strategy, taking into account its analysis of the March [2004] events in order to prevent a recurrence of the violence. As part of the analysis of and response to the March [2004] a crisis management review body set up by UNMIK and a team led by the Department of Peacekeeping Operations carried out assessments and provided recommendations which addressed the core areas of flow and dissemination of information critical to responding to a crisis, staff safety, action by law enforcement officials, and facilitation of coordination with the Provisional Institutions of Self-Government.' [15m](p.1)

Political activists

K.6.26. In 1999 and 2000, according to the UN Secretary General's report to the UN

Security Council of December 2000, there were frequent reports of harassment, intimidation and violent attacks by extremist elements prior to the Municipal elections of 2000. [15a](p.18)

K.6.27. There were few reports of politically inspired violence during the electoral campaign for the 2002 Municipal Elections and no reports of intimidation of voters, according to the US State Department Report for 2002.[2b](p.34) However, according to the US State Department Report for 2002, the house of an LDK activist was attacked with grenades and small arms fire, though there were no injuries. [2b](p.33) Also, according to the US State Department Report for 2002 and the Human Rights Watch annual report 2003, the LDK mayor of Suhareke / Suva Reka was shot dead, on 27 October 2002, when trying to intervene in a confrontation between LDK and PDK supporters. [2b](p.33) [9e](p.5)

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Employment Rights

K.6.28. According to the US State Department Report for 2003, trade union activity is weak, disorganised, but considerable industrial unrest abounds in Kosovo:

> 'UNMIK regulation provides for the right to organize and bargain collectively; however, collective bargaining rarely took place. ... The law does not recognise the right to strike; however, strikes were not prohibited.... Workers engaged in strikes and protests, some on a large scale, which tended to be directed against the Government and state-owned enterprises rather than private enterprises.' [2c](p.40)

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People Trafficking

K.6.29. According to the US State Department report for 2003, Kosovo has until recently been a recipient and transit country for the trafficking of people.[2c](p.41) Sources agree that the majority of trafficking is of women and minors for involvement in the sex industries. One source (Amnesty International, in its May 2004 report, *"So does that mean I have rights?" protecting the human rights of women and girls trafficked for forced prostitution in Kosovo.*[3j]) suggests that Kosovo became a recipient country after the establishment of UN forces in Kosovo after the 1999 war. [3j](p.6ff).

K.6.30. A recent development mentioned by sources, particularly the SEERIGHTS (South East European Regional Initiative against Human Trafficking) initiative in their 2002/2003 annual report is the emergence of a large internal component within the Kosovo sex industry, particularly girls under the age of 18. [36a](sect.2.3.2, p.2; sect 2.4.) From the growth of local recruitment, AI quoting the International Organization for Migration (IOM) suggests that Kosovo may be developing into a source country for trafficking women for the purposes of prostitution. [3j](p 19.)

K.6.31. There are no comprehensive numbers of people trafficked to and in Kosovo according to the US State Department report for 2003 [2c](p.42.), and no numbers of people trafficked out of Kosovo. From statistics collated by local NGOs over three years (2000-2003), 271 Victims of Trafficking (VoTs) have been interviewed and so identified from raids of premises. [2c](p.41.) The SEERIGHT report for 2002/2003 states 339 cases assisted by IOM from September 2001 to November 2002. [36a](Sect.1, p.1)

K.6.32. Typically, from the foreign national cases documented by the IOM in 2002, in their Situation Reports of 2000-2002, one-third of women trafficked into and around Kosovo are mothers, of whom four/fifths are the sole providers for their children. Less than ten percent of all women trafficked are in a stable relationship. Over eighty percent of trafficked women brought into Kosovo entered willingly, but were misled as to the nature of employment promised by recruiters.[41b](p.4,6.)

K.6.33. The IOM figures suggest the beginnings of an internal recruitment phenomenon in 2001 / 2002, handling a number of Kosovan cases in that period. [41c](p.19.) The increase in IOM internal case figures may be due to inter-agency policy changes, as suggested by the US State Department report for 2003 [2c](p.42). (***See below, 4.2***)

K.6.34. Source countries for trafficking into Kosovo include Romania, Moldova, Ukraine, and to a lesser extent Bulgaria. Moldova, according to UNMIK (in the report *Combating Human Trafficking in Kosovo*, May 2004), is the source country of about half the foreign persons trafficked for forced prostitution in Kosovo [19h](p.3). Other East European and Balkan countries are represented in cases documented by the IOM. [41c](p.19.)

K.6.35. As it is illegal, the size of Kosovo sex industry is hard to gauge and fluctuates, with many establishments hiding forced prostitution activities (e.g. Miami Beach Club, Pristina champagne sales, outlined by Amnesty International (AI) in the May 2004 report.) [3j](p.12) AI has further stated in the May 2004 report that:

> 'Although the development of trafficking can be attributed to the presence of the international community, the sex industry has subsequently developed to serve a wider client-base. Over the past three years it has increasingly served the local community, which both the IOM and the CPWC estimate now make up around 80 per cent of the clientele.'[3j](p.7)

K.6.36. Likewise trafficking is hard to gauge: according to the AI report of May 2004, 'The illegal, organized and clandestine nature of trafficking, along with the silencing of trafficked women through coercion, violence and fear, make it impossible to accurately estimate the full extent of the trafficking industry in Kosovo.'[3j](p.2) The AI report of May 2004 is the first report to mention the growth of trafficking of women from Kosovo to other destinations:

> 'Kosovar Albanian, Serb and Romani women and girls also face a growing risk of being trafficked abroad. At the time of writing [circa May 2004] their main destination is the predominantly ethnic Albanian areas of Macedonia, where the TPIU, IOM and CPWC

report young women being transferred or re-trafficked from Kosovo. However, internally trafficked young women also report being offered work in Italy, and it would appear that they are increasingly being trafficked, via Albania, into Italy and other parts of western Europe.' [3j](pp18,19.)

'By May 2003, some 17 Kosovar women had reportedly been repatriated to Kosovo. Of nine, who were assisted by the IOM, three had been trafficked to Macedonia, two to Italy, one to Belgium and one to the United Kingdom.' [3j](p 19.)

Kosovo Authorities / UNMIK response to trafficking issues

K.6.37. The SEERIGHTS (South East European Regional Initiative against Human Trafficking) initiative, a collaboration of the OSCE ODIHR, UNHCR, and UNICEF, has maintained reports since 2001 to date on trafficking issues in Kosovo. [36a]. Section 2.1. of the 2002/2003 report outlines the Kosovo Plan of Action on trafficking, detailing the relations between the Kosovo Provisional Institutions and Self-Government (PISGs), the international community, the UNMIK Police and Justice Pillar, and Kosovo OSCE (who had responsibility for anti-trafficking activities until 2002), concluding that handover to Kosovan authorities was still a protracted state of affairs. [36a](sect.2.1, p.1-2)

K.6.38. The main policing operation is through the UNMIK CivPol unit, the Trafficking and Prostitution Investigation Unit (TPIU). According to UNMIK, in their May 2004 report, TPIU works regionally through five deployments, but is controlled centrally at UNMIK Police Main Headquarters, and works in conjunction with other specialist arms of UNMIK CivPol. [19h](p.8)

K.6.39. Penalties and remedies are outlined by IOM in their 2002/2003 report. Trafficking is illegal in Kosovo, under UNMIK Regulation 2001/4. The trafficking of a person is an offence punishable by imprisonment for five to twenty years (depending on circumstances); withholding a person's documentation is punishable by between six months and five years; to use the "services" of a victim of trafficking, three months to five years.[41b](p.2)

K.6.40. According to the US State Department report for 2003, 'The numbers of reported trafficking victims increased since last year. However, statistics were often imprecise and unreliable, since CPWC, the IOM, and TPIU relied upon different definitions of trafficking, employed uneven statistical analysis, and overlapped in data collection.'[2c](p.42) However, UNMIK TPIU has announced the following statistics in relation to its actions against traffickers:

- 2753 raids / checks by TPIU in period January 2003 to April 2004 (as reported by UNMIK, in May 2004) [19h](p.10)
- 204 premises listed as "off limits" to UNMIK / KFOR / Contractor staff to date (May 2004) (as reported by UNMIK, in May 2004) [19h](p.17,18)
- 83 premises closed since yr 2000(to end yr 2003)(according to the USSD for 2003) [2c](p.41) 57 premises closed in period January 2003 to April 2004 (as reported by UNMIK, in May 2004) [19h](p.10)
- Database of 1,848 women and 510 men suspected of involvement in trafficking

or VoTs listed since yr 2000 (according to the USSD for 2003) [2c](p.41)

- 83 VoTs directly assisted by TPIU in period January 2003 to April 2004 (as reported by UNMIK, in May 2004) [19h](p.10)
- 60 trafficking cases brought to the courts in yr 2003, and 140 since yr 2000 (according to the USSD for 2003) [2c](p.41) 75 cases of trafficking prepared and brought by TPIU in period January 2003 to April 2004 (as reported by UNMIK, in May 2004) [19h](p.10)
- 69 related charges brought in yr 2003 (according to the USSD for 2003) [2c](p.41); 45 cases of prostitution brought by TPIU in period January 2003 to April 2004 (as reported by UNMIK, in May 2004) [19h](p.10)

K.6.41. The prosecution rate is held to be low, by the US State Department, which in its 2003 report, highlights a sophistication in criminal organisations that avoids direct linkage between VoTs and senior criminals; the lack of an effective witness protection scheme; and inadequate training for judicial personnel. [2c](p.41)

K.6.42. A number of NGOs, most notably expressed in the Amnesty International (AI) Report on the Kosovo sex industry published May 2004 [3j], are concerned about the implication of KFOR and other international community personnel in the industry's clientele. AI allege that the large troop presence feeds into the trafficking problem, quoting an IOM official in 2000 that, "The large international presence in Kosovo itself makes this trafficking possible." (Pasquale Lupoli) [3j](p.6). Further, AI suggests that KFOR, UNMIK and their contractors are immune from prosecution, granted by UNMIK Regulation 2000/47 [3j](p.7/8).

K.6.43. UNMIK, in a responding report published May 2004 [19h], retorted that there were strong internal procedures covering activities of UNMIK, KFOR and contractor staff; that anything that amounted to a criminal charge was directed to the UNMIK Department of Justice for assessment; and UNMIK actively punishes all staff including contractors found in "off limits" premises, even if they have not committed a crime.[19h](p.17,18)

Returns, resettlement, and longer term remedies.

