



Serbia and Montenegro

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Serbia and Montenegro (SaM) is a constitutional republic consisting of the relatively large Republic of Serbia and the much smaller Republic of Montenegro.* In March 2002, the two republics, with European Union (EU) mediation, negotiated the Belgrade Agreement, in which they agreed to redefine the joint state. On February 4, the Yugoslav Parliament adopted the Constitutional Charter and Implementation Law, marking the end of the Federal Republic of Yugoslavia (FRY) and the beginning of the state union of Serbia and Montenegro. In the new state, almost all authority devolved to the two republics. The state union Government has responsibilities essentially limited to the Foreign Ministry, the military (VSCG, formerly the VJ), human and minority rights, and foreign economic and commercial relations. The SaM judiciary was constituted by year's end.

The military reports through the Defense Minister to the Supreme Defense Council (VSO), whose voting members are the Presidents of SaM, Serbia, and Montenegro. The military was largely depoliticized, and underwent sweeping reform after the Djindjic assassination. The VSO dismissed 26 of the approximately 65 flag officers and subordinated the General Staff to the civilian Defense Minister. (Previously, the Defense Ministry had acted only as an administrative appendage of the General Staff.) The Defense Minister replaced the heads of the two military intelligence services, refocused the Military Security Service (VSB) on its formal mission of crime fighting and counterintelligence and away from politics, and subordinated the VSB service to his office. (Previously, the VSB had reported informally to only the most senior political leaders.) Following the Djindjic assassination, the Government disbanded the Red Berets (Special Operations Unit or JSO); this paramilitary unit of the old secret police, the State Security Service (RDB), was implicated in the assassination.

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. The population in the Republic of Serbia was 7.5 million, excluding Kosovo. 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.

Serbia has a parliamentary system of government run by Prime Minister Zoran Zivkovic, who assumed the position in March following the assassination of Prime Minister Zoran Djindjic. Parliamentary elections held on December 28 were deemed generally free and fair by the Organization for Security and Cooperation in Europe (OSCE); the new, multiparty parliament had not met by year's end. The Serbian Constitution provides for an independent judiciary; however, the judiciary was often subject to political influence and corruption, and was inefficient.

While civilian authorities generally maintained effective control of security forces, there were some instances in which elements of the security forces acted independently of government authority. The Ministry of Interior (MUP) controls the Serbian police, who are responsible for internal security. The Security Intelligence Agency (BIA) is under the control of the Government as a whole, effectively giving control to the Prime Minister. Some members of security forces committed human rights abuses.

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. Police at times beat detainees and harassed citizens. Police produced results in investigations of high-level killings committed during and after the Milosevic era. There were incidents of arbitrary arrest and detention. The judiciary continued to be susceptible to political influence. Poor cooperation between the judiciary and other government branches slowed the implementation of legislative reforms. Courts remained administratively paralyzed, and lengthy trials persisted. Legislation creating a special domestic war crimes court was passed and a special prosecutor was appointed. Media independence was a problem; private libel suits, including from individuals active in politics, and indirect political manipulation contributed to self-censorship among journalists.

The SaM Parliament amended its Law on International Criminal Tribunal for the former Yugoslavia (ICTY) Cooperation, which resulted in four voluntary surrenders of indictees and the arrest and transfer of another five indictees to The Hague. The Government transferred many documents to the ICTY and gave waivers for witnesses to testify; however, the ICTY remained dissatisfied with overall SaM cooperation, in particular because it believed that key indictee General Ratko Mladic was at large in Serbia.

There were several incidents of societal violence and discrimination against religious minorities. Violence and discrimination against women, Roma and other ethnic minorities were problems. Trafficking in women and children remained a problem which the Government took steps to address by adding trafficking in persons to the criminal code.

Considerable evidence indicated that on March 12 a group of nationalist paramilitaries and organized criminals assassinated Serbian Prime Minister Zoran Djindjic as the first step in a failed attempt to topple the Government. In accordance with the Constitution and laws, Djindjic's successors quickly declared a State of Emergency and launched a sweeping attack against the paramilitary unit and the organized crime gangs that allegedly killed the Prime Minister. The Government's imposition of a State of Emergency, which lasted 6 weeks, had broad support among the population and some international organizations, including the OSCE. On December 22, the trial of most of the conspirators responsible for the assassination, including the actual triggerman, began in the Belgrade Special Court for Fighting Organized Crime.

Over 10,000 individuals were detained during the State of Emergency. When it was lifted on April 22, approximately 4,500 remained in custody; at year's end, approximately 2,000 remained in custody. After the lifting of the State of Emergency, there were numerous allegations of police brutality and mistreatment, including the use of torture to extract confessions. The Government, which held most detainees in incommunicado detention without access to a lawyer or without being brought before a judge, has denied these allegations. The Government also increased restrictions on the media, the right to privacy, and the right of association during this period.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings committed by the Government or its agents; however, security forces killed nine individuals.

On March 7, police shot and killed two members of the so-called Albanian National Army (AKSh) during a failed attempt to place a bomb near the Kosovo Administrative Boundary Line. Authorities ruled that these shootings were justified because the suspects resisted arrest with arms.

On March 12, members of the Red Berets acting—an autonomous state security police unit from the era of former FRY President Slobodan Milosevic—assassinated Prime Minister Djindjic, in collusion with the Zemun organized crime clan. The trial of the 44 people indicted in the assassination began on December 22.

On March 27, authorities killed Dusan "Siptar" 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.

On September 30, a Kosovo veteran of the BIA in Nis allegedly shot to death four colleagues, wounding three others. He was arrested and awaiting trial at year's end.

There were some developments in police investigations of political killings from previous years. On September 16, the Belgrade Special Court for Fighting Organized Crime began the trial of two former police officers and five others (including two who remained at large) for the 2002 killing of former Belgrade police chief Bosko Buha. The December 17 testimony by a former Belgrade police inspector raised credible allegations that police framed those on trial for the Buha murder to cover for other crime figures who had connections to the Government at the time of the murder, including Milorad "Legija" Lukovic, accused of organizing the Djindjic assassination.

On March 28, the Government located the body of former Serbian President Ivan Stambolic, who disappeared in 2000. 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 (see Section 1.e.). 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.

On January 30, former RDB chief Radomir Markovic was sentenced to 7 years' imprisonment for the 1999 attempted murder of Vuk Draskovic, which resulted in the deaths of four persons. However, on September 30, after evidence emerged that additional people were involved in the attack, the Supreme Court set aside the District Court verdict, allowing for a re-trial that would include the additional defendants.

Domestic courts and the ICTY continued to adjudicate cases arising from crimes committed during the 1991-99 conflicts in Kosovo, Croatia and Bosnia, including the ICTY prosecution of former FRY and Serbian President Slobodan Milosevic (see Sections 1.e. and 4).

There were no deaths from landmine incidents during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

During the year, SaM and Serbian Government authorities continued cooperation with neighboring countries and international organizations seeking to identify missing persons and investigating graves discovered in Serbia.

There were no exhumations during the year because the SaM Commission on Missing Persons, which replaced the FRY commission, was not established until November; however, Government authorities continued to make progress in identifying exhumed bodies. In 2002, the Serbian Government exhumed the last of the bodies from mass graves found in 2001; the graves contained bodies presumed to be those of ethnic Albanians killed in Kosovo and transferred to Serbia in 1999. Following identification of remains, Serbian authorities repatriated approximately 186 bodies to Kosovo during the year. The Serbian Government, in cooperation with international organizations and the International Commission on Missing Persons (ICMP), had not completed identification and repatriation of the remains by year's end.

Searching began for bodies thought to be located at the bottom of Lake Perucac in eastern Serbia. Another search revealed that there were no bodies under a highway near Vranje, a suspected gravesite.

c. Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment

SaM and Serbian laws prohibit such practices; however, police at times abused citizens and detainees, particularly during the State of Emergency from March 12 to April 22.

Some people detained during the State of Emergency later claimed that they were beaten and tortured by police during their detention in an attempt to coerce statements. Reported forms of torture included: Asphyxiation with a plastic bag, electric shock, and mock executions. The London-based Institute for War and Peace Reporting (IWPR) alleged that on March 13 police arrested restaurant owner Milan Vukovic and took him to the "29 November" police station in Belgrade. Vukovic later testified that twice during his 1-month detention masked policemen placed a plastic bag over his head, puncturing the bag only after it was obvious that he was suffocating. According to Vukovic, the police demanded that he admit he was a drug dealer, racketeer and gun runner, and that he had traded illegally in oil, cigarettes, and foreign currency. Vukovic was later released without charges.

Sandra Petrovic informed Amnesty International that her husband, Goran Petrovic, and brother, Igor Gajic, were arrested in Krusevac on March 14 and kept in incommunicado detention until May 13. During this period, police allegedly tortured them to extract confessions of extortion. Mrs. Petrovic reported that after 15 days in detention in Krusevac, Goran Petrovic was transferred to Cuprija Prison, from where police took him to a nearby forest, taped a bag over his head and beat him so severely that he still had difficulty walking when she saw him on May 13. Also according to Mrs. Petrovic, police tortured Igor Gajic with electric shocks after dousing him with water, as well as taking him to a forest, taping a bag over his head, and beating him. Police have claimed that they have not verified cases of abuse, which were alleged to have occurred during the State of Emergency. At year's end, prosecutors had not yet acted on lawsuits filed by NGOs on behalf of individuals who claimed they were tortured as detainees during the State of Emergency.

Because detentions during the State of Emergency were generally incommunicado, human rights monitors witnessed little direct evidence of torture. The primary exception to the incommunicado nature of the detentions was the April 14-15 visit by the OSCE and the UN Office of the High Commissioner for Human Rights (OHCHR) to detainees at the three major detention sites (Belgrade Central Police Station at 29 November Street and Belgrade Central and Military Prisons). The OSCE/OHCHR reported that during the visit to two prisons holding detainees, all those interviewed gave consistent statements of having been treated fairly by prison staff. However, the report also noted that, "the Delegation heard allegations or saw

indications of torture or ill-treatment during arrest during the visit concerning two detainees."

Beatings and other physical abuse by police most often occurred during the arrest or initial detention period, and low-level criminals were most often the victims of such abuse. There were a few reports that police used beatings and threats to deter detainees from filing claims of abuse on prior occasions. In August, a man reported to the Humanitarian Law Center (HLC) that police beat him every day during a 30-day detention to pressure him to withdraw a previous claim of police brutality.

Police also reportedly used beatings to coerce confessions. The HLC filed a criminal complaint against unidentified officers of the Cacak Police Department claiming that on May 21, in an attempt to coerce a confession of robbery, the officers threatened Zeljko Popovic, slapped him, and struck him in the mouth, causing him to lose three teeth.

As in 2002, there were few reported instances of police harassment of ethnic Albanians in southern Serbia. The improvement can be credited largely to the deployment of the 400-member Multi-Ethnic Police Force throughout the area (see Section 1.d.).

In August 2002, police in Vranje severely beat Nenad Tasic, who sustained broken ribs, a punctured lung, and severe brain damage. The HLC filed a civil suit seeking compensation; the case was heard, but the judgment had not been announced at year's end. A separate criminal suit was ongoing at year's end.

During the year, the Leskovac-based Human Rights Committee reported that there were more than 100 cases of alleged police abuse in Leskovac. In March 2002, Leskovac police reportedly clubbed a handcuffed Roma man, Nebojsa Majlic, causing him to lose consciousness; afterwards, the police filed criminal charges against Majlic for interfering with police performance of duty. At year's end, the trial of Majlic had not begun.

Prison conditions generally met international standards; however, conditions varied greatly from one facility to another. The Helsinki Committee for Human Rights in Serbia (HCS) noted that some prisons offered clean, secure environments for inmates; however, in others—most notably the Belgrade Reformatory Hospital housing psychiatric prisoners—inmates were forced to live in filthy, inhumane conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate. Basic educational and vocational training programs were in place at most prisons; however, they were limited by lack of resources. The level of training for guards was inadequate.

Men and women were held separately. Juveniles were supposed to be held separately from adults; however, in practice, this did not always happen. Pretrial detainees were held separately from convicted prisoners. Some inmates complained that they were subjected to intimidation and occasional assaults by other inmates. Inmates could report such problems to prison staff or to district court; authorities generally responded by placing inmates in separate cells and at times taking disciplinary measures such as placing offenders in solitary confinement. There were some deaths in prison due to murders between inmates, natural causes, and at least one suicide.