K.6.44. IOM Counter-Trafficking Unit in Kosovo has adopted and developed the wider IOM Counter-Trafficking programme, as stated in the September 2003 IOM report on psychological support to Victims of Trafficking (VoTs). It is in turn part of IOM's Return and Reintegration Project in the Balkans. [41d](p.1) VoTs are assisted on a psychosocial level in three main ways: contextualisation and prevention; analysis of experience; and equipping with tools to deal with the experience through counselling. [41d](p.3) The IOM Kosovo Counselling Programme began in September 2001. [41d](p.18) The results of the programme are stated by IOM in their reports' conclusion as a necessary beneficial first step towards reintegration: 'The beneficiaries begin to focus on plans for their future, including their professional careers and personal lives; accordingly, they are often more open to accepting support and participating in reintegration activities in their home countries.' [41d](p.22) It is focussed on the foreign national VoTs who have been detained and referred to the IOM in Kosovo, but also assists internal Kosovo VoTs; the US State Department report for 2003 states that in 2003, the IOM assisted 58 VoTs including 17 Kosovan

locals. [2c](p.42)

K.6.45. The SEERIGHTS report states that the United Methodist Committee on Relief (UMCOR) runs a shelter, assisting 80 VoTs in 2002. The shelter has been operating since July 2000. Its intake is mainly IOM cases involving foreign nationals who are not involved as witnesses in trafficking cases (i.e. would not attract danger to the shelter). UNMIK has since March 2003 operated a separate Interim Secure Facility for cases deemed too risky for the UMCOR shelter. [36a](sect.2.3.2, p.2)

K.6.46. SEERIGHTS also report that the Center for Protection of Women and Children (CPWC) is the main local NGO operating with VoTs, though it has a wider brief and its caseload figures include Kosovan victims of domestic abuse. Until 2002, it worked as the recipient of internal VoT cases, with the IOM working primarily with foreign national VoTs. CPWC states that 81 percent of its VoT caseload is with girls under the age of 18; that over 80 percent of its VoT caseload is from Kosovo; over 98 percent of Kosovo VoTs that it assists are ethnic Albanian. [36a](sect.2.3.2, p.2; sect 2.4.)

Freedom of movement

K.6.47. The summary of the US State Department Report for 2003 runs thus:

> 'Applicable law provides for freedom for movement and no special documents were required for internal movement; however, inter-ethnic tensions and security concerns widely restricted freedom of movement in practice. Kosovo Serbs, and to a lesser extent other minority communities, found it difficult to move about safely without an international security escort.' [2c](p.31)

K.6.48. According to the US State Department Report for 2003, during the war, the Serb forces confiscated and destroyed identification documents as well as central registers and municipal archives, leaving many ethnic Albanian Kosovars without civil documentation. [2c](p.31) UNMIK has issued, according to the US State Department Report for 2003, 1.3 million identity cards, 406,000 travel documents and 182,000 drivers' licences. They are recognised by 29 countries including the Former Yugoslav Republic of Macedonia and all Schengen States. [2c](p.31) For further information regarding the pre-war documention of IDPs and the location of Kosovo registry books in southern Serbia, see above, Serbia – Freedom of Movement.

K.6.49. Airport police in Pristina seized approximately 2400 false documents in 2001, according to the UNMIK Police newsletter of January 2002. [19b](p.3) The documents included passports, permits of stay, identity cards etc (purported issuing authorities not specified in the article). Only about 25% of documents were totally fake – most others were genuine documents where the picture had been substituted or stolen blanks had been used to prepare the documents. Most perpetrators were between 20 and 30 years old. [19b](p.3)

K.6.50. The law does not provide for granting asylum in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, according to the US State Department Report for 2003. [2c](p.32) However, the report continues, UNMIK has worked with the UNHCR and other humanitarian organisations on refugee issues:

'Of the 12,000 individuals who arrived in Kosovo in 2001, 1,400 persons with temporary protection remained in Kosovo at year's end.' [2c](p.32)

K.6.51. The UNHCR also added regarding its position on the "Internal Flight Alternative" in the August 2004 Position Paper stating:

> 'UNHCR is of the opinion that the implementation of the concept of internal flight or relocation alternative in Serbia proper and Montenegro towards persons originating from Kosovo and belonging to ethnic minorities would not be a reasonable option in most cases, particularly considering their inability if returned to register as IDPs in Serbia proper or Montenegro and the subsequent problems they can be expected to encounter in accessing basic human rights and services. Similarly, there are already serious constraints on the absorption capacity. Moreover, UNHCR is of the view that the implementation of the Internal or Relocation Alternative concept towards this caseload could raise an issue under the obligations stemming from the United Nations Security Council resolution 1244 of 10 June 1999 to return refugees and IDPs to their homes in Kosovo.'[18h](p.8,9)

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K.6b Human Rights: Specific Groups

Ethnic Groups

General situation – Prior to the March 2004 Riots

K.6.52. According to the Europa Regional Survey of Central and South-eastern Europe, 4th edition, 2004, ethnic Albanians make up approximately 90% of the population of Kosovo. The remaining 10% are made up of various minorities including ethnic Serbs, Roma, Ashkaelia, Egyptians, Bosniaks, Gorani, Croats and Turks. Following the war, there was a very high level of violence directed at Serbs, Roma and other ethnic minorities, who were seen as having collaborated with the Yugoslav oppression. Most of the perpetrators were ethnic Albanians seeking revenge or pursuing the aim of a wholly Albanian state. Large numbers of the Serbs and Roma communities fled from Kosovo. Those who remained are mostly concentrated in mono-ethnic areas. [1a](p.537) The OSCE report, *Joining in – minority voices*, published in July 2003, contains details about various minorities' own perceptions of their situation in various locations. Including Pec [31i](p.11-13), Prizren [31i](p.14-16), Mitrovice [31i](p.17-20), Gjilan [31i](p.21-24), Pristina [31i](p.25-28).

K.6.53. Prior to the March 2004 riots, according to the US State Department Report for 2003, 'Members of non-Serb minority communities, including Bosniaks, Egyptians, Ashkaeli, Gorani, and some Roma, reported that their security situation improved during the year, although incidents of violence and harassment continued to occur and their freedom of movement was restricted in some areas.' [2c](p.38,9)The UNHCR however maintained their position regards to the situation of ethnic minorities in Kosovo, prinicipally in their update paper of January 2003.[17g]

> 'UNHCR's position remains that members of all minority groups, particularly Serbs, Roma, Ashkaelia, Egyptians as well as Bosniaks and Goranis should continue to benefit from international protection in countries of asylum. Induced or forced return movements jeopardize the highly delicate ethnic balance and may contribute to increasing the potential for new inter-ethnic clashes.' [17n](p.3)

K.6.54. The UNHCR sees the situation of ethnic minority groups over 2003 and 2004 in two distinct periods (characterised as such within the position papers): of January 2003 - 15 March 2004 [18f](part 2, p.8-30), and of after the March 2004 riots [18f](part 3, p.31-47). The first period the UNHCR characterised as of being dominated by a sense of insecurity:

> 'A sense of insecurity was prevalent among many members of of all minority communities and was susceptible to aggravation depending on sporadic security incidents.... This sense of insecurity was often perpetuated by the ineffectiveness or sometimes even inaction of the police forces. Almost one out of ten reported incidents was closed because of lack of evidence. Roughly one third of the reported incidents were still under investigation or "inactive".... The low level of resolved cases may also be attributed to the lack of institutional safeguards for follow-up on these crimes.... Many incidents, often small-scale harassment, but also physical assaults, continued to go unreported.' [18f](p.6)

K.6.55. The UNHCR were also of the opinion that, over 2003 and early 2004, some ethnic minority groups were increasing their trust in the police agencies:

> 'However, before the riots of 15-19 March 2004, an increase in the level of confidence towards law enforcement authorities could be observed among minorities compared to earlier reporting periods, varying slightly between region and ethnicity. Generally, Kosovo Bosniaks had greater trust in the police than members of the Roma, Ashkaelia or Egyptian communities.' [18f](p.7)

General situation – After the March 2004 Riots

K.6.56. In the period after the March 2004 riots, the UNHCR have reiterated the position of a continuing need for international protection (in the August 2004 statement *UNHCR Position on the Continued International Protection Needs of Individuals from Kosovo*, stating:

> 'The overall security situation which existed in Kosovo prior to the March 2004 violence had prompted UNHCR to maintain its position that there is a continued need for international protection for members of minority communities.... The sudden and unexpected surge of inter-ethnic violence in March, its rapid spread to all regions of Kosovo, the seemingly specific and coordinated choice of victims/targets as well as the inadequate and initially slow response of the security agencies, have left all minority communities living in Kosovo with a heightened sense of fear and vulnerability. In addition to further limiting their

freedom of movement and access to basic rights and services, these events have led to a substantial deterioration in the way the minorities perceive and experience their security and their continued sustainability. Together with the persistent volatility of the security environment, these factors need to be given due weight when adjudicating asylum claims of persons from Kosovo.' [18g](p.7)

K.6.57. The UNHCR reiterated its position regarding the return of members of ethnic minorities to Kosovo in an updated Position *Paper On the Continued International Protection Needs of Individuals from Kosovo*, dated 13 August 2004, stating:

'UNHCR therefore maintains its position that members of the Serb, Roma, Ashkaelia and Egyptian communities should continue to benefit from international protection in countries of asylum. Return of these minorities should take place on a strictly voluntary basis, deriving from fully informed individual decisions. Along with Kosovo Albanians originating from areas where they are now are in a minority situation, they should not be forced or compelled to return to Kosovo. There are also certain categories of the population, whether belonging to the majority or minority communities, who may face serious protection related problems, including physical danger, were they to return home at this stage. This category also includes members of Bosniak and Gorani communities.' [18g](p.2)

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Action to improve the position of ethnic minorities

K.6.58. According to the UNHCR and the OSCE, UNMIK and the Provisional Institutions of Self Government (PISG) (including the Kosovo Assembly) continue to seek to improve the position of ethnic minorities, but the tenth assessment of March 2003 notes that lack of confidence in the justice system and the paralleling of institutions by the Serb population has hampered progress. [18d](p5,6,33)

K.6.59. Since the March 2004 riots, UNMIK has initiated a number of reviews of practices to ensure ethnic minorities' rights in Kosovo. The OSCE / UNMIK report, *Human Rights Challenges Following the March Riots*, of May 2004 outlined concern over the future security of ethnic minorities, noting that policing was in a transitional phase, with the development of the Kosovo Police Service (KPS) as eventual primary policing agency, and the need for the OSCE Mission in Kosovo (OMiK) to rigorously monitor the KPS's progress. [15c](p.6-9) Likewise the monitoring of access to justice [15c](p.10-11); the operation of the legal system [15c](p.12-14); and to all amenities [15c](p.21-25) property rights, including the reconstuction of the property destroyed or damaged in the March 2004 riots, were a key indication of restitution and recovery, by dealing with the newly displaced and recovering progress made in the previous five years. [15c](p.15-20) However, the report acknowledged:

'As noted above [in the OSCE / UNMIK report], reconstruction

> assistance does not alone fulfil the government's obligations towards the displaced, particularly in cases where it is determined that the displaced are *unable* [emphasis in original text] to return. When conditions are such that return is impractical or impossible, responsible authorities may have additional obligations to provide assistance, or possibly compensation, aside from or in lieu of reconstruction assistance.' [15c](p.18)