The Government permitted the International Committee of the Red Cross (ICRC) and local independent human rights monitors, including HCS, to visit prisons throughout the country and to speak with prisoners without the presence of a warden. The Government suspended prison visits by local human rights monitors during the State of Emergency; however, the OSCE and OHCHR visited two detention centers in Belgrade during that period.

There were reports that witnesses and potential witnesses cooperating with the ICTY experienced threats or intimidation in Serbia (see Section 4).

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, except during the State of Emergency.

The approximately 23,000 police officers are part of the Sector for Public Security of the Ministry of Internal Affairs (MUP). The Sector is divided into seven directorates: Uniformed Police (including traffic and patrol officers), Criminal Investigations, Organized Crime, Analysis, Special Operations Units (including gendarmes and the Special Anti-Terrorist Unit, or SAJ), Human Resources and Training, and Border Police. The police are divided regionally into 33 secretariats. All municipal and rural units are branches of the Republic police. Effectiveness of the police is uneven and generally limited because of poor training, poor forensics, and the low education level of many officers. Although the MUP leadership changed after the October 2000 revolution, many police personnel, including some high-level officials, are holdovers from the Milosevic regime. While most police officers were Serbs, the force included Bosniaks (Bosnian Muslims), ethnic Albanians, and other ethnic minorities. The Multi-Ethnic Police Force in southern Serbia was composed primarily of ethnic Albanians and Serbs.

There were only limited institutional means of overseeing and controlling police behavior. In September, an Inspector General with enforcement authority was installed in the MUP; however, at year's end, he still had little ability to conduct investigations. In April, 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. The Serbian Government offered no other forms of assistance for citizens with complaints about police behavior; however, citizens could seek redress through the courts.

According to MUP figures, from January through June the MUP initiated 762 disciplinary proceedings, resulting in 17 arrests of policemen, 271 criminal complaints filed against 158 officers, and 123 suspensions. Included in these figures were four cases of illegal use of force, three in Sremska Mitrovica and one in Uzice. The three officers in Sremska Mitrovica were suspended during the ongoing disciplinary proceedings. Punishment for police officers rarely exceeded 6 months' imprisonment, a sentence that often allowed police officers found guilty of abusing human rights to rejoin the force. During the year, the MUP instituted an ethics code for police, but no sanctions were prescribed for violations.

Courts occasionally ordered the Government to pay compensation for police abuses. In March, Belgrade's First Municipal Court ordered the Republic of Serbia to pay approximately \$1,780 (100,000 dinars) to Bojan Aleksov as compensation for his unlawful detention and torture in 2000.

Community policing was instituted during the year. The OSCE's Mission to SaM trained Serbian police cadets in modern police tactics at an international police training center in Mitrovo Polje.

The Criminal Procedure Code provides for strong regulations designed to protect the rights of detained and accused persons, including prohibitions against excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays continued regularly (see Section 1.e.).

The law restricts the time from indictment to the conclusion of first instance trial to 2 years; appeals to second instance courts must be completed within 1 additional year. A person wrongfully detained could demand rehabilitation and compensation from the Government. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than 5 years could be released on their own recognizance. Due to the inefficiency of the courts, cases often took an excessively long time to come to trial; and, once started, trials often an excessively long time to conclude.

The police were authorized to make an arrest without a judge-authorized warrant in certain circumstances, including well-founded grounds of suspicion that the person committed a capital crime. An investigating judge must approve any detention of more than 48 hours, and arrested persons must be informed immediately of their rights, including the right to confidential conferences with a lawyer. Family members were normally able to visit detainees. No suspect could be detained for more than 3 months without a decision of an investigating judge, and no one could be detained for more than a total of 6 months. The law prohibits the use of force, threats, deception, and coercion, as well as use in court of evidence acquired by such means. During the State of Emergency, many false or unrealized promises of granting witness collaborator status—which would include the dropping of some charges—were made to encourage statements by detainees. Suspects' statements are valid in court only if they are made in the presence of counsel; an investigating judge or prosecutor must also be present. During the State of Emergency, appointed attorneys unfamiliar to detainees sometimes appeared solely for the taking of statements.

Among the special measures the Government included with the declaration of a State of Emergency was the suspension of the right to an attorney and permission for police to detain, for up to 30 days, any person "who is jeopardizing the safety of other citizens or the safety of the Republic." On April 11, as 30-day detentions made early in the State of Emergency were about to expire, the Parliament passed new measures permitting detentions on MUP authority of up to 90 days; however, the Constitutional Court declared the law unconstitutional on June 5 and on July 1 it was repealed by the Parliament. In practice, the 10,000 State of Emergency detainees were largely held incommunicado, without access to attorneys or family. Additionally, many of the detainees during the State of Emergency were never brought before a judge; however, those who later remained in jail were taken before a judge.

There were several reports of police detaining journalists for "informative talks" (see Section 2.a.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

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.

The court system is made up of municipal and district courts, a supreme court, a constitutional court, and special courts for war crimes and organized crime. The Constitutional Court rules on the constitutionality of laws and regulations and relies on the authorities to enforce its rulings. The Law on Courts mandates the establishment of an administrative appeals court and a second instance appeals court to lighten the burden of the Supreme Court; however, these courts had not been established by year's end.

The courts were highly inefficient—cases could take years to resolve—and there were no official channels for alternative dispute resolution. However, the Government and judiciary made some progress in implementing the extensive organizational reforms mandated in the 2001 laws on courts, judges, and public prosecutors.

A Lustration Law, passed in June, prohibits anyone who has committed human rights violations since 1976 from holding public office for the next 2 to 5 years, depending on the gravity of the offense; however, the law had not been implemented by year's end.

In accordance with the Law on Courts, two new judicial bodies began functioning during the year: The High Judicial Council, which is staffed by Supreme Court justices and appoints judges, and the High Personnel Council, which disciplines and dismisses judges. The High Personnel Council, with approval of the Parliament, dismissed or forcibly retired 35 judges, mostly after the Djindjic assassination; however, there were no trials of former court presidents or judges who committed abuses during the Milosevic regime.

The Supreme Court President, under pressure from the Government, resigned in April; 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. The Law on Judges mandates that judges have lifetime tenure with mandatory retirement at age 65.

The Judges' Training Center organized educational programs offered throughout the country. International organizations and local NGOs, including the HLC and the Belgrade Center for Human Rights (BCHR), also conducted training for judges during the year.

The law provides that defendants are presumed innocent and have the right to have an attorney represent them at public expense, if needed, and to be present at their trials. The courts also must provide interpreters, if required. Both the defense and the prosecution have the right to appeal a verdict. Defendants have a right to access government-held evidence and question witnesses; these rights were generally respected in practice.

In 2002, the Republic Prosecutor (Attorney General) submitted all public prosecutors, deputy prosecutors, and staff to review for general competency and previous conduct, including during the Milosevic era. As a result, approximately one-third of Public Prosecution personnel were dismissed or forced into retirement by the end of 2002. In April, the Republic Prosecutor himself was forced to resign, and six district prosecutors (including the Belgrade District Prosecutor) and a large number of lower-level prosecutors were dismissed or forced to resign during the year. Deputy Public Prosecutor Milan Sarajlic, who faced charges that he was paid by the Zemun organized crime clan, was released from jail due to poor health; at year's end, his trial had not yet been scheduled.

The SaM military court system, inherited from the Tito era, presents little transparency in its operations. In accordance with the Constitutional Charter, this system was phasing out operations, and military courts had no ongoing investigations or trials at year's end. The military court system retained one espionage case, which had been investigated but not yet taken to trial at year's end. Special departments in the Belgrade and Podgorica (Montenegro) District Courts, which would take on all new cases, had not been constituted at year's end. On October 20, the Supreme Military Court sentenced battalion commander Dragisa Petrovic to 9 years in prison and army reservists Nenad Stamenkovic and Tomica Jovic to 7 years each for the murder of an elderly Kosovo Albanian couple, Feriz and Rukija Drasnici, in 1999. The Court nearly doubled the sentences previously handed down by the Nis Military Court in 2002, following the revision of the indictments from murder charges to charges of war crimes against civilians. In addition to the nearly defunct military court system, the only other SaM court, the Court of the State Union of Serbia and Montenegro, had not been constituted at year's end. This court is expected to rule on disputes between the constituent republics or between the union and the republics, as well as on conformity of SaM or republic laws with the Constitutional Charter; it is also expected to respond to petitions of citizens whose rights or freedoms were violated by the Constitutional Charter.

There were no developments in the case of 24 Bosniaks whose 1993 political convictions of crimes against the state were returned for review by the Supreme Court in 1996.

Domestic war crimes indictments and trials began in the regular courts in 2002. On January 20, the trial began of one former member of the Bosnian Serb "Avengers" paramilitary and three members of the Bosnian Serb Army for abducting, torturing, and killing 16 Muslims from the Serbian town of Sjeverin in 1992. On September 29, the court sentenced Djordje Sevic to 15 years in prison, and Dragutin Dragicevic, Oliver Krsmanovic and ICTY indictee Milan Lukic—the last two remain at large—to 20-year prison

sentences; this was the maximum term of imprisonment possible at the time.

In October 2002, Aleksandar "Sasa" Cvjetan went on trial in Prokuplje District Court for killing 19 ethnic Albanians in Podujevo, Kosovo, in March 1999. The Prokuplje Court also tried in absentia SAJ squad member Dejan Demirovic for cooperating with Cvjetan in the massacre. The Government had requested extradition of Demirovic from Canada, which had him in custody. In November 2002, citing concerns about security, fairness of proceedings, and access to ethnic Albanian witnesses, the Supreme Court transferred the trial from Prokuplje to Belgrade District Court, where proceedings resumed early in the year and were ongoing at year's end.

The Law on Suppression of Organized Crime created a semi-independent special prosecutor, a special police investigative unit, specialized court chambers, and a dedicated detention unit. Some human rights activists have expressed concern that the special police force's expanded powers to investigate and detain suspects could lead to abuse. The court's inaugural trial was held on September 16, when the Special Prosecutor for Organized Crime began presenting the case against the suspected killers of senior police officer Bosko Buha (see Section 1.a.). The trial was ongoing at year's end.

In July, the Parliament passed a law on domestic war crimes prosecutions, which established a special court for this purpose; however, the court had not begun functioning by year's end. It was scheduled to begin trials in March 2004. On July 22, Parliament appointed Vladimir Vukcevic as the special prosecutor for war crimes. The special court will be a branch of the Belgrade District Court; however, for security reasons it will use the facilities of the Belgrade Special Court for Fighting Organized Crime.

The ICTY was preparing to turn over to the Government prosecution of lower-level figures involved in the Vukovar massacre and has provided evidence in the case to the Justice Minister and the Special Prosecutor for War Crimes, who also began gathering evidence in the case.

Defendants can be tried in absentia. The Belgrade Special Court for Fighting Organized Crime was trying, in absentia, Slobodan Milosovic, on trial before the ICTY, and Milorad "Legija" Lukovic, a fugitive, for the murder of former Serbian President Ivan Stambolic and the attempted murder of Vuk Draskovic in 2000 (see Section 1.a.). The same court was trying Legija in absentia for the Djindjic assassination. There were no imprisonments based on trials in absentia.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government at times infringed upon these rights in practice, particularly during the State of Emergency. The law gives the MUP control over the decision to monitor potential criminal activities. The Constitution includes restrictions on searches of persons and of premises; police must enter premises with a warrant, except to "save people and property." The Government generally respected these provisions in practice, with occasional exceptions. During the State of Emergency, the Government authorized searches without warrants in cases of suspected organized crime activity.

Most observers believed that the authorities selectively monitored communications and eavesdropped on conversations, read mail and e-mail, and wiretapped telephones. Members of political factions, presenting no direct evidence, accused other factions of using secret police and intelligence units to eavesdrop on them to gain political advantage. There were no reports during the year that the post office registered and tracked suspicious mail from abroad, as some believe occurred in the past; however, during the State of Emergency, the Government suspended rules on the secrecy of letters and other forms of communication.

The Government did not fulfill its promise to open to the public all secret files on persons collected under former regimes. The few files actually delivered to individuals who requested them had been cleansed of documents that might have contained sensitive reporting on the individuals.

During the year, the authorities evicted a number of Roma, including children, from two squatter settlements (see Section 5).

Section 2 Respect for Civil Liberties, including:

a. Freedom of Speech and the Press

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. There were some high-profile instances of apparent pressure on the media by senior government officials. The Government imposed substantial

media restrictions during the State of Emergency.

Media independence remained a problem. Some observers believed that the continued lack of clear guidelines created an atmosphere unfriendly to free expression. Some media outlets clearly attempted to curry favor with the Government in hopes of receiving favorable treatment once new media reform laws are fully implemented; however, media outlets generally provided equal access to parties campaigning for the December parliamentary elections. Some media outlets practiced self-censorship and were reluctant to report on crimes perpetrated during the wars in Bosnia, Croatia, and Kosovo. Television coverage of the Milosevic trial at the ICTY tended to be incomplete or defensive, with the notable exception of Radio/TV B-92 (RTV B-92), which broadcast the proceedings live.

Selective privatization of media during the Milosevic era has left the country with a mixture of privately owned and fully or partially government-owned media outlets. The Government owned Borba, one of the most important printing houses in the country, and published the dailies Borba, Sport, and Vecernje Novosti. The oldest nationwide daily, Politika, was run by several state-run companies and was influenced by the Government, although German media giant WAZ became a co-owner during the year. Print media also included the independent daily Danas, weeklies Vreme and Nin, high-circulation tabloids Blic and Glas Javnosti, and other newspapers.

The Government funded a Hungarian language newspaper, and state-owned media outlet Radio Television of Serbia (RTS) provided some Hungarian language programming. Tanjug was a state-owned news agency that many television stations rely on for their news information.

The 2002 Law on Broadcasting created a regulatory framework designed to foster free and independent media. This law mandated formation of an independent Broadcast Council to transform RTS into a public broadcasting service and to allot radio and TV frequencies. The Broadcast Council was established during the year, but the Parliament's violation of provisions for appointing candidates damaged the Council's legitimacy and led to the resignation of two members. The Council began limited functioning during the year.

State-controlled RTS was a major presence in television and radio. Aside from the three RTS channels, the Government had considerable influence, although not formal control, over some other major television stations, including: TV Politika, TV Novi Sad, and YU INFO (phasing out operations due to bankruptcy), as well as Radio Belgrade's three stations. RTS's coverage was generally objective; however, it occasionally demonstrated some bias in favor of the ruling Democratic Opposition of Serbia (DOS) coalition. Management personnel could be politically influenced, since the Government appointed editors-in-chief.

Two major private TV stations, BK and TV Pink, which received advantageous treatment, including frequencies, under the Milosevic regime, had widespread coverage. TV Pink, the most widely watched station in the country, has shown editorial bias in favor of the Government since 2000. After the Government granted RTV B-92 a temporary license to broadcast republic-wide pending the final allocation of frequencies in 2002, the media outlet set up new transmitters to make itself a national channel that could compete with TV Pink and BK. However, Editor-in-Chief of RTV B-92 Veran Matic reported that Deputy Prime Minister Cedomir Jovanovic warned him that his media outlet would never get radio or television frequencies if it did not change its reporting. Approximately 300 TV stations and 700 radio stations that operated independently had to work under temporary licenses or without any legal basis.

During the State of Emergency, the Government prohibited the publication, broadcast or dissemination of information about the reasons for declaring the State of Emergency and implementation of the State of Emergency, except for the carrying of official statements. Sanctions established for violating the prohibition were fines of \$915 to \$9,150 (50,000 to 500,000 dinars) for the offending legal entities and \$183 to \$1,830 (10,000 to 100,000 dinars) for the responsible person within an offending entity, as well as possible temporary prohibition of publication of newspapers or broadcast of offending radio or television programs. No appeal was permitted. Television Leskovac was fined \$5,490 (300,000 dinars) for violating the media decree under the State of Emergency. The Government also temporarily banned and fined a local television station, RTV Mars \$9,150 (500,000 dinars) for the station, \$1,830 (100,000 dinars) for the director. Distribution in Serbia of the Montenegrin weekly Dan was banned during the State of Emergency.

Some other sanctions went beyond those included in media decrees. During the State of Emergency, the Government permanently banned two newspapers. One of these was the weekly Identitet, believed to be financed in part by Milorad "Legija" Lukovic, the organized crime figure and former Red Beret commander suspected of organizing the Djindjic assassination. The Government permanently banned the daily Nacional (which later reopened as Balkan), arguing that its anti-Djindjic campaign had created an "atmosphere of lynching" which "facilitated the assassination." After the State of Emergency, the Government banned one edition of the weekly Svedok because it ran excerpts of a Macedonian newspaper interview glorifying "Legija."

In a joint April 24 letter, editors-in-chief of major media called on the Government to discuss with

them sources of tension, which were exacerbated during the State of Emergency. The letter cited as issues of concern: Restrictions on reporting during the State of Emergency, threats by some government officials against editors, and other forms of government interference. At a meeting in early May, editors-in-chief and Government representatives exchanged views on the State of Emergency; the Government also agreed to repeal a 20 percent tax on printed media.

Radio stations owned or organized by municipalities pressured local journalists not to report on municipal government problems.

There were several instances of police calling in journalists for "informative talks." Police called in Veselin Simonovic, Editor-in-Chief of Blic, and asked him to identify a source. Similarly, Blic News Editor-in-Chief Jovica Krtnic was called in and asked to tell the police who had given him a police document from an ongoing investigation. As was the case with Simonovic, when Krtnic declined to comply, the police took no further action.

There were no reports of extremist groups targeting journalists during the year. According to Belgrade's Association of Independent Electronic Media (ANEM), police did not attempt to find the source of the threats against Blic News editor Zeljko Cvijanovic in 2002.

Libel remained a criminal offense. Although no suits were filed directly by the Government, the low threshold defining libel enabled individual government officials, as well as former members of the Milosevic regime, to win private cases against media outlets that criticized them. 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 offense will lead to immediate imprisonment. However, there were no reports of "conditional sentences" being issued to journalists.

In November, Internal Affairs Minister Dusan Mihajlovic filed defamation charges against Mladjan Dinkic of the G-17 Plus political party, which alleged that Mihajlovic had secured a lucrative government contract with his ministry for one of his companies; Mihajlovic filed similar charges against Verica Barac, head of the Government's Anti-Corruption Council, and editors-in-chief of TV B-92 and dailies Glas Javnosti and Kurir, for discussing or covering the allegation. At year's end, the prosecutor had taken no action on the lawsuits.

During the State of Emergency, Government communications director Vladimir "Beba" Popovic filed libel suits seeking approximately \$18,300 to \$54,900 (1 to 3 million dinars) for emotional harm against five media outlets which had questioned his status as the Government's communications director—daily newspapers Vecernje Novosti and Blic News, weekly news magazines Nin and Vreme, and television station B-92. Vecernje Novosti paid a judgement of \$18,300 (1 million dinars). Blic News paid a judgment of \$915 (50,000 dinars) and court costs of \$92 (5000 dinars). The other cases remained ongoing at year's end.

In 2002, businessman Dragan Tomic began libel proceedings against RTS reporter Dragana Vasiljevic for the offense of reading on the air Tomic's official bank statements; Tomic later withdrew the charges. In 2002, Democratic Party member Radisav Ljubisavljevic initiated libel proceedings against B-92 for broadcasting public statements made by various political parties about him; at year's end, he was discussing with B-92 possibly withdrawing the charges.

According to the HLC and the BCHR, journalists practiced self-censorship because of possible libel suits and fear of offending public opinion, particularly on subjects relating to wars in the former Yugoslavia.

On April 22, Parliament adopted the Public Information Law, which covers both rights and responsibilities of the media. Topics in the Law include: Freedom of the media, a ban on censorship, a ban on media monopolies, a due diligence requirement in reporting, a reduced right to privacy for public officials, and the rights of persons referred to in disseminated information. Immediately before adoption, the Parliament added articles authorizing the banning of dissemination of information if necessary to prevent: Calls for violent overthrow of the constitutional order; undermining of the territorial integrity of the Republic; war propaganda; or incitement to violence, hatred or discrimination.

The Government did not restrict publishing or import of published materials. Jehovah's Witnesses reported that they no longer experienced problems importing their religious literature.

The Government did not restrict access to the Internet; however, there were reports that Government selectively monitored e-mail correspondence (see Section 1.f.).

The Government did not restrict academic freedom. The 2002 Law on Universities, designed to protect universities from political interference, restricted police entry onto university campuses and restored the Education Council (Prosvetni Savet) abolished by Milosevic in 1998. The Republic-level Council was under

the control of the Parliament, set general university policy, made some administrative decisions, and determined general curricular goals. In accordance with the Law on Universities, the Scientific-Educational Council (Naucno-Nastavno Vece) selected university rectors and faculty deans without interference from the Ministry of Education. The Law also provides for participation of student organizations in determining certain aspects of university policy; at year's end, these organizations were still defining their policy role.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice, except during the State of Emergency. During the State of Emergency, the Government prohibited the calling and holding of public gatherings. Also prohibited were political, union, and other actions intended to disrupt and prevent the realization of measures taken during the State of Emergency.

The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, on June 9, Belgrade police, acting on a municipal court order, closed the campaign office of a citizen's organization that was conducting a petition drive in favor of property restitution legislation. Two of the organization's leaders, who refused to leave the premises, were arrested and later released without charge. The citizen's organization had been a vocal opponent of the Belgrade Municipality's practice of auctioning property that was subject to potential claims by the original owners and their heirs.

The Government required private organizations to register; however, no problems with registration were reported during the year.

c. Freedom of Religion

The SaM and Serbian constitutions and laws provide for freedom of religion, and the state union and republican Governments generally respected this right in practice. There is no state religion in SaM; however, the Serbian Orthodox Church received some preferential treatment.

The status of respect for religious freedom in the SaM and Serbian Governments improved during the year, and the Federal Secretariat for Religious Affairs was disbanded. In addition to including freedom of conscience and religious practice in its founding documents, in March the SaM Government set up an office dedicated to religious affairs within the Ministry for Human and Minority Rights. The office focused on outreach to minority religious communities, and representatives of these communities reported good relations with this office.

While there is no formal registration requirement for religions, religious groups and all other groups planning to hold gatherings are required to register with local police. Religious groups also could register as citizen groups with the MUP to gain the status of juridical person necessary for real estate and other administrative transactions. The Government rescinded the citizen group registration of one religious group—The Sanatan Society for Spiritual Science—claiming that Sanatan documents included tenets promoting criminality.

The Belgrade Islamic community reported continued difficulties in acquiring land and government approval for an Islamic cemetery near the city. Representatives of the Islamic Community of Novi Pazar, in contrast, continued to report good relations with the Government.

The Government did not grant special visas to missionaries, who had to obtain residence permits or to leave the country every 3 months to renew their status.

The armed forces continued to offer only Serbian Orthodox services; however, members of other faiths may attend religious services outside their posts.

Religious education in primary and secondary schools continued during the year. Students were required either to attend classes from one of the seven "traditional religious communities" or to substitute a class in civic education. The proportion of students registering for religious education grew during the year; however, registrations for civic education courses continued to predominate. Some Protestant leaders and NGOs continued their objection to the teaching of religion in public schools, as well as to proposals to classify some of the Republic's religions as traditional.

There was no progress noted during the year on restitution of previously seized church property.

Religion and ethnicity are intertwined closely throughout SaM; thus, in many cases it was difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin.

Propaganda against sects continued in the press, and religious leaders noted that instances of vandalism often occurred soon after such press reports (see Section 5). According to some sources, the situation was further complicated because one of Serbia's leading experts on sects was a police captain whose works were used in military and police academies.

In April, an Adventist pastor in Zrenjanin, Josip Tikvicki, responded to the sound of his church windows breaking and was subsequently severely beaten. According to church sources, the same church had been the scene of a number of attacks the previous year, but the vandals had never been caught. Following this attack, a representative of the SaM Ministry of Human and Minority Rights visited the hospitalized cleric and publicly condemned the incident. Three persons were sentenced to several months in jail for the attack.

A representative of Belgrade's Islamic community claimed that two individuals were killed in March because of their Islamic identity. One of the victims was the grandson of a former Belgrade Imam, while the other was a Muslim Roma inmate in prison in Pozarevac who reportedly was killed by other inmates.

Novi Sad police failed to respond to repeated complaints by members of the Muslim Gujak family that over a period of 3 years they had been threatened, insulted, and on one occasion assaulted by their Serb neighbor. The HLC filed a criminal complaint against the neighbor, Vujic, for abusing the Gujaks on ethnic grounds; at year's end the trial had not begun.

Minority religious communities reported continued problems with vandalism of church buildings, cemeteries and other religious premises. Many of the attacks involved spray-painted graffiti, rock throwing, or the defacing of tombstones; however, a number of cases involved much more extensive damage. In May, a Molotov cocktail was thrown at a Sanatan residence outside Belgrade. There were approximately 10 incidents in which gravestones were desecrated, including those in Jewish, Catholic, Islamic and Lutheran cemeteries. One of the largest instances of desecration occurred in September when youths defaced an estimated 80 graves in a Catholic cemetery in Vojvodina. Suspects were apprehended shortly after the incident; however, no judicial proceedings were initiated during the year.