The return process

K.6.60. Before the March 2004 riots, a process of returns was in place. According to the UN Secretary General's report to the UN Security Council, January 2003, an estimated 2,668 minority returns took place in 2002, of which 35% were Kosovo Serbs, 46% were Roma / Ashkalis / Egyptians and 11% were ethnic Albanians returning to areas where they are a minority. [15i](p.10) In 2003, the US State Department Report for 2003 recounts there was a further 30 percent increase on the number of returns by minority ethnic group members to Kosovo. [2c](p32) The March 2004 riots turned the figures around, with 4,100 people displaced and under protection or leaving for Serbia over 48 hours, as opposed to the total of 3,664 returns in 2003, as reported in Secretary General's Report to the UN Security Council, 30 April 2004. [15j](p.6)

K.6.61. Previous to the March 2004 riots, the opinion of Amnesty International (AI) in the May 2003 report, *Prisoners in our own homes* is the line that attacks and discrimination on ethnic minorities continue, furthering the dynamic of driving ethnic minorities into enclaves or out of Kosovo altogether. Further, it states:

> 'While acknowledging the marked improvements in the security conditions for minorities since July 1999, and in particular, a measurable decline in violent attacks on their lives and property, Amnesty International believes that unless and until the rights of all minorities presently living in Kosovo can be guaranteed, those currently living elsewhere in Serbia and Montenegro as internally displaced persons (IDPs) or as refugees in other countries will be unable to exercise their right to return.' [3i](p.1)

K.6.62. AI, as stated in the May 2003 report, *Prisoners in our own homes*, sees the question of impunity to be a key issue in relation to ethnic minorities in Kosovo, stemming from a general climate of fear:

> 'This climate of fear, insecurity and mistrust, exacerbated by continued impunity, has resulted in the effective denial of the right of minorities to enjoy freedom of movement in Kosovo. Additionally those who are able to gain some measure of freedom of movement, find themselves subjected to both direct and indirect discrimination when seeking access to basic civil, political, social, economic and cultural rights.' [3i](p.1)

K.6.63. Overall, the March 2004 riots have stopped all managed returns to Kosovo. To quote the Secretary General's Report to the UN Security Council, dated 30 July 2004,

at section 33:

> 'The impact of the March violence on the returns process was profound. The already limited trust between communities was gravely shaken, and security concerns within ethnic communities multiplied. At a practical level, the violence delayed organized returns efforts by at least three months: work scheduled to begin in March began to move forward only in June.This has effectively cut short the returns season and significantly limited the possibility of "follow-on" returns. The March violence had particularly devastating consequences in urban areas, which were a central focus for returns efforts this year.' [15m](p.9-10)

K.6.64. The Ombudperson Institution for Kosovo's Fourth Annual Report, published July 2004, makes the following observation with regards to enclaves:

> 'The confinement of the above persons [members of non-Albanian ethnic communities] to restricted areas has far-reaching practical implications such as extremely limited access to employment, education and to most other aspects of normal life. At the same time, Serbian enclaves often do not have sufficient means of communication, ordinary forms of communication such as a proper postal service or telephone lines are often non-existent or interrupted.' [6b](p.18)

K.6.65. The UNHCR, in its update on the situation of ethnic minorities last reported on in January 2003 (the update was issued June 2004 and published 13 August 2004) included the following by way of introduction:

> 'Increased forced minority returns from Western Europe in 2003 and the first few months of 2004 continued to challenge the position held by UNHCR on the situation of ethnic minority groups. This has prompted UNHCR to enhance its minority returnee monitoring mechanism and capacity in all five regions in order to cope with increased voluntary and involuntary returnees and above all to monitor any evolving situation and conditions of minorities. The intensive returnee monitoring exercise which was conducted at the end of 2003 followed the same methodology as the previous year.' [18f](p.3)

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Serbs

K.6.66. See also general sections on ethnic minorities above, which contain information relating to Serbs.

K.6.67. Ethnic Serbs have been the principal targets for ethnically motivated attacks. As the UNHCR June 2004 Update expresses the situation: 'Kosovo Serbs remained

the primary targets of inter-ethnic violence, not only in terms of the number of incidents or victims, but also in terms of the severity and cruelty of the crime.' [18f](p.5) The US State Department Report for 2003 recounts that of the 72 murders in Kosovo during 2003, 13 were of Serbs, with 7 held to ethnically motivated. [2c] (p.38) The UNHCR Update of June 2004, published August 2004, adds:

> 'Although the period between January 2003 and March 2004 saw further decline in the number of security incidents victimizing Roma, Ashkaelia, Egyptian, Bosniak and Gorani minorities in Kosovo, as compared to the previous reporting period covering April to October 2002, this positive trend was shattered by several high profile killings of Kosovo Serbs during the second [half] of 2003 and at the beginning of the year 2004. Subsequently, while the overall number of security incidents targeting minorities decreased, the reporting period saw an increase in violent/severe crimes victimizing Kosovo Serbs, compared to 2002.'[18f](p.5)

> 'During 2002 only five Serbs were murdered, compared to 12 from January to November 2003.... As a comparision, while the number of killed Serbs more than doubled, the total number of [all persons] killed remained at the same level.'[18f](p.5)(footnote 2)

K.6.68. According to the UNHCR in their letter of the 30 March 2004 stating their position on the consequences of the violence, the Serbs were the prime targets of the majority of attacks by the Albanian mobs.[17n](p.2) According to the Serbian Government Intelligence Service website, in a number of known hot spots, they resisted and/or exacerbated the violence (Mitrovica, Caglavica): however, in other locations, they were in danger and (in the main) under direct protection from the security forces. [80c] According to the Secretary General's report to the Security Council, 30 April 2004, attacks on Kosovo Serbs occurred throughout Kosovo and involved primarily established communities that had remained in Kosovo in 1999 (Gracanica, Mitrovica), as well as a small number of sites of recent returns (for instance, Pristina, Belo Polje near Pec, and Vucitrn). [15i](p.1)

K.6.69. The Serbian Government Intelligence Service website gives area by area accounts of the March 2004 incidents: Serbs were expelled from the following places and are currently living under KFOR protection or relocated to Grancanica or Laplje Selo: Pristina (about 250 expelled); Obilic (about 1,500 expelled); Kosovo Polje (as many as 2000 expelled);Svinjare (120 expelled); Prizren (60 expelled); Pec (about 1,000 expelled) – a maximal approximate total of 4,930 Serb IDPs.[80c] This number is similar to the stated figure of 4,500 in the ICG report *Collapse in Kosovo* (April 2004). [69c](p.1) UNMIK has different figures, with the SRSG stating in his quarterly report to the UN Security Council in April 2004, that of the 4,100 minority community members who were displaced by the 17 – 19 March violence, 82 percent were Kosovo Serbs; the majority of the 4,100 fleeing came from Pristina and southern Mitrovica regions (42% and 40% respectively).[15l](p.6) The UNHCR, in March 2004, from the amount of assistance that they provided after the violence to IDPs and refugees, confirmed 3,200 cases very quickly after the violence. [17o]

K.6.70. Previous to the March 2004 riots, according to the UNHCR in their finding published in January 2003, many remaining Serbs, most of whom are elderly and alone, are subject to verbal and physical harassment; in some areas in January 2003, they relied upon 24-hour protection provided by KFOR. [17f](p.3) The UNHCR concluded in January 2003 that, 'These factors create an environment in which the Kosovo Serbs' perception of being under threat on an on-going basis is well founded.' [17f](p.3) In June 2004, the UNHCR noted that, before March 2004, 'Apart from these most severe incidents [a cataloging of murders], Serbs were often victims of physical assaults and attacks against their property, such as arson or use of explosives. ... During the month of June 2003, an increasing trend of pelting stones on Kosovo Serbian owned houses and at pedestrians was noted. Numerous stone throwing incidents go unreported, as do low level harassment.' [18f](p.20)

K.6.71. In general, the situation before the March 2004 for Serbs, as outlined by the UNHCR in June 2004 Update, had a destablising effect:

> 'Severe security incidents often had a destabilizing effect in the affected area or region and easily tipped the crucial balance as they often create a period of unrest by triggering off (smaller) "counter-offences" aggravating the sense of insecurity among the respective communities. Sometimes they led to departures from the affected village or region, or, resulted in return-related activities in the area being put on hold.'[18f](p.18)

K.6.72. The situation of Serbs after the March 2004 riots is one of continuing uncertainty and fear, according to the UNHCR in their June 2004 Update. [18f](p.41) General points made by the UNHCR include:

> 'Most of the recently displaced Serbs have been staying in Serb enclaves. Further security incidents since March 2004 in mixed areas manifest how precarious the security conditions remain.... As a result of the continuing volatile security, freedom of movement has significantly decreased particularly in the regions of Pristine/Pristina and Mitrovice/a, and notably with regard to movements to ethnically mixed areas (as opposed to movements within enclaves).' [18f](p.41)

K.6.73. The UNHCR in the same update refer to the situation of Serbs in Pristina, Gnjilane, Prizren, Pec and Mitrovica (and notably not in the Serb-dominated Municipalities of Leposavic, Zvecan, and Zubin Potok) as areas where previous freedom of movement outside enclaves / mono-ethnic communities had ceased and has essentially not resumed, with the exception of some KFOR escorted bus shuttle services. [18f](p.42-45)

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Roma (and Ashkaelia and Egyptians)

K. 6.74. See also general sections on ethnic minorities above, which contain information relating to Roma, Ashkaelia and Egyptians (RAE). For a treatment that places Kosovo RAE within a wider Roma context, see the March 2003 *Social*

Research article, *Who are the Roma? An identity in the making*, [87b]

K.6.75. Kosovo Roma have been targeted as a group because they are seen as having collaborated with Serb mistreatment of ethnic Albanians during the conflict. Allegations that some Roma took part in criminal acts with Yugoslav forces or opportunistic looting have blackened the name of others. According to UNHCR figures of 2002, quoted in the report dated 16 October 2002 published by the Council of Europe Office of the Commissioner for Human Rights, approximately 25,000 fled from Kosovo to Serbia, Montenegro or Macedonia and those who remain tended to move to Roma enclaves. [82a](p30)

K.6.76. Roma are not a homogenous or cohesive group – they are made up of various groups with different allegiances, linguistic and religious traditions, according to the ninth assessment of OSCE / UNHCR (May 2002); most have a settled rather than nomadic lifestyle. [18c](p.58) According to an article in *Sociology*, February 2003, the nomadic nature of Roma is held by many academic sociologists to be misunderstood, particularly within the asylum / trans-border migration process: studies of this misidentification in the Italian system shows that policy can be clouded by questions of settlement, with perceived "nomads" needing to achieve a higher threshold in relation to the need of protection than "settled" Roma. As nomadic Roma are few within the Kosovan scenario this is held to be iniquitous. [87a]

K.6.77. Although usually categorised together, Roma are distinct from the groups known as Ashkaelia or Egyptians. The following explanation of these groups is taken from the ninth UNHCR / OSCE assessment of the situation of ethnic minorities in Kosovo, dated May 2002. [18c] (p.58ff)

K.6.78. 'Ethnic identification as Roma, Ashkaelia or Egyptian is not necessarily determined by easily discernible or distinct characteristics or cultural traits, but rather by a process of self-identification. It is not uncommon in Kosovo for individuals to change their ethnic self-identification depending on the pressures of local circumstances, especially when it is necessary in order to distance themselves from other groups to avoid negative associations. In general, however, ethnic **Roma** clearly identify themselves as Roma and tend to use Romany as their mother tongue, although a large percentage of the Roma population can speak Serbian (and to a lesser extent Albanian) languages.' (UNHCR / OSCE assessment, ninth assessment, May 2002) [18c](p.58 – footnote)

K.6.79. Other sources, notably the Blue Guide to Albania and Kosovo, indicate that the Kosovo **Roma** group is small, compared with Roma aligned with either Serb or other minorities. It concurs with the UNHCR / OSCE assessment that Kosovo Roma do clearly indicate that they are Roma as distinct from other groups, and that not all groups called *Maxhupet* (Albanian term for "Gypsies") (see below) call themeselves Roma:

'Only one group identifies as ethnic Roma, while other groups have a variety of identity affiliations. The former use

Romani as their mother tongue, and also speak Albanian and Serbian.'(Blue Guide) [84a](p.105)

K.6.80. 'The **Ashkaelia** are Albanian-speaking (although many can also communicate in Serbian language) and have historically associated themselves with Albanians, living close to that community. Nevertheless, Albanians treat them as separate from the Albanian community. Like the Ashkaelia, the **Egyptians** speak Albanian language but differentiate themselves from Ashkaelia by claiming to have originated from Egypt.' (UNHCR / OSCE assessment, ninth assessment, May 2002) [18c](p.58 – footnote)

K.6.81. 'It should be noted that, on the local community level, Albanians do not generally perceive the differences between the three groups, more often viewing Roma, Ashkaelia and Egyptians as one group. It should also be noted that the separations and distinctions between Roma, Ashkaelia and Egyptian vary between regions, and in some regions (Peja/Peć, for example), the Roma and Egyptian populations live in the same geographic areas, without much distinction between them on a day-to-day basis. In other areas or regions, the distinctions between the groups (including the geographic locations where they tend to live as well as their actual or perceived levels of integration with either the Albanian or Serb population) may be much more pronounced.' (UNHCR / OSCE assessment, ninth assessment, May 2002) [18c](p.58 – footnote)

K.6.82. Further information, from a Germany-based Roma support group website, undated but circa 2003, indicates that ethnic Albanians see all RAE as *Madschup* alt. *Maxhupet*, a derogatory term which roughly equates to "Gypsies". The source further suggests that treatment of Roma by the majority population depend on the state of Serb / Albanian tensions at that time and in that place. [85a]

K.6.83. The security position for Roma, Ashkaelia and Egyptian (RAE) communities varies according to perceptions of the majority population, locality and language issues, according to the UNHCR / OSCE ninth assessment of January 2003: 'This [a then trend towards greater security and freedom for Roma] should be qualified by underlining the fact that the trend is marked by variations between Roma, Ashkaelia and Egyptian communities depending upon the perceptions of the majority population, locality, and language issues.' [18c](p.58) UNHCR and OSCE (both in January 2003 reports) state that the ability to speak fluent Albanian is likely to be a factor in the degree to which RAE are able to integrate with the majority community. [17g](p.3) [18c](p.58) This is qualified by the UNHCR / OSCE ninth report (January 2003): 'Further, the ability to speak Albanian fluently may mitigate against random attacks, but even then only to a degree, as it will not safeguard against committed assailants who want to cause harm for reasons based on the person's ethnic background.' [18c](p.58) The UNHCR also adds in its January 2003 report: 'In addition to the general discrimination against the Roma and Ashkaelia, former or current links to Kosovo

Serbs or Kosovo Albanians and their language orientation continue to influence their security and freedom of movement, particularly in Prishtine/Pristina and Gjilan/Gjilane regions.' [17g](p.3)

K.6.84. According to the OSCE mission to Kosovo, in the ninth assessment of May 2002, large numbers of Roma are still living in collective centres or IDP camps in poor conditions. The fact that they choose to stay in these centres suggests that they remain concerned about the security situation in their areas of origin or do not have adequate possibilities for accommodation there. [18c](p.59)

K.6.85. The UNHCR / OSCE ninth assessment (January 2003) [18c] and the UNHCR in their April 2002 report [17e] maintained that the potential for violence remains and there had been several incidents of assault, attempted murder and arson, grenade and bomb attacks on Roma property in 2002. Such incidents have often occurred after long periods of relative calm. [18c] (p.3,10) Although not all incidents were directly ethnically motivated, Roma were seen as an easy target for general crime and while the security situation for RAEs had improved in 2002/3, it was still precarious. [17e](p.4) Since the ethnic clashes of March 2004, reports have started to emerge indicating the Roma have been directly affected by the violence: in the Minority Rights Group (MRG) news report of 29 March 2004, the MRG gave the example of Roma in Gnjilane, as follows:

> 'In Gnjilane, one of Kosovo's major towns, Roma allege that their houses were attacked and some burned by organized groups from 17-20 March [2004]. According to eye-witness accounts, none of the security forces charged with their protection (the Kosovan and UN police and KFOR, the international peace-keeping force), provided assistance until 20 March, although Roma report that they were helped by some of their Albanian neighbours.' [37a](p.1)

K.6.86. One of the main incidents involving RAE reported widely in the analyses of the March 2004 riots was the case of the Ashkaeli community in Vushtrri/Vucitrn. According to the European Roma Rights Center (ERRC), in their photo-report of 30 March 2004, in Vushtrri/Vucitrn, 260 Ashkaelia were left homeless as two Ashkaelia neighbourhoods were burnt down by ethnic Albanian mobs. [26e]The Roma and Serb populations of Vucitrn had been driven away previously in 1999. [26e]The Ashkaelia are currently under KFOR protection in the French KFOR camp near Novo Selo. [26e]The ERRC published photographs of the destruction of one of the two Ashkaelia neighbourhoods. [26e] The UNHCR were particularly concerned in August 2004, in their Position Paper, about the Vucitrn attacks, as the Ashkaelia community had been reassembled from Ashkaelia IDPs, and the community was in nature part-integrated, part-returnee; concluding:

> 'The March 2004 events demonstrate that, Vushtrri/Vucitrn being a case in point, the existence of return movements (whether spontaneous, facilitated or organized) does not necessarily or immediately reflect a substantial improvement in their security situation in general. In view of this, all three communities continue to feel threatened for well-founded

reasons.' [18g](p.4,5)

K.6.87. In the main, since March 2004, the overall situation for the RAE communities, according to the UNHCR Update paper of June 2004, has been one of gradual resumption to the relative levels of minority rights held before the Violence. [18f](p.41.) The report does however conclude: 'Overall the Roma, Ashkaelia and Egyptian communities have lost confidence towards law enforcement authorities while in some areas (for example in Pejë/Pec), they acknowledge the positive role played by certain local (majority) authorities.' [18f](p.41.)

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Bosniaks (Muslim Slavs)

K.6.88. See also general sections on ethnic minorities above, which contain information relating to Bosniaks.

K.6.89. According to the OSCE Fourth Joint Report, published 15 February 2000, this group consists of Serb speaking Slavs who are associated with the "Muslim nationality" created within the former Socialist Federal Republic of Yugoslavia. Their remaining population is estimated at about 35,000. Although many describe themselves as Bosniaks, this does not necessarily mean that they, nor their ancestors, came from Bosnia, but rather that Bosnians are seen as successors to the old Muslim nationality group. In reality, these communities originate from a variety of regions, including modern-day Bosnia, Sandzak and even Macedonia. Although some are dispersed within towns, most live in predominantly Muslim villages. Within the Muslim community, there is a distinct group known as the Torbesh / Torbesi found mainly in Prizren and Orahovac/Rahovec areas. [18e](p.33)

K.6.90. The UNHCR reports explain that in the aftermath of the Kosovo conflict, Bosniaks were closely associated with Serbs because of their shared language and culture. As a result they suffered violent attacks, harassment and discrimination. Since that time, and according to the UNHCR in January 2003, the risk of being mistaken for a Serb when using their language has restricted freedom of movement outside their local area and inhibited equal access to social services and economic opportunities. [17f](p.2)

K.6.91. According to the UNHCR's assessment of January 2003, the situation for Bosniaks in south Mitrovica is difficult. The community has fallen to around 2000 people, and is scattered throughout both north and south Mitrovica: 'In the south, the use of language is still a large risk factor that can result in harassment, intimidation and even physical assault. In the north, the tense and unstable situation makes Bosniaks vulnerable when the political situation deteriorates.' [17g](p.20) In Pristina, there are slow improvements for Bosniaks in freedom of movement and the use of their language in Albanian shops. [17g](p.18) However, the small Bosniak community in Pristina remains isolated, and the Bosniak community is drifting away in the face of the unlikeliness of improved prospects. [17g](p.18) In Kosovo generally, in the words of the UNHCR January 2003 report, 'One consequence of such conditions has been the discrete but steady departure of Bosniak families from Kosovo.' [17f](p.2)

K.6.92. The UNHCR Update to the January 2003 report, published in June 2004, noted that though the Bosniak communities had not been directly affected by the March 2004 riots, the communities were unsettled and it had increased a migratory flow out of Kosovo. [18f](p.36) During the violence, in Mitrovica town, families moved away from their homes; some went to the Serb enclave, some left for the northern municipalities, some went from north to south of the city. [18f](p.38) Many returned to their homes after the March 2004 riots. [18f](p.46)

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Gorani

K.6.93. See also general sections on ethnic minorities above, which contain information relating to Gorani.