Jewish leaders reported an increase in anti-Semitism, both in the media and in acts of vandalism, such as the destruction of gravestones. According to representatives of the Union of Jewish Communities of SaM, anti-Semitic hate speech often appeared in small-circulation books (see Section 5). The release of new books (or reprints of translations of anti-Semitic foreign literature) often led to a spike in hate mail and other expressions of anti-Semitism.

There have been a number of continuances in the Savic case, in which an author of anti-Semitic literature was tried for spreading racial or national hatred. The latest continuance, granted to allow for a psychiatric examination of the defendant, was ongoing at year's end.

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. Moreover, the SaM Government began to implement civilian service as an alternative to 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.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

Bosniaks crossing into Serbia from Bosnia no longer reported being subjected to lengthy searches by border police.

On October 6, Bosnian Minister for Human Rights and Refugees, Mirsad Kebo, and SaM Minister for Human and Minority Rights, Rasim Ljajic, signed an agreement and protocol on the return of refugees; the agreement creates a mechanism to exchange information through announcements of returns, provides for joint projects, and creates a Working Group as a consultative body.

The conflicts that occurred in Bosnia, Croatia, and Kosovo led to widespread displacement of persons. There were approximately 216,000 IDPs from Kosovo in Serbia, mainly Serbs, Roma, and Bosniaks. 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. Collective centers were a drain on government

resources. It was impossible to estimate unemployment figures among IDPs; most families have moved three times or more in search of better schooling or employment opportunities. It is probable that many of them were employed either fully or part-time in the informal sector, such as working in one of the many gray economy firms manufacturing clothes, furniture and other products. The Government, with support of the U.N. 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.

The great majority of the approximately 10,000 IDPs who fled into Kosovo during the 2001 crisis in southern Serbia returned to their homes in Bujanovac, Presevo, and Medvedja municipalities following the implementation of the 2001 Covic plan.

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. Living conditions for Roma in Serbia were, on the whole, extremely poor. 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). 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.

The SaM and Serbian Constitutions provide for the granting of refugee status (at the Republic level) or asylum status (at the SaM level) to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and provided refugees status and asylum. The Government cooperated with the UNHCR and other humanitarian organizations assisting refugees. There were approximately 317,000 refugees in Serbia from other successor nations of the Socialist Federal Republic of Yugoslavia. Of these refugees, most (212,000) were from Croatia. The great majority of the several thousand ethnic Albanians who fled into Serbia in 2001 to escape the conflict in Macedonia have returned to their homes in Macedonia.

The Government also provides temporary protection to certain individuals who do not qualify as refugees or asylees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The SaM Constitutional Charter 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. SaM and the Serbian Republic each have a parliamentary system of government. In SaM, the president is elected by the SaM Parliament; in Serbia, the president is elected by direct vote.

On November 17, Serbian presidential elections failed because turnout did not meet the required 50 percent threshold; this was the third failed attempt to elect a President since 2002. Nonetheless, the OSCE concluded that the elections were generally free and fair; however, significant challenges remained, particularly with regard to the legislative framework for elections.

On November 13, acting on a Government proposal, Natasa Micic, the Speaker of Parliament and acting President of Serbia, dissolved Parliament in the face of legislative gridlock and pending votes of confidence on her performance and on the Government. Parliamentary elections held on December 28 were generally free and fair, despite some legislative shortcomings. The Serbian Radical Party—whose leader Vojislav Seselj faced war crimes charges before the ICTY—won a plurality (82 of 250 seats); however, democratic parties together controlled more than half of the seats. At year's end, the new parliament had not met, and the new government had not been formed.

There were irregularities in one parliamentary vote. In December, Boris Tadic, a leader of the Democratic Party (DS), admitted that a vote was cast on behalf of a DS Member of Parliament who was not in fact present when Parliament approved the nomination of Kori Udovicki as National Bank Governor on July 22. Votes may also have been cast on behalf of two absent members of another political party when Udovicki was approved. In May, the Constitutional Court ruled that Members of Parliament who left their parties were entitled to retain their parliamentary seats. The parliament did not implement this decision by year's end, leading the Court to reprimand the Parliament several times.

At the local level, there were a few by-elections during the year; these were generally free and fair. The 2002 Law on Local Self-Government instituted direct election of mayors and enlarged competencies for municipal and city governments, including greater flexibility in recapturing tax revenue for local needs. The law also increased citizens' ability to participate directly in local government by giving them the right to undertake civil initiatives and organize local referendums.

There were 10 women in the 126-seat SaM Parliament and 27 women in the 250-seat Serbian Parliament. There were three women in the Serbian Cabinet. Women were very active in political organizations;

however, they only held approximately 10 percent of ministerial-level and parliamentary positions in the Serbian and SaM Governments. Prominent positions held by women during the year included: Speaker of the Serbian Parliament (who was also Acting President of Serbia); the deputy Speaker, Serbian Ministers for Social Welfare, for Transportation and Telecommunication, and for Environment; President of the Serbian Supreme Court; Central Bank Governor; and Mayor of Belgrade.

There were no legal restrictions on minority participation in political life. There were 20 minorities in the 250-seat Serbian Parliament. There was one minority in the Serbian cabinet, and two minorities in the SaM cabinet. The two largest ethnic groups, Serbs and Montenegrins, dominated the country's political leadership. A coalition of ethnic parties was unable to enter parliament because it did not meet the 5 percent threshold of votes in the December Parliamentary elections; however, members of minority groups were on slates of non-ethnically based parties, and some of these individuals were likely to enter parliament when parties allotted seats to individuals on their slates. Some minorities, such as Hungarians and Bosniaks, turned out to vote in parliamentary elections in percentages roughly equal to or greater than the general population; however, Roma continued their historical pattern of low voter turnout, and very few ethnic Albanians participated in the December 28 parliamentary election.

In Vojvodina, where the Hungarian minority constituted approximately 15 percent of the population, many regional political offices were held by Hungarians. Jozsef Kasza, a Hungarian minority party leader, was a Deputy Prime Minister of Serbia. Ethnic Hungarians led municipal governments in Subotica and six other municipalities in northern Vojvodina. Few members of other ethnic groups were involved at the top levels of government or the economy; however, two Sandzak Muslims served in the 5-person SaM Cabinet. In the Sandzak, Bosniaks controlled the municipal governments of Novi Pazar, Tutin, and Sjenica. Roma had the right to vote, and there were two small Romani parties in Serbia. One of the four deputy mayors in Kragujevac was Roma.

The 2002 Law on Local Elections instituted a proportional system of voting guaranteeing multi-ethnic representation in government. These legislative changes led to the election, in July 2002, of ethnic Albanian mayors and Albanian-led multi-ethnic municipal assemblies in the municipalities of Bujanovac and Presevo. However, the direct election of mayors was not instituted in some subsequent municipal by-elections in other areas, which followed earlier law. The Serbian Republic's 2002 Omnibus Bill on Vojvodina granted increased powers of self-government to the historically distinct Vojvodina region of Serbia, although the law stopped far short of restoring the full autonomy that Vojvodina Province enjoyed until 1989.

Ethnic groups established 10 minority councils, in accordance with the February 2002 FRY Law on Protection of the Rights and Liberties of National Minorities (see section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, during the State of Emergency, the Government suspended HCS visits to inmates. Some NGOs, such as the G-17 Institute, Lex, Otpor, and the Center for Free and Democratic Elections (CeSID) contributed to the Government's reform strategies at the highest level. NGOs such as the HLC, Yugoslav Lawyer's Committee for Human Rights (YUCOM), and HCS frequently offered citizens their only chance for redress when government institutions failed to protect basic human rights. Human rights NGOs were highly independent in their assessments of government actions. HLC, YUCOM, BCHR, the Leskovac Human Rights Committee, and the Center for Antiwar Action researched human rights abuses throughout the country. HCS and BCHR published annual surveys on human rights issues in SaM. In the Sandzak region, two committees monitored abuses against the local Muslim population. Most of these organizations offered advice and help to victims of abuse.

There were a few incidents of government interference with the HLC. Vladimir "Beba" Popovic filed a libel suit against the HLC for questioning the legitimacy of his status as the Government's communications director (see Section 2.a.). Additionally, police at a rally for missing persons failed to protect the HLC director from repeated pushing by a small group of opponents, and the MUP threatened to file assault charges against the HLC director for slapping one of the individuals who was pushing her to the ground.

The Government worked in partnership with international and local NGOs in a number of areas affecting human rights during the year, including monitoring of elections (CeSID), monitoring of official corruption (Otpor), legal and judicial reform (YUCOM, HLC, HCS), the drafting of the new criminal code (BCHR), judicial education (HLC, BCHR), return of refugees and IDPs (Serbian Democratic Forum, HCS), identification of missing persons (ICMP), and the fight against human trafficking (Astra, Counseling Center

against Family Violence).

The SaM and Serbian Governments made progress in their cooperation with the ICTY; however, the ICTY remained dissatisfied with overall SaM cooperation, in particular because it believed that key indictee General Ratko Mladic was at large in Serbia. The ICTY issued indictments against four additional Serb nationals during the year. At year's end, approximately 16 ICTY indictees with ties to the country remained at large. The ICTY stated its disappointment that the Government had not been able to arrest such persons, in particular former Bosnian Serb leader Ratko Mladic.

On April 14, the SaM Parliament strengthened the legal framework for cooperation with the ICTY by amending the 2002 Federal Law on Cooperation with the ICTY. The principal amendment was the removal of Article 39, which held that the law applied only to existing indictments. A number of indictees were transferred to ICTY custody, some following arrests and some following their surrender to authorities. Serbian President Milan Milutinovic surrendered to the ICTY at the conclusion of his mandate in January. Radical Party leader Vojislav Seselj surrendered when his indictment was made public in February. Cooperation on indictees improved markedly after the March assassination of Prime Minister Djindjic. Secret Police chief Jovica Stanisic and Red Beret founder Franko "Frenki" Simatovic, both arrested during the State of Emergency, were indicted by the ICTY and transferred to The Hague in June. Miroslav Radic and Veselin Sljivancanin—the remaining members of the "Vukovar Three" still at large—were transferred in May and July, respectively. (Sljivancanin's arrest sparked a day of public protest. During the year, the ICTY began trying the Vukovar defendants for the killing of more than 200 civilians and POWs who were patients in a hospital in Croatia in 1991. Zeljko Meakic and Mitar Rasevic surrendered and were transferred to the ICTY in the summer. Serbian police arrested Vladimir "Rambo" Kovacevic in September; he was transferred to the ICTY on October 23.

The ICTY continued trials against Serb defendants for war crimes and crimes against humanity committed during the 1991-99 conflicts in Kosovo, Croatia, and Bosnia, including against former FRY President Slobodan Milosevic.

In October, the ICTY made public indictments against four Serbian generals. One of these indictees, General Djordjevic, was believed to be in Russia. The three other indictees remained at large in Serbia at year's end. Although government officials were believed to have made private overtures to the generals to surrender themselves to the ICTY, there was no government effort to arrest and transfer these indictees to the ICTY.

SaM and Serbian Governments have made progress in compliance with document requests from the ICTY and in facilitation of the testimony of witnesses. SaM's National Cooperation Council (NCC) transferred hundreds of pages of documents to the ICTY's Office of the Prosecutor, including minutes of meetings of the FRY Supreme Defense Council from 1991-99, as well as minutes from closed sessions of the Serbian Parliament. However, a number of requests from the ICTY remained outstanding at year's end. The NCC enabled the testimony of numerous witnesses through the granting of waivers that freed potential witnesses from local prosecution under state secrets laws. However, there were threats and intimidation in Serbia against potential ICTY witnesses.

During the year, domestic war crimes indictments and trials continued in Serbia (see Section 1.e.).

There was no autonomous human rights ombudsman at either the SaM or the Republic level; however, the Vojvodina Province established an ombudsman position, and the Vojvodina Parliament approved Petar Teofilovic as ombudsman in September.

The Truth and Reconciliation Commission (TRC) founded by President Kostunica in 2001 was dissolved, along with many other federal institutions, when the FRY ceased to exist in February. Prior to its dissolution, it organized several public events, including an exhibit of photography from the Yugoslav wars of the 1990s.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

SaM and Serbian laws provide for equal rights for all citizens, regardless of ethnic group, language, or social status, and prohibit discrimination against women; however, in practice, the legal system provided little protection for such groups.

Women

Violence against women was a problem, and high levels of domestic violence persisted. By one estimate, half of all women suffered physical or emotional abuse. The few official agencies dedicated to coping with family violence had inadequate resources; however, public recognition of the problem has increased. In

2002, the Federal Criminal Code was amended to make spousal rape a criminal offense. Few victims of spousal abuse filed complaints with the authorities. Victim accusations are not required for prosecution of domestic violence cases, and prosecutions of such cases did occur during the year. According to a victim's rights advocate, police response to domestic violence improved markedly; a number of police officers provided assistance to female victims of violence and detained offenders to protect victims.

The Center for Autonomous Women's Rights in Belgrade offered a rape and spousal abuse hotline, and sponsored a number of self-help groups. The Center also offered assistance to refugee women (mostly Serb), many of who experienced extreme abuse or rape during the conflicts in the former Yugoslavia. The Counseling Center Against Family Violence operated a domestic violence shelter.

Trafficking in women for the purpose of sexual exploitation remained a problem (see Section 6.f.).

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. In urban areas, such as Belgrade, Nis, and Novi Sad, women were represented widely in many professions including law, academia, and medicine. Women were also active in journalism, politics, and human rights organizations. Since changing regulations to allow women to serve as police officers in 2001, the police hired increasing numbers of women officers. Women legally were entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage was 11 percent lower than the average wage of men. Women were granted paid maternity leave for 1 year, with an additional 6 months of unpaid leave available.

Traditional patriarchal ideas of gender roles, particularly in rural areas, subjected women to discrimination in many homes. In remote rural areas, particularly among some minority communities, women effectively lacked the ability to exercise their right to control property. In rural areas and some minority communities, it was common for husbands to direct the voting of wives.

Children

The Government attempted to meet the health and educational needs of children. The educational system provided 9 years of free, mandatory schooling. However, economic distress affected children adversely in both the education and health care systems, particularly Roma children, who rarely attended kindergarten. Many Roma children never attended 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. Some Roma children were placed mistakenly in schools for children with emotional disabilities because Roma language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. During the year, 29 elementary and secondary schools offered weekly Roma language and culture classes, and the SaM Ministry for Human and Minority Rights provided free textbooks to Roma children; however, there were reports that not all Roma children received a complete set of textbooks.

It was estimated that approximately 30 percent of children were abused. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police were generally responsive to complaints, and prosecutions of child abuse cases occurred during the year. Psychological and legal assistance was available for victims and there was an incest trauma center. Also, victims who were with their mothers could stay in the domestic violence shelter.

Trafficking of children for the purpose of sexual exploitation remained a problem (see Section 6.f.). There were reports that some Roma children were trafficked within the Roma community in Serbia and to other Roma abroad to be used in begging and theft rings.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, in practice, facilities for persons with mental or physical disabilities were inadequate, and addressing this problem was not a priority for the Government. There were specialized schools for persons with disabilities, but no special facilities or assistance was available for higher education. There was no widespread employment discrimination against persons with disabilities; however, a high unemployment rate and lack of accommodations for persons with disabilities made employment difficult. The law mandates access for persons with disabilities to new official buildings, and the Government generally enforced this provision in practice. As sidewalks were replaced, the Government installed wheelchair ramps at intersections. The Government did not provide mobile voting for handicapped or ill voters incapable of coming to polling stations, and in Serbian presidential and parliamentary elections absentee ballots were not allowed, effectively disenfranchising many persons with disabilities.

National/Racial/Ethnic Minorities

Minorities constituted 25 to 30 percent of Serbia's population, and included Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.

Although some problems persisted, the SaM and Serbian governments' policies toward minorities improved greatly since Milosevic's removal from office. SaM and Hungary signed a bilateral agreement designed to protect national minorities on both sides of the border. SaM Minister for Human and Minority Rights, Rasim Ljajic, led a public education campaign for ethnic tolerance, and his "Tolerancija" organization hosted a seminar of youths from around the former FRY. His ministry ran an "SOS" hotline for minorities and others concerned about human rights problems.

Sporadic, ethnically motivated attacks continued in southern Serbia. This region, which encompasses the municipalities of Presevo, Bujanovac, and Medvedja, has the largest concentration of ethnic Albanians in Serbia proper and had been an area of significant ethnic unrest in 2000-01. A strong police presence remained in southern Serbia due, in part, to credible threats of violent acts by radical elements of the ethnic Albanian community. 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 (see Section 1.a.).

The trial of four persons for the 1992 Sjeverin killings was the first trial concerning past government abuses of Muslim citizens of the Sandzak and yielded three 20-year sentences and one 15-year sentence (see Section 1.e.).

There were no reports of violence or harassment against ethnic Hungarians in Vojvodina during the year. However, on September 27, graves were desecrated in a predominantly Hungarian Catholic cemetery (see Section 2.c.). 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.

Roma continued to be targets of numerous incidents of police violence, verbal and physical harassment from ordinary citizens, and societal discrimination. Police often did not investigate cases of societal violence against Roma. In September, police briefly detained two persons for beatings of Roma. HLC filed a criminal complaint in the case; however, the case did not go to court by year's end.

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. Many Roma lived illegally in squatter settlements that lacked basic services such as schools, medical care, water, and sewage facilities. Some of these settlements were located on valuable industrial or commercial sites where private owners wanted to resume control; others were on the premises of socially owned enterprises due to be privatized. There was one report of demolition of a Roma settlement during the year. According to HLC, 52 Roma families were evicted from an illegal settlement in Belgrade on May 19, and bulldozers destroyed their homes. The building inspectors of Cukarica municipality ordered the demolition of the settlement in which approximately 250 Roma, mostly displaced from Kosovo, lived. According to the Human and Minority Rights Ministry, after the Ministry's intervention, the Roma in the Cukarica settlement were allowed to relocate their settlement several hundred meters away from the original site. In the Betonjerka settlement in Belgrade, 29 families (approximately 175 people) were forced to move when the land on which the settlement was located was transferred to an investor. Municipal authorities, in cooperation with the NGO Children's Roma Center, provided alternate housing for the families in several different locations; 13 of the families accepted offers of housing in a building that reportedly had an asbestos problem. Minister Ljajic blocked demolition of a separate settlement in an industrial zone during the year. In July, a Roma family of eight, including an infant, was left homeless when the building residents' committee evicted them from their apartment after it received control of the building from the Stari Grad Municipality.

The Belgrade Municipal Assembly adopted a plan to construct 58 small settlements for socially vulnerable persons, with the objective of resettling some of the Roma from illegal settlements. The Belgrade Municipal Government has obtained the bulk of the funds for the \$15,625,000 (853,750,000 dinars) project, which generated societal resentment due to the perception that Roma were being favored over other homeless populations. The Belgrade Government halted construction of one such settlement after a demonstration by neighbors of the site; the case was in court at year's end. The housing situation for Roma is expected to be aggravated by the return of approximately 50,000 Roma to Serbia, most originally from Kosovo, who were being deported from Germany and Switzerland under bilateral readmission agreements.

In Leskovac and the town of Pozega, Roma reportedly have been refused social welfare services for arbitrary reasons. 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. The Roma Educational Center reported that some Roma IDPs in Nis were mistaken for Kosovo Albanians and subjected to discrimination on that basis.

Some non-Roma refugees and IDPs suffered from discrimination. The HLC reported that the Government did not allow some Kosovo IDPs to redesignate their official places of residence as Kragujevac; this deprived them of health insurance, social welfare, and normal access to schools. The Nis Council for Human Rights reported that the approximately 20,000 refugees and IDPs in the Nis area suffered from "quiet discrimination" in areas such as housing and employment.

Roma education remained a problem, and lack of official documents hindered Roma's ability to receive services available to all other citizens. The UNHCR, with government support, began health education programs for Roma, and catch-up and head-start programs for Roma children. The SaM Government put an emphasis on increasing enrollment of Roma children in school; in November, the SaM Human and Minority Rights Ministry provided scholarships to high-achieving Roma middle school students. During the year, there were 42 Roma children in secondary schools and 41 Roma in universities, compared to 52 for the "history of Yugoslavia," according to SaM Federal Minorities and Human Rights Minister Rasim Ljajic. During the year, the Serbian Government provided scholarships to the Roma university students.

Ethnic Albanian leaders of the southern Serbian municipalities of Presevo, Bujanovac, and Medvedja continued to complain of the under representation of ethnic Albanians in state structures (see Section 3). Implementation of the Covic plan gave southern Serbia's ethnic Albanians proportional representation in the police and control of local governments in municipalities where they constituted a majority. There were no Albanians enrolled in Serbian universities during the year; applicants for the affirmative action program were required to take (not pass) the entrance exam, but none did so because they did not speak Serbian.

Minister Ljajic, a Bosniak, was one of the more visible and influential members of the SaM Government during the year. Bosniaks led local governments in the three majority-Muslim municipalities in the Sandzak region. In Novi Pazar, the municipal government in 2002 gave the Bosnian language official status, as allowed under the Serbian Law on Local Self-Government. All seven Sandzak municipalities—Novi Pazar, Tutin, Sjenica, Pribor, Prijepolje, and Nova Varos—had multi-ethnic municipal assemblies.

Incitement to Acts of Discrimination

Although SaM and Serbian law provide for freedom of the press, political pressure from various factions restricted the independence of the media (see Section 2.a.). In April, Parliament approved the Public Information Law, which bans dissemination of information that incites violence, hatred, or discrimination (see Section 2.a.). Propaganda against "sects" (religions other than the seven "traditional" religions) continued in the press, and religious leaders noted that instances of vandalism often occurred soon after such press reports. According to some sources, the situation was further complicated because one of Serbia's leading experts on sects was a police captain whose works were used in military and police academies. Jewish leaders reported an increase in anti-Semitism in the media. Anti-Semitic hate speech often appeared in small-circulation books (see Section 2.c.).

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of association; all workers, except military and police personnel, have the legal right to join or form unions, and workers did so in practice. In the socially owned state sector, 60 to 70 percent of workers belonged to unions. In the private sector, only 4 to 6 percent were unionized, and in agriculture up to 3 percent. The Alliance of Independent Labor Unions (Savez Samostalnih Sindikata Srbije, or SSSS), formerly affiliated with Milosevic's regime, claimed 1.8 million members, although this number was estimated to be closer to 800,000 in practice. The largest independent union was the United Branch Independent Labor Unions (Nezavisnost), which had approximately 600,000 members. The third largest union was the Association of Free and Independent Trade Unions (ASNS), which had approximately 300,000 members; the ASNS is a member of the ruling coalition, and its leader is Minister of Labor in the Government. Most other independent unions were sector specific and had approximately 130,000 members. The largest among them is the union of the Electric Power Company of Serbia (EPS), with over 20,000 members.

The Criminal Code does not prohibit anti-union discrimination; the trade union Nezavisnost reported a number of cases in which its members were harassed either by employers or by representatives of other trade unions. The Labor Law guarantees freedom of trade union association and activities and stipulates that a trade union can be established without any approval and inscribed in the trade union register kept by the Labor Ministry.

The Social-Economic Council was established in August 2001 on the basis of a tripartite agreement

among the Government, representative trade unions, and an employers' association; during the year, unions suspended participation in the Council, demanding that it be made a more representative Council (inclusion of additional ministries and employer associations) before they return.

Unions could affiliate internationally; however, only Nezavisnost was recognized by the international labor community as completely independent from the Government. Nezavisnost was a member of the International Confederation of Free Trade Unions (ICFTU) and other international unions.

b. The Right to Organize and Bargain Collectively

The signing of collective agreements was not mandatory for employers, a situation which unions complained diminished their role in the system. A union must have 15 percent of employees as members to be eligible to negotiate with an employer, or 10 percent of all employees to negotiate with the Government.

Collective bargaining remained at a rudimentary level of development. Individual unions continued to be narrow in their aims and did not join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (for example, job security protection, minimum safety standards, or universal workers' benefits) on which to negotiate. This highly fragmented labor structure resulted in few improvements in wages or working conditions.

The law provides for the right to strike; however, during the State of Emergency, all strikes, protests, and public gatherings were forbidden. The Law on Strikes restricted the right to strike for employees in "essential service production enterprises," such as education, electric power, and postal services—approximately 50 percent of all employees. These employees must announce their strikes at least 15 days in advance and must ensure that a "minimum level of work" is provided. Security forces did not disrupt any strikes or arrest union leaders during the year.