K.6.94. According to information from the OSCE Fourth Joint Report, published 15 February 2000, the Gorani community consists of Muslim Slavs akin to the Bosniaks, and experience similar difficulties. The Gorani are a distinct group from Bosniaks, with their own language, though like Bosniak language this is similar to Serbian. The overall Gorani population is estimated at 10,000 - 12,000, most of whom live in the Gora region of Kosovo, though there are small communities in Pristina and Mitrovica also. The Gora region comprises 18 geographically linked villages within Dragash municipality inhabited by Gorani. The region was largely unaffected by the conflict in terms of damage to housing. [18b](p.33, para. 127)

K.6.95. Information published by the UNHCR in January 2003 has supplemented that, as with Bosniaks, Gorani have been closely associated with Serbs because of their shared language and culture and have suffered violent attacks, harassment and discrimination. The risk of being mistaken for a Serb when using their language has restricted freedom of movement outside their local area and inhibited equal access to social services and economic opportunities. [17f](p.2) The UNHCR June 2004 Update, reiterates this point, stating: 'The level of freedom of movement was affected by their command of the Albanian language, rather than by the actual security situation. While Kosovo Gorani exercised unlimited freedom of movement in the Gora region, the majority of the community was still reluctant to move beyond Prizren town.' [18f](p.28)

K.6.96. Up and until March 2004, according to the UNHCR in their report of January 2003, there had also been significant improvements in freedom of movement and the ability to use their own language, particularly in the Prizren region. [17g](p.21) Gorani, the UNHCR reported in the January 2003 report, are likely to be at greater risk of harassment and intimidation in some other areas of Kosovo, such as Ferizaj / Urosevac. [17f](p.22) According to the UNHCR / OSCE mission report of March 2003, approximately half the KPS officers in Dragash are Gorani. [18d](p.15)

K.6.97. Amnesty International (AI) differs in its assessment (in AI's May 2003 report) of the Gorani's situation, referring to allegations of harassment by members of the KPS. AI's contention is that, 'The population continues to decline in the face of continued human rights abuses and lack of freedom of movement, compounded by a trend towards rural depopulation.' [3i](p.5)

K.6.98. During and after the March 2004 riots, the Bosniak and Gorani communities were unsettled rather than directly targeted, with UNHCR June 2004 Update reporting: 'Whereas Gorani and Bosniaks were not directly targeted, in some locations they felt that as a minority they may come under attack and thus opted for precautionary movements to safer places.' [18f](p.38) In the event most returned to their undamaged homes a few days later. [18f](p.32,38,46) The UNHCR June 2004 Update concludes, however, 'Likewise all other ethnic minorities in Kosovo, the Bosniaks and the Gorani have now an increased level of fear and their confidence in existing security systems has been subject to the same erosion as other groups.' [18f](p.46)

Turks

K.6.99. The long established Turkish community continues to use Turkish as its mother tongue, though most members also speak Albanian and Serbo-Croat, according to the OSCE/UNHCR eighth assessment of September 2001. [18b](p.44) Amnesty International states an estimated 12,000 Turks live in the Prizren municipality, with 5,000 in the Prizren *mahala* of Mamusa/Mamushe. [3i](p.6) Of all the minorities in Kosovo, they are considered the most integrated with the majority population, according to the AI report and the OSCE/UNHCR eighth assessment. [3i](p.6)[18b](p.44) They are politically organised, represented mainly by the Turkish Democratic Union and have access to primary and secondary education in the mother tongue. [18b](p.44) OSCE / UNHCR notes in their tenth assessment, March 2003, that the Turkish community sees the presence of Turkish officers in the KPS as a confidence-building development. [18d](p.15)

Croats

K.6.100. The OSCE Ninth Joint Report, published 27 May 2002 indicates that Kosovo Croats were then mostly concentrated in Janjeve/Janjevo (Lipjan /Lepljan), where there were about 340, and Letnice / Letnica (Viti / Vitina), where only about 60 remained. Those who remained inhabited a number of mixed ethnicity villages and generally were held to have good relations with the ethnic Albanian populations and did not experience any significant security problems. [18c](p.62) In May 2003, the Amnesty International report concurred, stating 'Supported by relatives and the Croatian Catholic church, they face few security problems, although thefts and drive-by shootings targeting agricultural assets were reported in 2001.' [3i](p.7) However, according to the OSCE / UNHCR ninth assessment, when Croats travel to other parts of Kosovo they may face similar difficulties as other non-Albanian speaking minorities, with some restrictions on freedom of movement and ability to access services. [18c](p.62)

Mixed ethnicity

K.6.101. According to the UNHCR in March 2001, people in mixed marriages with people from ethnic minorities or children from such families may face similar difficulties as those groups. Unlike other minority groups, mixed families may be excluded from all communities and may be unable to resort to the relative security of mono-ethnic enclaves.[17b](p9.) The UNHCR in April 2002 advised against the forced

return of such people: [17e](p2.) The UNHCR Position Paper of August 2004 reiterated the UNHCR's position on the protection recommended to Kosovans of mixed ethnicity. [18g](p.6)

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Women

K.6.102. According to the US State Department Report for 2003, domestic violence and rape are significant problems in Kosovo: 'Violence against women, including rape and a high level of domestic violence, remained a serious and persistent problem.' [2c](p.35) The report continues, in May [2003], UNMIK passed a regulation on Protection Against Domestic Violence which prohibits all kinds of threats and acts of domestic violence while setting up conditions for victim's protection, such as a prohibition on the approaching distance to the victim, and the legislation and procedure on the regular and emergency court protection orders.' [2c](p.35) The result was, again according to the US State Department Report for 2003, an increase in complaint and prosecution: 'This change in the law led to several successful court cases and resulted in court-ordered protection for several families at risk of domestic violence. Formal complaints to authorities alleging domestic violence increased significantly during the year, as did prosecutions.' [2c](p.35) 'The KPS [Kosovan Police Service] School included special training segments on domestic violence and rape in its curriculum.'(US State Department Report for 2003) [2c](p.35)

K.6.103. According to the US State Department Report for 2003, 'Rape was underreported significantly due to the cultural stigma attached to victims and their families. Spousal rape is not specifically addressed by law.' [2c](p.35)

K.6.104. According to the US State Department Report for 2003, women have the same legal rights as men. However, in rural areas, women may have little ability to control their property and children. Women widowed by the war may risk losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. The widow is often returned to her own family, with her property passing to her husband's family. [2c](p.35)

K.6.105. In major towns, the presence of UNMIK and many NGOs has opened a large number of previously unavailable jobs to women, according to the US State Department Report for 2003. [2c](p.35)

K.6.106. The Secretary General's report to the UN Security Council of October 2001 outlined the following gender representative mechanisms: UNMIK has determined that one third of candidates for the central elections should be women. Through the Office of Gender Affairs, UNMIK supports women representatives who are not currently in decision-making positions to make them part of the process by which legislation and policy are reviewed. The Office of Gender Affairs is also working to address concerns that women minority groups have insufficient access to employment, education, and medical facilities because of lack of freedom of movement. [15d](p8)

K.6.107. As noted in the US State Department Report for 2003, Kosovo is a

destination and transit point for trafficking of women for prostitution. [2c](p.42) The sex industry in Kosovo itself has also grown considerably in the post conflict years, according to the Balkan Crisis Report (dated 13 September 2002). [43m] In 2003, there was, according to the US State Department Report for 2003, "significant success" in disseminating the view that women who were the victims of trafficking should not be subject to prosecution as prostitutes or subject to deportation orders. [2c](p.43)

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Children

K.6.108. According to the US state Department Report for 2003, Economic problems have affected the health situation for children, which has remained poor.[2c](p.42) High infant and child mortality and increasing epidemics of preventable diseases have resulted from poverty leading to malnutrition, poor hygiene and pollution. A successful polio immunisation programme was carried out with 69,579 children immunised. Children are legally permitted to work at age 15, provided the work is not likely to be injurious to their health. As noted above, the province has been a source of trafficking of girls for prostitution. [2c](p.42) [15a] [19a]

Child care arrangements

K.6.109. According to information found by the (UK) Foreign and Commonwealth Office, relayed in a letter direct to CIPU in October 2002, there are no "state run" orphanages in Kosovo. [11k] This is a matter of policy, according to the Kosovo Information Project topical Information Fact Sheet of February 2002, and the UNICEF letter direct to CIPU in October 2002: UNMIK and UNICEF consider large institutions an unsuitable environment for children. [21g] [27f] EveryChild (formally ECT), the FCO letter of October 2002 continues, is working in partnership with UNMIK on foster care: initially this was for children under three years of age but they are about to train social workers and families for fostering older children and children with special needs. [11k]

K.6.110. According to the US State Department Report for 2002, the adoption rate and foster family programmes do not keep pace with the rate of abandonment, infants and children are increasingly housed in group homes with few caretakers. [2b] (p.37)

K.6.111. In a response (dated September 2002) to a request to the Kosovo Information Project (KIP), an ICMPD – IOM Initiative, it was stated that two NGOs have been authorised to provide support to children: 'The Department has authorized two NGO [sic] to run a total of 7 residential homes for babies.' [27f] A letter from United Nations' Children's Fund (UNICEF) to CIPU, dated 17 October 2002, adds that Hope and Homes for Children (HHC) from the UK has been working in partnership with UNICEF in Kosovo. [21g] The (UK)FCO added in a letter to CIPU dated 18 October 2002 that SOS Kinderdorf, an Austrian charity, as well as HHC, was working in Kosovo. [11k]

K.6.112. From the information sources stated above - the FCO, UNICEF, and KIP –

is added the following: between them SOS and HHC run seven small family homes, which can accommodate up to ten children in each. These houses are for the temporary accommodation of abandoned / orphaned children. The SOS homes are for children aged 0-3 years; HHC accommodates children 0-3 in one shelter and 3-17 years in another. The length of stay is approximately six months. Each child is allocated a local social worker who acts as its guardian and tries to find an adoptive or foster family. All homes are mixed sex. [11k] [21g] [27f]

K.6.113. The Bolderson / Simpson Report, published by the Medical Foundation, January 2004, mentions within the context of children's mental healthcare services, two organisations operating counselling services for children and families in Kosovo. The Counselling Centre for Children and parents, Ferizaj – which covers the municipalities of Ferizaj, Lipjan, Shtime, Shtërpce, Kaçanik and Viti [38a](p.37) ; and One to One counselling operating in Pec and Prizren. [38a](p.38,39)

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Homosexuals

K.6.114. Until September 2002, according to a request made via the Kosovo Information Project to UNMIK, there were no recorded incidents of violence directed against homosexuals during the time since UNMIK has been in authority in the province. [27b] In September 2002, an article was published in the newspaper *Epoka E Re,* raising homosexuality as "dangerous ways and behaviour brought by the foreigners", which purportedly stirred up traditional societal homophobic prejudice. [43al] The article was implicated in a subsequent attack on three members of the Kosovo gay and lesbian association, according to a IWPR article published in May 2003. [43al]

K.6c Human rights - Other issues

Kosovo Albanians from "minority" areas

K.6.115. According to the OSCE Mission in Kosovo (OMiK) Municipality Profiles, there are some parts of Kosovo, particularly in the north of the province, where Serbs are in the majority and ethnic Albanians may be subject to harassment and persecution. These areas are outlined in the OSCE Municipality Profiles, updated 26 June 2004, to include the northern part of the town of Mitrovica – i.e. north of the river Ibar; the northern municipalities of Leposavic, Zvecan and Zubin Potok; and the southern municipality of Strpce. [39]