The independent unions, while active in recruiting new members, did not reach the size needed to mount Republic-wide strikes; however, unions held several strikes during the year. In January, between 4,000 and 5,000 workers of a copper mining and processing company (RTB Bor) protested in their factory and on the streets of Bor, requesting unpaid salaries, better working conditions, and new management capable of providing new contracts. The protest lasted 1 week and was resolved with the visit of Prime Minister Djindjic and Finance Minister Djelic, who showed respect for workers' requests and promised full assistance. Outstanding salaries were paid from the Republic budget and by the company, but sustainable functioning of the company remained a problem. In March, Customs officers, legally restricted from striking, twice stepped up inspections at border crossings, creating 6-kilometer lines at the border to protest for higher wages. The Customs officers' work actions were intended to put pressure on their new superiors in the Government during the transition of services from the federal to republican level. The Government did not agree to the demands, but Finance Minister Djelic managed to moderate the protest.

During the summer, there were a number of major protests. Employees of several republican institutions protested—including employees from some former federal bodies that devolved to the republic level—mostly seeking higher salaries.

The EPS union launched the biggest protest of the summer by withholding certain services from the public; the protest escalated to a 4-day blockade of a major thoroughfare in front of the Parliament, and ended with an agreement between union leaders and the Ministry of Energy.

In August, farmers, farm unions, and some workers caused traffic chaos in several parts of Serbia by blocking roads in protest over various issues, ranging from privatization to overdue crop payments. At the same time, workers of a small agricultural company in Erdevik, in Serbia's northern province of Vojvodina, repeatedly blocked the main highway with tractors and trucks to protest the way the company was privatized.

Public workers, including teachers, health workers, and court assistants, held strikes during the year to seek job security, higher pay, and the regular payment of wages. In general, job security fears due to high unemployment, along with disorganization of private sector trade unions, limited workers' willingness to strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years, although in villages and farming communities it was common to find younger children at work assisting their families. Children—particularly Roma—also could be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers; however, in recent years, this type of labor has been less widespread because adults, lacking other options for employment, have taken many of these jobs. Roma children were often forced by their families into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings (see Section 6.f.). The Labor Ministry's Labor Inspectorate checked for child labor during its inspections, and the Social Welfare Ministry included prevention of child labor in its regular child and family protection programs.

In January, the SaM Parliament ratified the ILO Convention 182 on the Worst Forms of Child Labor.

e. Acceptable Conditions of Work

Large government enterprises, including all the major banks and industrial and trading companies, generally observed the minimum wage standard of approximately \$75 (4,400 dinars) per month. This figure was roughly comparable to unemployment benefits and, at least theoretically, was paid to workers who had been placed in mandatory leave status. The minimum wage was insufficient to provide a decent standard of living for a worker and family. For example, the cost of food and utilities for a family of four was estimated to be \$200 (12,000 dinars) per month. Private enterprises used the minimum wage as a guide, but tended to pay slightly more than the minimum wage.

Reports of sweatshops operating in the country were rare, although some privately owned textile factories operated under very poor conditions. According to Nezavisnost member Rastislav Canak, most of these factories were located in private houses in rural parts of Sandzak, making detection and enforcement difficult.

The official workweek of 40 hours was generally respected in state-owned enterprises but not in privately owned companies. According to the Labor Law, an employee may not work overtime for more than 4 hours in 1 day or for more than 240 hours within 1 calendar year. Payment of overtime was regulated by collective agreements.

In February, the Labor Ministry reorganized the Labor Inspection Department and announced openings for 500 new inspectors. It was mandatory for each company to establish a Safety and Security Unit in charge of implementing safety and security regulations; however, in practice, these units were often focused on rudimentary aspects of safety, such as purchase of soaps and detergents, rather than on providing safety equipment for workers. By some estimates, there were 20,000 workplace injuries annually in Serbia, with approximately 100 fatalities. Because of the competition for employment and the high degree of government control over the economy, workers who left hazardous work situations risked unemployment.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons remained a problem. On April 11, the criminal code was amended to include trafficking in persons as a criminal offense. Previously, authorities used laws against kidnapping, slavery, smuggling, and mediating prostitution to apprehend traffickers. The penalty for the new offense of trafficking is imprisonment of 1 to 10 years for a single offense, 3 to 40 years for multiple offenses, and 5 to 40 years if a minor is involved or if a victim is killed.

The Government reported having arrested an estimated 30 persons running trafficking operations during the year, almost all during the State of Emergency. No cases brought under the new trafficking law had reached trial phase by October 1; however, convictions were obtained on related charges during the year. Police officers were instructed how to distinguish trafficking victims from prostitutes and illegal migrants, and when police believed that a possible trafficking victim had arrived at the detention center for foreigners, they summoned the International Organization for Migration (IOM) to make a formal identification. The Government reported that 200 police officers had received anti-trafficking in persons training, which has been incorporated into the regular syllabus for officers. Police assisted in international investigations of human trafficking.

The country served as a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women and girls for the purpose of sexual exploitation. Serbia was primarily a transit country for internationally trafficked women going to Kosovo, Bosnia and Herzegovina, and Western Europe. The primary source countries for trafficking in persons were Moldova, Romania, Ukraine, Russia,

and Bulgaria. In 2002, the IOM estimated that between 6,000 and 7,000 women were trafficked through Serbia. Since January, the IOM has seen far fewer trafficked women in Serbia, but it is not clear to what extent this trend reflected a decline in trafficking and to what extent it was due to other factors, such as better concealment after regional anti-trafficking operations in 2002. No reliable estimate existed on the number of women controlled by human traffickers in the country. Serbia did not traditionally serve as a major source country for trafficked women, but poor economic conditions have increased Serbian women's vulnerability to traffickers, particularly for Roma. Trafficking in children for use in begging or in theft rings was a problem among Roma.

Recruitment devices included advertisements for escort services, marriage offers, and offers of employment. Often women knowingly went to work as prostitutes and later, once they left their country of origin and were in the hands of traffickers, discovered that they were prisoners. There was anecdotal evidence that after anti-trafficking operations in 2002 some traffickers began treating trafficked women slightly better, providing a small amount of money and permitting some freedom of movement and contact with family. Women were recruited, transported, sold, and controlled by international organized crime networks. The central point in Serbia for holding and transferring trafficked women was Belgrade.

There were no reports of government officials condoning or participating in trafficking in Serbia, but trafficking in Serbia could not take place without the cooperation of at least some police, border guards, and minor officials. No police, including border guards, were arrested for facilitating trafficking during the year; however, in 2002, 12 police officers who were providing security at venues where trafficked women were present were arrested during raids. Criminal charges were filed against one of the officers, and the others were fined, suspended, or fired.

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 OSCE, and two local NGO's—Astra, which was dedicated exclusively to the fight against trafficking and ran a trafficking victim's hotline and 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. The IOM also assisted in the reintegration of 10 local victims during the year. In 2002, the IOM opened a regional clearing center for information on trafficking victims, which operated in Government-donated offices in Belgrade. An anti-trafficking police team was established for each police district.

KOSOVO

Kosovo is administered under the civil authority of the U.N. Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council (UNSC) Resolution 1244. UNMIK and its chief administrator, the Special Representative of the Secretary General (SRSG), established a civil administration in 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Yugoslav and Serb forces. In 2001, UNMIK promulgated the Constitutional Framework for Provisional Self-Government in Kosovo (the Constitutional Framework), which defined the Provisional Institutions of Self Government (PISG). The PISG is made up of the 120-member Kosovo Assembly, which in 2002 selected Ibrahim Rugova as President of Kosovo and Bajram Rexhepi as Prime Minister, as well as other government officials. Kosovo has a multi-party system with three dominant mono-ethnic Albanian parties and several minority parties and coalitions. In 2002, municipal elections were held which were well organized, peaceful, and met international standards.

UNMIK has issued regulations to address the civil and legal responsibilities of governmental entities and private individuals, and promulgated laws passed by the Kosovo Assembly. UNMIK regulations bind all public officials, including judges, to respect international human rights law. The Constitutional Framework provides for an independent judiciary; however, both the international and local judiciary continued to be, at times, subjected to bias and outside influence, particularly in inter-ethnic cases.

The U.N.-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. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), continued to train and develop its disaster response skills, and undertook humanitarian projects. While the UNMIK international civilian authorities and KFOR generally maintained effective control over security forces, there were instances in which elements of the security forces acted

independently of their respective authority. Some members of security forces committed human rights abuses.

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. Kosovo had an estimated population of 1.7 million. Gross domestic product grew by 2 percent during the year and almost 60 percent since 2000. Major industries had not reopened and the economy remained stagnant; UNMIK began a privatization program that experienced setbacks during the year. There was significant criminal economic activity. Unemployment estimates ranged from 50 to 60 percent among ethnic Albanians and higher among Kosovo Serbs and other ethnic communities.

UNMIK and the PISG generally respected the human rights of Kosovo's residents; however, there were serious problems in some areas. Several killings resulted from attacks that appeared to be politically motivated. There were some deaths and injuries resulting from landmines and particularly unexploded ordnance, but fewer than in previous years. There were some kidnappings. UNMIK's efforts to continue exhumation of gravesites and to pursue identification of remains improved during the year. There were allegations that KFOR and CIVPOL, at times, used excessive force. Twelve KPC members were suspended after an UNMIK-KFOR investigation found that they materially supported criminal activities. Lengthy pretrial detention was a problem; it continued to be used routinely in criminal cases, although the measure was intended to be used only in extraordinary circumstances. The judiciary did not always provide due process.

Media organizations criticized UNMIK regulations prohibiting articles that might encourage criminal activity or violence as an infringement on freedom of speech and of the press. UNMIK occasionally limited freedom of assembly and forcibly disrupted some violent demonstrations. Religious and ethnic tensions and violence persisted. Freedom of movement for ethnic minorities, particularly Kosovo Serbs, continued to be a serious problem; many of the approximately 100,000 Kosovo Serbs who remained in Kosovo continued to live in the north or in enclaves under the protection of KFOR. Of the more than 225,000 members of ethnic communities (including approximately 170,000 Kosovo Serbs and 25,000 Roma) displaced after June 1999, few returned to Kosovo due to concerns about security, freedom of movement, and lack of employment opportunities. Despite this, efforts to facilitate internally displaced person (IDP) returns improved during the year. Some international agencies and nongovernmental organizations (NGOs) continued to organize small-scale return projects.

Violence and discrimination against women remained serious problems. Persons with mental and physical disabilities faced considerable social discrimination and lacked access to adequate social and health services, despite some efforts to improve facilities and security. The level of violence against Kosovo Serbs remained largely constant with several prominent and brutal incidents receiving widespread attention. None of the perpetrators of Serb killings with a presumed ethnic motivation were arrested during the year, causing considerable concern within the Serb community. Child labor increased as more poor rural families moved to cities. Trafficking in persons, particularly women for forced prostitution, remained a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by UNMIK, the PISG, KFOR, or their agents.

On February 1, Pristina District Court sentenced an UNMIK police officer, John Atanga, to 1 year in prison for negligent homicide after running over two persons with his vehicle in 1999.

During the year, police recorded 72 killings; 2 more than in 2002 (see Section 5). Some killings may have been politically motivated, particularly because some of the victims were either political party officials or connected with high-profile political activity; however, such cases significantly decreased from 2002.

On August 19, UNMIK CIVPOL officer, Satish Menon, was killed when a sniper fired on his vehicle with an automatic weapon. The case remained unsolved at year's end. On September 9, KPS officer, Hajdar Ahmeti, was killed in an ambush by unknown persons while returning home from duty near Erenik river. Police conducted a raid at a residence of the village of Berjahe, Gjakova and arrested three suspects for Ahmeti's murder; however, the trial had not begun at year's end. On September 10, an attempt to kill KPS serious crimes investigator, Fadil Sylevici, failed; however, his associate, Agim Makolli, was killed in the ambush. Sylevici testified on June 17 in the trial of Rustem Mustafa, or "Commander Rremi," that resulted in the war crimes convictions and sentencing of a total of 45 years of imprisonment for four former KLA members, including Mustafa, who was also a former KPC zone commander (see Section 1.e.). On

November 24, unknown assailants killed two KPS members, Sebahate Tolaj and Isuf Haklaj, of the Peje/Pec Regional Serious Crimes Unit while driving to work; both were subordinates of Tahir Zemaj during the war, and were officially investigating Zemaj's case.

Several witnesses in high profile cases were killed or attacked during the year, underscoring the lack of an adequate witness protection program. Two witnesses in the Dukagjini group case were killed, Tahir Zemaj on January 4 and Ilir Selimaj on April 14. Additionally, several witnesses survived attempted killings, including Dukagjini group witness Ramiz Muriqi, and KPS member and Rremi group witness Fadil Sylevic. It was widely speculated that several KPS officers were murdered as a result of their investigative work in some unsolved high profile crimes, including KPS officer Hajdar Ahmeti on September 7, and two KPS officers from Peja Regional Serious Crimes Unit, Isuf Haklaj and Sabahate Tolaj, on November 24.