K.6.116. As noted in para 5.33 above, security for ethnic Albanians in northern Mitrovica was enhanced in November 2002 when UNMIK established its administration in Mitrovica for the first time, with KFOR and UNMIK police assuming control of the bridge over the river Ibar, as reported to the UN Security Council in January 2003. [15i](p.4,5) A UNHCR news report dated August 2003 [17j] highlighted the development of small multi-ethic neighbourhoods in the city, such as Kodra e Minatoreve / Mikronaselje, but such cooperative ventures have, by February 2004, had either stalled or broken down, and after the March Violence were no more.[17j]

K.6.117. The UNHCR reiterated their position in March 2004, in a letter directly to CIPU, regarding certain categories of ethnic Albanians seeking asylum abroad:

> 'When assessing refugee claims of Kosovo Albanians, it should be taken into consideration that there are certain categories of Kosovo Albanians who may face serious protection related problems, including physical danger, were they to return home at this time. These categories include Kosovo Albanians originating from areas where they constitute an ethnic minority, Kosovo Albanians in ethnically mixed marriages and persons of mixed ethnicity, and Kosovo Albanians perceived to have been associated with the Serbian regime after 1990.' [17n](p.3)

Traumatised individuals

K.6.118. The UNHCR Position Paper of August 2004 reiterated the UNHCR's position on the protection recommended to tramatised individual Kosovans, stating:

> 'Special attention should also be given to claims from traumatized individuals who are able to invoke compelling reasons for refusing to return, particularly those who have been subjected to very serious persecution as well as victims of torture, survivors of sexual violence, or witnesses to crimes against humanity.'[18g](p.6)

K.6.119. The position paper further expands on this:

> 'Individuals in a particularly vulnerable situation may have special needs that should take into account in the context of return and particularly bearing in mind the inadequate standards of healthcare and social welfare institutions.' [18g](p.7)

Landmines and Depleted Uranium

K.6.120. According to the US State Department Report for 2003, the task of clearing or marking all mines and unexploded ordnance (UXO) in Kosovo was reportedly completed by mid December 2001. However, UXO particularly NATO cluster bombs are still being found, with 3 fatalities and 16 people injured in 2003. [2c] (p.22-23)

K.6.121. There has been concern about the potential health risks of depleted uranium (DU) contamination in Kosovo. An UNMIK review of hospital records, dated 15 December 2000, found that the incidence of leukaemia had not risen over the past four years among adults in Kosovo. [15a](p12) Also, according to the US Department of Defense report of 25 October 2001, reports by the WHO, EC and United Nations Environment Programme concluded that the threat to public health and the environment from DU was minimal. [52a] However, the reports recommended that sites should be marked and children prevented from playing in the immediate area; that an information campaign (currently ongoing) should be mounted encourage public reporting of DU

ammunition findings; that groundwater used for drinking should be monitored for contamination (none has been found to be contaminated thus far) and improved health data. [52a] Marking of DU sites, according to the US Department of Defense report of 25 October 2001, was underway with the situation being closely monitored. [52a]

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ANNEX A
CHRONOLOGY OF EVENTS: 2002 - August 2004

The main sources for this chronology are the BBC Country Timelines for Serbia and Montenegro and for Kosovo [8au] ; the Europa Regional Survey of Central and South-Eastern Europe, 4th Edition, 2004. [1a] ; and the UK Foreign and Commonwealth Office website profiles for Serbia and Montenegro and for Kosovo (updated 25 July 2004) [11p][11q]

2002

January 2002 Serbia's parliament passes omnibus law restoring many of Vojvodina's autonomous powers, pending the enactment of a new constitution. Rugova fails to be elected in second and third rounds of voting for Kosovo President. German diplomat, Michael Steiner appointed by UNSG as new UNSRSG for Kosovo. International Judges free Kosovo Serb Radovan Apostolovic, who had been charged of genocide and war crimes.

February 2002 Opinion poll by Serb Commission of Refugees says only 2 displaced Kosovo Serbs out of 10,000 living in Kursumlija in southern Serbia express any wish to return to Kosovo. 8 Kosovo Serbs begin KPC training. Steiner announces Local Elections to be held on 21 September if agreement has been reached on coalition government for the Kosovo Assembly. Kosovo Serb woman shot dead in Lipljan.
Rugova (LDK), Thaci (PDK) and Haradinaj (AAK) agree on formation of coalition government.

March 2002 Rugova becomes President and Bajram Rexhepi (PDK) Prime Minister of Kosovo. US/UK demarche on President Rugova, PM Rexhepi and Speaker Daci over Rexhepi's recent public statements challenging FRY/Macedonia border agreement. Framework agreement for reconstitution of FRY into new entity of Serbia and Montenegro signed by leaders of FRY and the two republics.

April 2002 Following increasing pressure from the US, which suspended aid to FRY in March, the Federal Assembly approves legislation allowing extradition of indicted war criminals. Of 10 former Yugoslav state officials indicted, six surrender to the Tribunal. Vujanovic resigns as Prime Minister of Montenegro, after four pro-independence ministers withdrew from his government in protest at the Republican Assembly's approval of the Belgrade agreement.

May 2002 The Federal Assembly officially approves the agreement on the creation of a joint state. It is envisaged that a new constitution would be adopted later during the year, followed by national elections to the new joint legislature.
Kosovo Serb Povratrak nominates candidates for 3 Serb positions in Kosovo Government and Steiner's office. Former UCPMB commander Shefqet Musliu arrested by UNMIK police and KFOR. Steiner presents strategy paper for sustainable returns to Kosovo.

June 2002 Reorganisation of the Serbian Government is approved by the Serbian Assembly. President Kostunica replaces Chief of General Staff of the Yugoslav Army, Nebojsa Pavkovic, who was closely associated with the actions in Kosovo

during 1999. Former Yugoslav President, Zoran Lilic is arrested and extradited to the ICTY, having been subpoenaed as a prosecution witness in the trial of Milosevic. FRY assembly passes amnesty law for persons suspected of committing terrorist acts in southern Serbia between 1 January 1999 and 31 May 2001. Rugova and Thaqi re-elected as presidents of their respective parties.

July 2002 Serbian Presidential elections announced for 29 September to allow the extradition of the current President, Milutinovic, to the ICTY. Following the failure of Vujanovic to secure majority support for a new government, the Republican Assembly of Montenegro is dissolved and further elections scheduled for 6 October 2002. The ruling DOS coalition formally expels DPS (DSS) deputies, following their withdrawal in June. Kosovo parliament passes resolution on unconditional return of refugees and displaced persons. Local elections held in Bujanovac, Presevo and Medvedja – assessed as free and fair. Empty Serb houses bombed in Balance and Klokot.

August 2002 Eight people wounded in attack at restaurant in Pec/Peje, Kosovo. UNMIK police fail to arrest Mitrovica bridgewatcher Milan Ivanovic, but attempt sparks protest of 1,000 Kosovo Serbs. Former KLA leader "Remi" Mustapha is arrested for alleged kidnapping and murder of ethnic Albanians in 1999. Demonstrations against arrests of KLA members lead to large scale demonstrations and violent clashes.

September 2002
Kostunica wins the first round of the Serbian Presidential election, held on 29 September 2002.

October 2002 Kostunica wins second round of Serbian Presidential election on 13 October 2002, but the turnout is below the 50% required for the result to be valid. Kosovo municipal elections held 26 October 2002: LDK win majority; only 20% turnout from Serb parties. Members of Council of Europe vote to accept Yugoslavia as a member when the new union of SaM is in place. Former bodyguard of AAK leader Haridinaj is shot dead outside restaurant in Peja. Legislative elections held in Montenegro result in victory for Djukanovic's coalition.

November 2002 Djukanovic resigns as President of Montenegro in order to become Prime Minister. Kosovo Assembly passes resolution condemning preamble of draft Constitutional Charter for SaM, which describes Kosovo as part of Serbia. Two Serbian churches destroyed in Kosovo. Former KLA commander "Remi" Mustafa and 3 former KLA members indicted for war crimes. UNMIK takes control of Northern Mitrovica.

December 2002 For third time in less than three months, Serbia fails to elect a new President to replace Milutinovic, whose mandate expires on 29 December and faces imminent extradition to ICTY on war crimes charges. Speaker of Parliament Natasa Micic becomes acting President. Presidential elections in Montenegro also fail because of insufficient turnout after boycott from the opposition party designed to invalidate the victory by government candidate Filip Vujanovic. Former KLA commander Daut Haridinaj and four associates convicted of crimes committed

against ethnic Albanians in 1999.

2003

January 2003 Parliaments of Serbia and Montenegro vote to accept the Constitutional Charter for the new state of SaM. Former Serbia President Milutinovic surrenders to the Hague. Former Serbian security chief Markovic sentenced to seven years imprisonment for his role in assassination attempt on Vuk Draskovic in 1999. Former FARK Commander Tahir Zemaj is shot dead in Peja along with his son Enis and relative Hasan. Serb leaders form union of northern municipalities in Kosovo in order to strengthen links with Serbia.

February 2003 On 4 February, Federal Assembly of FRY votes to replace FRY with new state union SaM. Kostunica loses his job as President of FRY, as country no longer exists. Members of Kosovo Assembly demand emergency session to "adopt declaration of Kosovo as an independent and sovereign state", which Michael Steiner refuses. Djindjic warns of possibility of breakaway Serb state if Kosovo is given independence. Montenegro fails to elect a President for second time in 3 months as Vujanovic again wins a majority but the result is again invalidated by the low turnout. Serb nationalist Vojislav Seselj and three ex KLA members are indicted and held by ICTY. Djindjic survives an assassination attempt, when a lorry cut across his motorcade.

March 2003 On 12 March, Djindjic is assassinated outside a government building in Belgrade. The Serbian government blames organised crime group, the "Zemun clan", for the assassination. A State of Emergency is declared and Zoran Zivkovic, a colleague of Djindjic's from the DS party appointed Prime Minister. Under the State of Emergency, the government has powers to ban political gatherings, impose controls on the media and arrest suspects without a warrant and hold them for 30 days without charge. In a large scale clampdown, over 2,000 suspects with links to Zemun and other criminal groups are held; 35 judges are sacked; and the Red Berets are disbanded. The body of former President of Serbia Ivan Stambolic is found and an arrest warrant for Milosevic's wife Mira Markovic is issued in connection with his murder.

April 2003
EU governments including the UK support the crackdown on organised crime, which is seen as a necessary cleansing before Serbia can make further progress as a democratic country. SaM becomes a member of the Council of Europe on 3 April. The State of Emergency is lifted on 22 April.

May 2003
Filip Vujanovic elected President of Montenegro, after a third round of voting.

June 2003
Former Yugoslav Army colonel Veselin Sljivancanin arrested in Belgrade, deported to the Hague and pleads not guilty to involvement in the 1991 Vukovar massacres. His arrest sparks off clashes between Serb nationalists and the police. Two other officers arraigned on the same charges.