On March 24, the 2002 trial of former KLA officer Sali Veseli and three other suspects for the 2000 murder of former KLA commander Ekrem Rexha, known as "Commander Drini," concluded. The court found Sali Veseli guilty of inciting the murder and sentenced him to 10 years' imprisonment; the court sentenced, Xhemajl Beqiraj to 1 year in prison, Halil Cadraku to 2 years and 6 months in prison for possession of arms without permission, and released Abit Haziraj.

Following the 2002 convictions of five former senior members of the KLA, two key witnesses in their trial were killed in two separate incidents. Tahir Zemaj, a former commander of the now-defunct guerilla army and KLA rival Armed Forces of the Republic of Kosovo (FARK), his son and his nephew were killed on January 4. Ilir Selimaj, a former member of the defendant's KLA unit, and his pregnant sister-in-law were killed on April 14.

No arrests were made by year's end for the 2002 killing of Smajl Hajdaraj, an LDK member of the Kosovo Assembly. In the 2002 killing of Uke Bytyci, LDK Mayor of Suhareke/Suva Reka municipality, in which his two bodyguards, Bajram Bytyci and Bahtir Bajrami were also shot, the Court of Prizren found Jetullah Kryeziu guilty and sentenced him to 20 years and 6 months in prison; the court sentenced Mentor Kryeziu to 5 months in prison for hiding the weapon. By year's end, no charges had been filed against the several suspects that were arrested in 2002 for the 2001 killing of Bekim Kastrati, a journalist with the LDK-linked newspaper, Bota Sot, and LDK bodyguard Besim Dajaku.

There were no developments in several murders from previous years, including the following from 2001: The murder of Ismet Rraci, LDK branch president and president of Kline/Klina Municipal Assembly; the killing of Ahmet Balaj, an LDK committee member in Mitrovica; the killing of Qerim Ismaili of the Kosovo Democratic Initiative; and the shooting of two brothers, one of whom was a bodyguard of the mayor of Istog/Istok municipality.

There were a number of assaults and killings of ethnic Serbs during the year, including those perpetrated by other Serbs (see Section 5).

Land mines and unexploded ordnance (UXO) from the 1999 conflict remained a problem, particularly in rural areas; however, fatalities decreased from previous years. During the year, UXO or mines killed 3 persons and injured 16, compared with 8 fatalities and 8 injuries in 2002. UXO, particularly the remains of NATO cluster bombs, was the main threat; KFOR patrols continued to find UXO almost daily basis.

Domestic Courts and the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to adjudicate cases arising from crimes committed during the 1998-99 conflict (see Sections 1.e. and 4).

b. Disappearance

There were no reports of politically motivated disappearances. However, there were accusations of inter-ethnic, politically motivated kidnappings and attempted kidnappings.

On August 6, four armed persons kidnapped 11 Kosovo Albanians at a picnic in the mountains of Istog and asked for an explanation as to why the sale of Serb property was being impeded in the Istog municipality. A ransom was initially demanded, but they were later released. In September, a 12-year-old Serb girl in the village of Dobratin claimed that several ethnic Albanians attempted to kidnap her, and several days later a 23-year-old Serb woman made a similar claim; however, subsequent investigations by KFOR, CIVPOL, and KPS concluded that these two incidents were staged or fabricated.

The UNMIK Office of Missing Persons and Forensics (OMPF) developed a more unified, coordinated effort on missing persons in Kosovo. Despite some frictions, OMPF signed a memorandum of understanding with the International Commission for Missing Persons (ICMP) defining technical procedures for DNA analysis, coordinated with the CIVPOL Missing Persons Unit on investigations and exhumations. OMPF also made considerable progress in reforming the forensic system in Kosovo, creating and equipping a

new forensic facility. OMPF created an outreach office in Belgrade to facilitate close cooperation with Serb authorities and increase transparency. On May 8, 37 bodies composed the first group of human remains transferred from Serbia, followed by further transfers of 22 on June 12, 43 on July 23, 40 on October 16, and 44 on December 5. On January 9, the PISG established the Government Commission on Missing Persons, which increased in prominence at year's end as it assembled the Pristina delegation for direct talks on missing persons with the Government of Serbia and Montenegro.

There were approximately 3,600 missing persons at year's end, of whom approximately 75 percent were Albanian and approximately 25 percent were Serb or from other ethnic groups. From 1999 through year's end, 4,638 remains of individuals were exhumed or re-exhumed for identification, including 619 during the year. At year's end, there were no remaining forensic examinations to be performed; however, there may be additional sites. During the year, OMPF received 365 DNA results, including 277 positive matches; 114 corroborated previous presumptive identifications through traditional methods, 48 were negative results, and 40 were duplicates. OMPF identified, returned to families, and issued death certificates for 387 mortal remains, of which 331 were Albanians and 56 were of other ethnicities, including Serbs. In some cases, this process was slowed by disagreements with family members over characterization of the time and cause of death. The Serbian Authorities returned 187 identified bodies for which OMPF performed forensic inspections.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The law prohibits such practices; however, there were reports that CIVPOL, KPS, and KPC, at times, used excessive force or harassed persons.

On June 19, CIVPOL was accused of using excessive force against the Serb medical staff, patients, and surrounding population, while trying to take over the Medical Clinic in Fushe Kosove/Kosovo Polje, vacated by KFOR. Also in June, Pristina Hospital medical staff accused CIVPOL members of mistreating mental patients from Dubrava Prison. On August 6, at the warden's request, the Kosovo Ombudsperson (OI) visited these patients to establish whether there was any abuse of their rights. The OI sent letters to the UNMIK Police Commissioner and to the head of UNMIK Police and Justice (Pillar I) but was not satisfied with their responses.

On October 7, a former CIVPOL officer, Martin Almer, was sentenced to 3 years in prison, and two former KPS officers, Feriz Thaqi and Isa Olluri, were sentenced to 6 months in prison for causing minor injuries, forcing Gezim Curri from Gjakova to give a false statement, and for physical abuse. Almer returned to his home country immediately after the incident in February 2002 and was later sentenced in absentia.

Some KPC members were responsible for incidents of intimidation and extortion, and in several zones such misconduct may have been organized and condoned by the local KPC leadership. Some KPC members were directly involved with the violent criminal activities of the so-called Albanian National Army (AKSh). Most notably, on April 12, a KPC member was one of two persons killed when a bomb they were placing on the Loziste railway bridge in Zvecan Municipality detonated prematurely. Following this incident, in May UNMIK cancelled all KPC activities and trainings outside of Kosovo, and KPC Commander Agim Ceku suspended several KPC members suspected of involvement in illegal activities; however, the decision was later revoked. In December, 12 KPC members were suspended with pay for 6 months after an UNMIK-KFOR investigation found involvement in criminal activities; investigations into their alleged wrongdoing continued at year's end.

In June, UNMIK Police detained two KPC members, Beqir Prokshi and Sami Kodra, suspected of harassing a civilian on June 17; the two were later released. A number of KPC members were arrested for crimes against other Kosovo Albanians, resulting in charges that former KLA members were being targeted. Despite these incidents, in general KPC discipline improved and reports of intimidation were less common.

There were some reports of attempted intimidation of UNMIK, OSCE, KPC officers, and KFOR officials. In July 2002, six explosions took place in Klokot and one in Balance, injuring two KFOR soldiers. The investigations into both incidents continued at year's end.

Early in the year, UNMIK disbanded the Kosovo Serb paramilitary group known as the "Bridgewatchers"; however, Albanians in Mitrovica claimed its members continued to operate on and around the boundary between north and south Mitrovica as part of other organizations (see Section 5). Former members of the Bridgewatchers were allegedly involved in inter-ethnic violence in Mitrovica. There were reports that a group of Serb extremists in north Mitrovica called "Pit Bulls" were linked with the former Bridgewatchers, and may have coordinated the December attack on Prime Minister Rexhepi and the World Bank delegation (see Section 5). Other reports alleged that the group was led by Marjan Ilincic, a former leader of the Bridgewatchers, who was wanted by police for an attack against Polish police and other persons (see Section 5).

Prison conditions generally met international standards; however, overcrowding, lack of adequate recreation facilities, and the need for repairs remained problems. UNMIK administered six low and medium security prisons in Kosovo: Pristina, Prizren, Mitrovica, Peja, and Gjilan. There were approximately 1,250 persons in prison at year's end. In September, a new correction center opened in Lipjan with a capacity of 140 inmates, most of whom were juveniles, persons with mental disabilities, and women. There were a few allegations of mistreatment by prison guards.

Prisoners conducted hunger strikes during the year, mostly protesting conditions in the facilities. On September 4, prisoners at Dubrava Prison rioted and barricaded the doors of one prison block in protest of poor living conditions. After prison guards attempted to enter the block, the prisoners started a fire, which led to 5 deaths, 17 injuries, and loss of 400 spaces for prisoners. UNMIK established an independent commission and criminal investigation into the incident, which concluded that the riot was caused primarily by low morale and frustration resulting from insufficient training of local correctional staff, inadequate hygienic facilities, intermittent water supplies, and a lack of educational and recreational activities in the prison. The Commission also pointed to procedural flaws in response to the fire and structural deficiencies in the prison building, lack of adequate contingency planning, ill-defined command responsibility, and inadequate training and equipment for fire-fighting and evacuation, which increased the damage of the incident.

The OI criticized the treatment of prisoners with mental disabilities guarded by the UNMIK police in Pristina hospital. UNMIK built separate detachments for these prisoners in hospitals in Peja and Prizren; however, Pristina hospital authorities had not permitted the same facilities to be constructed.

Male and female prisoners were held separately. Debrova prison held youth offenders between the ages of 17 and 21; they were separated from adult inmates. There was one medium security prison referred to as a "correctional and educational institution" that held juveniles under the age of 18, and women. Pretrial detainees were generally held separately from convicted criminals.

KFOR dismantled its detention facility at Camp Bondsteel previously used for persons accused of war crimes, serious ethnic offenses, and political violence, including armed extremism, but maintained the ability to detain such prisoners. The KFOR Commander (COMKFOR) issued an extrajudicial executive detention order for Shefket Musliu, who was awaiting trial at year's end. The SRSG also had this authority, but did not exercise it during the year.

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 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.

d. Arbitrary Arrest, Detention, or Exile

UNMIK regulations prohibit arbitrary arrest and detention; however, these prohibitions were not always observed in practice. Police may detain criminal suspects 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. Some judges also complained that CIVPOL did not always bring detainees before them by the expiration of the 72-hour period even when they intended to charge them, and such cases were dismissed.

A Commissioner of Police, part of the UNMIK Police and Justice Pillar 1, directed both the CIVPOL and the KPS. The combined force was generally effective, and CIVPOL continued to gradually transfer authority to KPS; KPS tended to be more effective at the station level than at the regional level. Minority membership in the KPS has improved considerably, partly due to the hire of former Serb Minister of Interior officers in the Serb-majority northern municipalities. However, minority membership in the KPS continued to be a problem despite KPS efforts to recruit members from non-Albanian ethnic communities. Approximately 132 of the 3,000 active duty (approximately 4 percent) KPS members were from ethnic minority communities, including 32 Serbs (approximately 1 percent).

Corruption within the security forces was a problem, particularly among KPS border police. However, structures were in place to deal with corruption, including a Professional Standards Unit that monitored KPS and CIVPOL, a U.N. Office of Oversight that investigated corruption in the U.N., and a criminal justice system that effectively prosecuted criminal offenses by police. On September 12, two Ukrainian KFOR soldiers and two Albanians were caught smuggling approximately \$36,000,000 (28 million euros) worth of cigarettes across the border. On October 20, six customs officers were suspended as the result of police investigations conducted at several customs points. In November, two Serb KPS members were arrested on bribery charges for taking money from a villager in Verboc, Viti municipality, to illegally cut wood in the nearby forest. There were no specific plans to reform the police beyond the training programs already in

place, and the transfer of authority to KPS continued to be monitored closely. KFOR also provided extra security on the border with Macedonia, Albania, and the administrative boundary line between Kosovo and Serbia.

Arrest warrants were issued and executed in an open manner by civilian authorities. KFOR did not require arrest warrants; however, the detention process by KFOR was transparent. Under the Criminal Code, detainees have the right to be informed of charges against them, to a lawyer of their choosing during the full course of criminal proceedings, access to family members, and the use of bail. Detainees were only provided an attorney for the most serious offenses for which a "mandatory defense" is required, and may be provided an attorney for some charges that could result in prison sentences exceeding 3 years.