July 2003
According to Europa, 4th edition, 2004, '25 July 2003: the UN secretary-General appointed a former Finnish Prime Minister, Harri Holkeri, as the new head of UNMIK in Kosovo, replacing Steiner.'[1a](p.532.) Llap Group members convicted and sentenced.

August 2003
The murder of two Serb youths sparks off inter-community tension. On 7 August 2003, the BBC Serbian Army reforms including the sacking of 16 senior generals. [8v]

September 2003
Milosevic indicted in Serbia for planning murder and attempted murder of political opponents, Stambolic and Draskovic, in 2000.

October 2003
According to BBC Country Profile, Serbia and Montenegro, 'First direct talks between Serbian and Kosovo Albanian leaders since 1999."[8au] *(Details above at K.4.6)*

November 2003
Third attempt of elections to decide a president in Serbia fails to reach threshold necessary.

December 2003
The Djindjic trial breaks down in disarray on 24 December 2003, as the defence lawyers walk out. *(Details above at S.5.19)* The 28 December 2003 elections in Serbia were held to be inconclusive, as the Serbian Radical Party (SRS) gained the largest share of the vote (27.7) for a single party but insufficient to form a minority government, and failed to attract a workable coalition. *(Details above at S.5.3-4)* According to BBC Country Profile, Kosovo, 'UN sets out conditions for final status talks in 2005.'[8au]

2004

February 2004
Serbian parliament abolishes the threshold turnout requirement for presidential elections, reverting to a simple majority model. Djindjic trial resumed, split into two separate hearings. *(Details above at S.5.19)*

March 2004
Serbian Prime Minister Vojislav Kostunica introduces a new cabinet, as an anti-nationalist coalition assumes power, after the December 2003 parliamentary elections, relying upon the support of the Socialist Party. Djindjic trial witness murdered on 9 March 2003. Serbia's first major war crimes trial opens in Belgrade. Pristina and Belgrade continue on 4 March 2004 dialogue talks begun in October 2003. A grenade is thrown at the residence of President Rugova on 12 March 2004. According to BBC Country Profile, Kosovo, '[17-19 March 2004] 19 people are killed in the worst clashes between Serbs and ethnic Albanians since 1999. The violence started in the divided town of Mitrovica.'[8au] *(Details above at K.4.8 ff.)*

April 2004

On 7 April 2004, the United Nations the introduction of two new Codes for Kosovo, the Provisional Criminal Code and the Provisional Criminal Procedure Code. [21i] Three UNMIK prison officers killed in a prison shootout on 18 April 2004. (*Details above at K.5.44.)*

May 2004

According to BBC Country Profile, Serbia and Montenegro, 'Prominent journalist and critic of Montenegrin government, Dusko Jovanovic, shot dead.'[8au] (*Details above at M.6.8)*

June 2004

According to BBC Country Profile, Serbia and Montenegro, '[28 June 2004] Democratic Party leader Boris Tadic elected Serbian president, defeating nationalist Tomislav Nikolic in run-off. Mr Tadic pledges to steer Serbia towards the EU.'[1] (*Details above at S.5.9)* Søren Jessen Petersen appointed on 16 June 2004 as the fifth Secretary General's Special Representative (SGSR) in Kosovo, according to an announcement on the UNMIK website dated 16 June 2004. [19h] (*Details above at K)*

July 2004

Boris Tadic sworn in as Serbian president, on 11 July 2004.

August 2004

The Hungarian Government complains to the Serbian Government over delays in prosecutions in cases of ethnic Hungarians being attacked in Vojvodina province, according to Keesings News Digest for July / August 2004. [90a](p.46175) (*Details above at S.6.48.)*

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ANNEX B
MAIN POLITICAL PARTIES

Sources used
Europa Regional Survey, 2004 [1a], [32a]

SERBIA (including results of December 2003 Elections)

Alliance of Peasants of Serbia Party: Founded in 1990 originally as Peasants Party of Serbia. President Milomir Banic.

Christian Democratic Party of Serbia (DHSS) Formed 12 April 1997
President Vladan Batic

Civic Alliance of Serbia:
***Gradanski Savez Srbije* (GSS)** Founded 30 June 1992.
Contested elections in 1996 in an opposition alliance, known as Zajedno.
Leader Goran Svilanovic.
Ran candidates with the Democratic Party (DP) in December 2003: 5 members selected.

Democratic Alternative:
***Demokratska Alternativa* (DA)** Founded 16 July 1997
President: Nebojsa Covic
No members elected in December 2003.

Democratic Centre (DC) Formed as political party in February 1996: a breakaway party from the Democratic Party.
President: Dragoljub Micunovic

Democratic Party :
***Demokratska Stranka* (DS)** Formed in December 1989, it is one of the two leading opposition parties making up the three members of the Zajedno opposition coalition. Reformist, supports free media, market economy, democracy.

3 main factions around following leaders:
Zoran Zivkovic
Cedomir Jovanovic
Boris Tadic

Democratic Party of Serbia
***Demokratska Stranka Srbije* (DSS)** Formed in July 1992 by a breakaway, and more nationalistic, faction from the Democratic Party. Led by Former FRY President, Vojislav Kostunica: vice-presidents Dragan Marsicanin, Dragan Jocic, and Aleksandar Popovic

Democratic Union of Albanians: Founded 1990, President Ali Ahmeti.

Democratic Opposition of Serbia Formed in August 2000, a coalition of 18

(DOS): Alliance of Vojvodina Hungarians, Christian Democratic Party of Serbia Civic Alliance of Serbia Coalition Sumadija Coalition Vojvodina Democratic Alternative Democratic Centre Democratic Party (DP) Democratic Party of Serbia League of Social-Democrats of Vojvodina Movement for Democratic Serbia New Democracy New Serbia Party of Democratic Action Reform Democratic Party of Vojvodina Serb Resistance Movement-Democratic Movement Social-Democracy Social Democratic Union	opposition parties, in response to early elections being called by Milosevic.
G17 (Group of 17)	Founded 15 December 2002 President: Miroljub Labus Vice-President: Mladjan Dinkic *11.7% of vote, 34 members electedin December 2003 elections.*
Liberal Party of Serbia (LS) (formerly known as New Democracy (ND):	Formally part of the opposition group, Depos. Now junior member of government Coalition. President Vojislav Mihajlovic.
Movement for Democratic Serbia (PDS)	Founded 8 August 1999 President: General Momcilo Perisic
New Serbia ***Nova Srbija* (NS)**	Founded in December 1997 President: Velimir Ilic
OBRAZ	Far right nationalist movement
Otpor (translates as 'Resistance'):	Although not a political party, Otpor were the most publicly anti-Milosevic organisation, which gained support from all levels of society. Formed in October 1998, initially as a student resistance group. *1.6% of vote, no members elected*
Party of Democratic Action:	Party of ethnic Albanians, founded in

	1990. Leader Riza Halimi.
Party of Natural Law	Leader: Milan Milo Radulović
Party of Serbian Unity:	Founded 2 November 1993 Ultra nationalist coalition, party leader was Zeljko Raznjatovic "Arkan", now Borislav Pelevic. Holds 13 seats in parliament.
Peoples Democratic Party (NDS)	Founded 18 November 2001 Breakaway party from the **Movement for Democratic Serbia (PDS)** President: Slobodan Vuksanovic
People's Assembly Party (NSS) ***Narodna Saborna Stranka***	Founded in 1992 as a four party coalition called Democratic Movement in Serbia (Depos); reconstituted and renamed in 1995. President: Slobodan Rakitic
Serbian Liberal Party:	Leader Nikola Milosevic. *No members elected.*
Serbian Popular party	Leader: Želidrag Nikčević
Serbian Radical Party ***Srpska Radikalna Stranka* (SRS)**	Founded in 13 February 1991 by Vojislav Šeselj. Hard left national party, which had a paramilitary wing known as the 'White Eagles'. Acting leader Tomislav Nicolic *27.7 % (largest share of the vote to a single party) – 82 members.*
Serbian Renewal Movement ***Srpski Pokret Obnove* (SPO)**	Founded 14 March 1990 and was one of the two main members of the coalition Zajedno. Favours a multiparty democracy, a market economy, reintroduction of the monarchy and freedom for the media, and has a nationalist dimension. President is Vuk Draskovic. Now non-parliamentary party.
Social Democratic Party	Founded 21 April 2002 Brought together two factions – the Social Democratic Union (SDU) and a faction of Social Democracy led by Slobodan Orlic.
Social Democracy	Founded 22 April 1997 President: Vuk Draskovic
Socialist Party of Serbia (SPS):	Formed in July 1990 from the League of

Socijalisticka Partija Srbije	Communists of Serbia and the Social Alliance of Serbia. Nationalist in outlook. Formerly led by President Slobodan Milosevic; Head of Main Committee – Ivica Dacic *7.7% of vote, 21 members elected.*
Socialist Peoples Party (SNS)	Formed April 2002 Breakaway party from SPS led by Branislav Ivkovic.
United Radical Party of Serbia	Leader: Slobodan Jovic
Yugoslav Green Party	Founded 1990 President: Dragan Jovanovic
The Yugoslav United Left (JUL):	An alliance of 23 Left-wing organisations. Formed in 1994. Led by Milosevic's wife, Mirjana Markovic.

SANDŽAK

Lista for Sandzak:	A coalition of five ethnic Muslim political parties based in Sandzak, including the PDA-S.
Party of Democratic Action of Sandzak (PDA-S):	A Muslim party, aligned with the Bosnian PDA, and advocates autonomy for the Sandzak region. Chairman, Sulejman Ugljanin.

VOJVODINA

Alliance of Vojvodina's Hungarians:	Advocates autonomous status for Vojvodina. Founded in 1993 following split in DZVM. Chair Jozef Kasa.
Coalition Vojvodina:	President: Dragan Veselinov
Democratic Community of Vojvodina Hungarians: (Demokratska zajednica Vojvodjanskih Madjara – DZVM)	Founded in 1990 and supports interests of ethnic Hungarian minority in Vojvodina. c.20,000 members Chair: Sandor Pal
Democratic League of Vojvodina	Founded 14 July 1990
Liga Socijaldemokrata Vojvodine	President Nenad Canek
(LSV)	
Democratic Party of Reformists of	Founded in 1992; President Miodrag Isakov

Vojvodina

Vojvodina Coalition (KV)	Formed in 1996 as alliance of several small Vojvodina based political parties. President: Dragan Veselinov
Vojvodina Democratic Opposition:	Founded 2000

MONTENEGRO

Democratic Alliance of Albanians in Montenegro	Chair: Mehmed Bardhi
Democratic League of Montenegro	Chair: Mehmed Bardhi (as above)
Democratic Party of Socialists (DPS):	Name changed from League of Communists of Montenegro in 1991; supports continued federation; division within the party emerged in mid-1997. Chair. Milo Djukanovic.
League of Communists – Movement for Yugoslavia of Montenegro:	Chair Rade Lakusic
Liberal Alliance of Montenegro:	Pro-independence party. Leader Miodrag Zivkovic.
Party of Democratic Action – Montenegro:	Slav Muslim party affiliated to the PDA of Bosnia and Herzegovina. Leader Harun Hadzic.
Peoples Party of Montenegro: ***Narodna Stranka Crne Gore*** **(NSCG)**	Chair: Dragan Soc.
Peoples Socialist Party of Montenegro:	Leader: Dusko Jovanovic
Social-Democratic Party of Montenegro (SDP):	Leader Zarko Rakcevic
Socialist People's Party of Montenegro:	Leader Predrag Bulatovic. Pro – Milosevic party.

KOSOVO

Alliance for the Future of Kosovo (AAK)	Party founded by key ex-KLA figure Ramush Haradinaj
Albanian Democratic Movement:	Founded in 1998 by former members of the Democratic Alliance of Kosovo, ethnic Albanian party; Chair Redzep Cosja.
Christian Democratic Party (CDP):	An Albanian party with close links to the LDK. The party is led by Mark Krasniqi, formerly with the Parliamentary Party of Kosovo. The CDP advocates more extreme methods, but has less maximalist aims than

	the LDK.
Democratic Reform Party of Muslims:	Party of left-wing ethnic Muslims. President Azar Zulji.
Lbd(levizja e Bashkuar Demokratike) – United Democratic Movement Includes the following parties: LDSh(LevizjaDemokratike Shqiptare) Albanian Democratic Movement PPK (see below) Albanian Unification Party PUKSh/ UNIKOMB Albanian Liberal Party PLSh Albanian National Party PLSh Greens Albanian Republican Party PLSh	Coalition, headed by Rexhep Qosja - on good terms with KLA and contains many ex-LDK.
LDK (Democratic League of Kosovo aka Democratic Alliance of Kosovo DAK):	Founded December 1989. In September 1991 the party held an unofficial referendum on independence, which had an overwhelming vote in favour. Unofficial elections were held in May 1992 in which the chairman, Dr Ibrahim Rugova was elected President of the Republic (of Kosovo). Rugova has been President of Kosovo since early 2002.
LKCK (Levizja Kombetare per Clirimin e Kosoves) – National Movement for the Liberation of Kosovo	KLA - based party. Radical.
LPK (Levizja Popullore e Kosoves) People's Movement of Kosovo:	Radical party.
PBD (Partia e Bashkimit Demokratik- Democratic Union Party):	KLA - based party but key figures such as Thaci not members
PDK (Democratic Party of Kosovo) Formerly PPDK (Party for a Progressive and Democratic Kosovo):	Party established following the demilitarisation of the KLA, headed by Thaci. Member of Assembly
Parliamentary Party of Kosovo (PPK):	Party with KLA origins.
Party of Democratic Action of Kosovo and Metohija (PDA-KM):	Party of ethnic Muslims affiliated to the PDA of Bosnia and Herzegovina. Chair Numan

	Balic.
Central Liberal Party of Kosovo (PQLK)	Small party.
Serbian Democratic Council of Kosovo	President Svetozan Grnjic
Serb National Council	Leader Rada Trajkovic
Serb Resistance Movement:	Ethnic Serb group, led by Momcilo Trajkovic.
Turkish Democratic Union:	Parties representing interests of ethnic Turks.
Turkish Peoples Party of Kosovo:	Parties representing interests of ethnic Turks.

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ANNEX C PROMINENT PEOPLE

Agani, Fehmi (deceased)	Moderate leader, former Vice President of LDK
Artemije, Radosavljevic	Bishop, Head of Serb Orthodox Church in Kosovo, moderate
Balic, Numan	Bosniac member of Transitional Council (KTC).
Bokan, Dragoslav	Ultra-nationalist politician. Serb paramilitary leader.
Brovina, Flora	Kosovar human rights activist, became presidential candidate for PDK
Buja, Rame	PDK member. Former KLA political directorate and former member of LDK.
Bukoshi, Bujar	Founder member of LDK with Rugova but since have become rivals. Also bitter rivals with KLA. Prime Minister of parallel Government 1991.
Bulatovic, Momir	Leader of Montenegrin opposition party. Previously President of Montenegro until 1997.
Ceku, Agim	Former KLA commander, now heads Kosovo Protection Corps (KPC). Has been cited for war crimes when in Croatian army. Supervised demilitarisation of KLA.
Cosic, Dobrica	Influential Serbian nationalist writer seen as spiritual father of Serbs. President of FRY from 1992-93.
Covic, Nebojsa	Deputy Prime Minister of Serbia
Demaci, Adem	Leader of the Parliamentary Party of Kosovo until 1998. Relatively moderate, has been critical of Thaci. Influence declining.
Djindjic, Zoran (deceased)	Assassinated former Prime Minister of Serbia.
Draskovic, Vuk	Charismatic Serbian opposition leader, now marginalised
Djukanovic, Milo	Prime Minister of Montenegro, former President.
Haekkerup, Hans	Former UN Special Representative of the Secretary General in Kosovo – Head of UNMIK
Hajrizi, Mehmet	Former LDK leader now in LDSh. Member of Transitional Council.
Halimi, Riza	Mayor of Presevo and ethnic Albanian political l leader
Holkeri, Harri	Former UN Special Representative of the Secretary General in Kosovo – Head of UNMIK
Haradinaj, Ramush	AAK leader, ex-KLA commander.
Haxhiu, Baton	Editor of newspaper *Koha Ditore*
Hyseni, Hydajet	Leading figure in LBD
Ivanovic, Oliver	Kosovo Povratak member of Kosovo Assembly.
Ivanovic, Milan	Serb "bridgewatcher" leader in Mitrovica
Kavaja, Burhan	Ethnic Albanian Head of Trepca mine, imprisoned after miners' strike of 1989.
Kostunica, Vojislav	Former President of FRY.
Kosumi, Bajram	Leader of PPK, Vice President of AAK.
Kouchner, Bernard	Former Special Representative of the UN Secretary General in Kosovo - Head of UNMIK.

Krasniqi, Mark	Leader of Christian Democratic Party.
Lilic, Zoran	Former President of FRY (from 1993-97).
Mahmuti, Bardyl	PDK Secretary for Foreign Relations.
Markovic, Mirjana	Slobodan Milosevic's wife. Was powerful and influential figure. Belgrade university professor. Leader of the JUL.
Micic, Natasa	Speaker of the Serbian Assembly, currently acting President
Mihailovic, Dusan	President of New Democracy (ND), Serbian Interior Minister.
Milosevic, Slobodan	Former President of FRY, now on trial by ICTY for a range of charges.
Mladic, Ratko	General Commander of Bosnian Serb Army from 1992. Previously Commander of Knin Corps. Indicted for war crimes.
Morina, Zef	Prominent Christian Democratic Party member.
Petersen, Søren Jessen	Fifth UN SRSG for Kosovo
Qosja, Rexhep	Former leader of LDSh and overall leader of LBD coalition.Former member of Transitional Council (KTC). Former member of Interim Administrative Council, influence declining. Now with PDK.
Rakitic, Slobodan	President of Democratic Movement of Serbia (Depos).
Rexhepi, Bajram	Former major of Mitrovica (PDK), now Prime Minister of Kosovo Assembly
Rugova, Ibrahim	LDK founder and President, who advocated peaceful resistance. Principal moderate ethnic Albanian figure in Kosovo. Now President of Kosovo Assembly.
Rev. Sava Janjic	Aka Father Sava and "Cybermonk". Voice of tolerance.
Selimi, Rexhep	Prominent KLA member.
Selimi, Sylejman	Former Commander in chief of the KLA, appointed February 1999
Seselj, Vojislav	Leader of ultra-nationalist Serbian Radical Party. MP in Serbian Parliament. Commanded paramilitary unit during the war.
Shala, Blerim	Editor of magazine "Zeri". Member of KTC.
Shala, Shaban	KPC Commander Zone1.
Shukriu, Edi	Member of LDK presidency.
Solevic, Miroslav	Kosovo Serb activist.
Steiner, Michael	Former UN SRSG for Kosovo, Head of UNMIK
Surroi, Veton	Publisher of "Koha Ditore" newspaper. Politically independent. Founder of the PPK, but has been critical of all parties.
Tahiri, Edita	Close associate of Rugova, key LDK figure.
Thaci, Hashim	Key political leader associated with KLA. Now PDK. Was PM of Provisional Government. Member of Interim Administrative Council.

Trajkovic, Momcilo	Chairman of FRY Committee for Co-operation with UNMIK. President of Kosovo Serbian Resistance Movement (SPO) Critic of Milosevic, would like to see cantonisation of Kosovo.
Trajkovic, Rada	Kosovo Serb representative on Interim Administrative Council. Member of Democratic Xion Party of Serbia (PMSS). Former member of Serb Radical Party.
Vllasi, Azem	Ethnic Albanian Kosovo Party leader. jailed in 1989 after Milosevic pledged to arrest him at mass rally. Released in April 1990. No influence.
Vujanovic, Filip	Former Prime Minister of Montenegro, currently acting President
Zivkovic, Zoran	Prime Minister of Serbia

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ANNEX D	**ABBREVIATIONS**
DOS	Democratic Opposition of Serbia
EU	European Union
FRY	Federal Republic of Yugoslavia
IAC	Interim Administrative Council
ICTY	International Criminal Tribunal for the former Yugoslavia
JIAS	Joint Interim Administration Structure
JNA	Former Yugoslavia Peoples' Army
JUL	Yugoslav United Left Party
KFOR	Kosovo Force
KLA	Kosovo Liberation Army (aka UCK)
KPC	Kosovo Protection Corps
KPS	Kosovo Police Force (local police force)
KTC	Kosovo Transition Council
KVM	Kosovo Verification Mission
MUP	Serb Special Police
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisations
OMiK	OSCE Mission in Kosovo
OSCE	Organisation for Security and Co-operation in Europe
PDK	Democratic Party of Kosovo
SAM	Serbia and Montenegro
SDS	Serbian Democratic Party
SFRY	Socialist Federal Republic of Yugoslavia
SPS	Socialist Party of Serbia
SRSG	Special Representative of the (UN) Secretary General
TMK	Albanian abbreviation for KPC
UCK	Ushtria Clirimtare e Kosoves (Albanian for KLA)
UCPMB	Ushtria Clirimtare e Medvedja, Presheve Bujanovac
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNIP	United Nations International Police
UNMIK	United Nations Mission in Kosovo
UNMIK CivPol	UNMIK Civilian Police
UNMIK ORC	UNMIK Office of Communities and Returns
UNSCR	United Nations Security Council Resolution
VJ	FRY Army

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r. Pejë / Peć
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