UNMIK regulations permit pretrial investigative detention of 6 months, with extensions in serious cases of up to 1 year. Although pretrial detention was intended to be used as an extraordinary measure, it has been ordered routinely in almost all serious criminal cases; however, the application of this measure decreased during the year. Approximately 550 persons were in pretrial detention (45 percent of the total prisoners in Kosovo facilities) at year's end. Judges often ordered pretrial detention at the beginning of the investigation, when little evidence had been developed. This authority was available to judges only if the identity of the defendant could not be determined, if there was a risk that the defendant would tamper with evidence or intimidate witnesses, if the defendant is likely to repeat the criminal act, or if the criminal act is punishable by 10 or more years' imprisonment. The main reason for its use was a lack of civil documents with correct addresses. Police unable to verify the identity of suspects were obliged to detain them. The more frequent use of bail reduced the number of pretrial detainees. UNMIK established a commission to compensate persons held in detention who were later found not guilty.

In some instances, the COMKFOR intervened to continue the detention of persons not charged with a crime or ordered released by the courts, but deemed an ongoing security threat; however, no abuses of this power were reported. COMKFOR may extend the period of detention in increments of 30 days.

There were no reports of political detainees, although some Kosovo Serb defendants in war crimes cases and some former KLA members asserted that they were being held for political reasons.

The law prohibits forced exile, and there were no reported instances of its use.

e. Denial of Fair Public Trial

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. Some local judges also lacked basic legal skills needed to conduct investigations or trials. Courts suffered from lack of supplies, equipment, and administrative management. Foreign governments and the Organization for Security and Cooperation in Europe (OSCE) organized numerous training programs for prosecutors and defense counsel to improve advocacy skills during the year.

The court system includes a Supreme Court, 5 District Courts, 24 Municipal Courts, and a Commercial Court. At year's end, there were 323 judges in Kosovo, of which 6 percent were Serbs and 5 percent were from other minority ethnic groups. There were 53 Prosecutors at year's end, of which 4 percent were Serbs and 6 percent were from other minority ethnic groups. The Minor Offenses Courts structure includes a High Court of Minor Offenses and 25 Municipal Minor Offenses Courts. The 24 Minor Offenses Court are separate from the Municipal Courts, and primarily handle cases that involve public safety and order violations and mandatory traffic offenses. The judicial corps in the Minor Offenses court structure includes 108 judges. Out of 293 judges, 250 were Kosovo Albanian, 23 were Kosovo Serbs, and 20 were from other ethnicities.

International judges and prosecutors, appointed by UNMIK, handled inter-ethnic and other sensitive cases, through each of the five district courts of Kosovo. International judges were also assigned to the Kosovo Supreme Court; there were 17 international judges and 10 international prosecutors at year's end. The international judiciary reported to and was managed by the UNMIK Department of Justice, which was under the authority of the SRSG. The local judiciary reported to the local Supreme Court and Chief Prosecutor of Kosovo. However, the international prosecutors could hear any case they deemed appropriate.

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. The judicial system faced the problem of a lack of staff; for example, the Pristina district prosecutor's office only had 5 prosecutors for all of Pristina.

Approximately 12 UNMIK-appointed international judges and 5 international prosecutors worked in the District and Supreme Courts. UNMIK regulation authorizes the SRSG to assign international judges and/or prosecutors to any case where there is doubt about the independence or impartiality of the judiciary or the

proper administration of justice. International judges and/or prosecutors have handled approximately 3 percent of all judicial cases, including some of the most sensitive cases relating to organized crime, inter-ethnic violence, and war crimes. In some instances, local judges refused to sit on panels with a majority of international judges for fear the community would hold them accountable for unpopular verdicts and subject to intimidation.

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. In consultation with the Kosovo Judicial and Prosecutorial Council (KPJC), the SRSG continued to appoint candidates during the year; however, there were some difficulties. The Kosovo Judicial and Prosecutorial Council submitted a list of 42 recommended judicial candidates to the Kosovo Assembly (19 Albanians, 21 Serbs, 1 Bosniak, and 1 Gorani); however, the Kosovo Assembly failed to submit its list of recommended candidates to the SRSG, so the SRSG appointed the 42 candidates without the Assembly's endorsement.

Courts in Serbia and "shadow" courts operating in some Serb enclaves in Kosovo continued to handle cases; personnel in these parallel courts were paid by the Serbian Justice Ministry. A 2002 agreement between UNMIK and the Serbian Government was supposed to end the practice of double salaries for Serb personnel in Kosovo courts; however, personnel within the parallel courts continued to receive double wages.

Trials are public, and the law provides for the right of defendants to be present at their trials, to confront witnesses, to see evidence, and to have legal representation, at public expense if necessary. Defendants are presumed innocent until proven guilty and have the right of appeal. There is no jury; cases are heard by professional and lay judges. During the first half of the year, courts had provided legal representation free of charge to over 250 defendants in criminal cases. There were approximately 300 licensed attorneys in Kosovo.

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.

UNMIK regulation defines applicable law in Kosovo to include both UNMIK regulations and legal codes in effect as of March 1989, when Kosovo lost its autonomy. Local legal and judicial personnel are required to first apply the Kosovo code in effect in 1989, then to use sections of the Yugoslav and Serbian codes that are deemed nondiscriminatory to the extent the first code was incomplete. On July 6, 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 not expected to be implemented until April 2004.

UNMIK regulations bind all public officials to respect international human rights laws and conventions; however, they were initially unacquainted with these laws. To enhance the familiarity of judges and prosecutors with applicable law in Kosovo, international organizations and NGOs implemented programs to increase awareness and application of international human rights laws and conventions. UNMIK, through the OSCE, established the Kosovo Legal Center in 2000 to cultivate the professional skills of the legal community. In addition to publishing four compilations of applicable law to facilitate access to legislation, the Center worked with the law faculties to improve curriculum and teaching standards and held seminars and workshops for the legal community.

The defense bar, the Kosovo Chamber of Advocates, was weak and disorganized, but efforts by the international community brought some improvement. The OSCE established a local NGO, the Criminal Defense Resource Center (CDRC), to assist the defense bar in capacity-building. NGOs and international donors conducted trainings on advocacy, practical skills, and international human rights law. The Kosovo Chamber of Advocates, funded by the European Agency for Reconstruction, conducted a legal aid program, primarily for civil and administrative law matters. Some Kosovo Serb lawyers participated in the judicial system; the Serbian Bar Association continued to provide free legal assistance for Kosovo Serb defendants in Kosovo. In addition, the OSCE provided logistical support such as transportation to Serb attorneys that represented Serb defendants in Kosovo courts due to security concerns. There was no denial of legal representation for Serb defendants during the year.

The lack of a tracking mechanism to identify cases from arrest through closure was an obstacle to determining which police investigations the District Prosecutor pursued. Substantial case backlogs from previous years continued to affect the criminal system. At year's end, the criminal caseload in Kosovo Municipal courts included 187,982 new cases, with 61,713 cases pending from 2002, and District courts

received 14,292 new cases, with 5,905 cases pending from 2002. Kosovo Municipal courts completed 167,795 criminal cases, the vast majority of which were petty crimes and crimes against property; most resulted in fines or prison sentences under 6 months. District courts completed 11,151 cases.

Kosovo's investigative, judicial, and penal systems, in addition to the ICTY (see Section 4), continued work to identify and punish perpetrators of war crimes from the 1999 conflict; however, many cases remained unresolved. There were no significant problems with domestic war crimes trials, which are presided over by international judges and prosecutors in local venues; however, the lack of witness protection was a consistent problem in many trials (see Section 1.a.).

Proceedings continued in Kosovo courts to adjudicate approximately 32 cases of alleged war crimes and genocide arising from the conflict. The courts tried four cases of war crimes during the year. The Prizren District Court tried the Kolasinac case, found the defendant guilty of war crimes, and sentenced him to 8 years in prison; the defense filed an appeal. The Gjilan District Court tried the Trajkovic case and found the defendant not guilty of war crimes, but guilty of murder, attempted murder, and illegal possession of weapons. He was sentenced to 3 years and 3 months in prison; however, his 3 years of pretrial detention virtually cancelled out the sentence. The Peja District Court found Milorad Besovic not guilty of war crimes, but guilty of murder, and sentenced him to 7 years in prison. The Pristina District Court tried the Lapi Group in which four people were found guilty of war crimes, including Rustem Mustafa (Rremi) and Latif Gashi, who were sentenced to 17 years and 10 years in prison respectively. On October 27, UNMIK police arrested five former KLA members on war crimes charges. An international investigative judge was conducting the investigations while the suspects remained in pretrial detention at year's end.

There was evidence that Kosovo Albanians in several ethnically mixed areas used violence, intimidation, and offers to purchase at inflated prices in order to break up and erode Kosovo Serb neighborhoods through strategically targeted property purchases. A number of the cases of violence against Serbs may have been attempts to force persons to sell their property (see Section 5). There were also reports that the Coordination Center for Kosovo (CCK), funded by the Government of Serbia and Montenegro, funded the purchase of homes in Albanian enclaves in North Mitrovica.

An UNMIK regulation prevents the wholesale buy-out of Kosovo Serb communities and combats the intimidation of minority property owners in certain geographic areas; however, it was rarely implemented in practice. The regulation mandates that Municipal Administrators approve every proposed sale of property (excluding agricultural land) between Kosovo Serbs and other minority groups to Kosovar Albanians. UNMIK did not fully implement this law during the year, since the evaluation of each case was time consuming and many Kosovo Serb owners were unable or unwilling to cooperate. Some municipalities were excluded from this regulation at their request. The OI and human rights groups criticized the regulation as limiting the ability of Kosovo Serbs to exercise their property rights.

During the year, the Housing and Property Directorate (HPD) shifted its focus to incorporate returns into its previously exclusive focus on property law implementation, evicting illegal occupants and returning property to the rightful occupants. Since the arrival of a new director in October, HPD significantly improved its ability to process claims. The reorganized HPD received and adjudicated property claims, produced legally binding decisions, evicted illegal occupants, restored property to the rightful occupants, and administered property on behalf of owners not in Kosovo. During the year, the HPD resolved approximately 227 claims per week and carried out an average of 12 evictions of illegal occupants per week, for a total of approximately 600 evictions. During the year, the HPD established a call center for notifying successful claimants, and used it to notify approximately 1,500 claimants. By year's end, the HPD had collected 28,832 of an estimated 70,000 claims and adjudicated 12,178 of these claims.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and UNMIK authorities generally respected these prohibitions in practice; however, a few individuals and local NGOs accused KFOR of using excessive force in executing searches in private homes.

In November, the OI wrote to the Deputy SRSG for Police and Justice to complain about the behavior of the police when searching houses, persons and premises, and when confiscating personal property as evidence in legal proceedings without search warrants.

An UNMIK regulation on Covert and Technical Measures of Surveillance and Investigation permits police to conduct covert operations with the prior written approval of an investigative judge or public prosecutor; no abuses were reported during the year.

Respect for private property rights continued to be problematic, and inter-ethnic property disputes stemming from the 1999 conflict continued to be among the most serious obstacles to ethnic reconciliation (see Section 1.e.). 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. A local initiative to allow access to property on both sides of the Ibar River in Mitrovica resulted in little progress. There were 13 evictions of illegal occupants in the southern or Albanian side; 1 on the northern or Serbian side when another Serb IDP replaced the evicted IDP.

Section 2 Respect for Civil Liberties:

a. Freedom of Speech and the Press

UNMIK regulations provide a framework for recognition of the rights to freedom of speech and of the press, and UNMIK and the PISG generally respected these rights in practice.

UNMIK regulations prohibit hate speech and speech that incites ethnic violence, as well as newspaper articles that might encourage criminal activity or violence; some local and international media observers criticized this as an infringement of freedom of the press. Otherwise, individuals were not prevented from publicly or privately criticizing the UNMIK administration or the PISG.

Most print and electronic media were independent but regulated by UNMIK. In general, print media did not have a large circulation, so the influence of electronic media on the population was far greater. 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. An economic-themed Albanian weekly started but was published in Switzerland. Two Serbian language magazines, Jedinstvo and Glas Juga, were published in Kosovo. The Bosniak weekly Alem was printed in Kosovo.

At year's end, there were 88 radio and 23 television stations in Kosovo. Of these, 46 radio and 15 television stations broadcast only in Albanian, 33 radio and television stations broadcast in Serbian, 2 radio stations broadcast in Turkish, 3 radio stations broadcast in Bosniak, and 1 radio station broadcast in a combination of Gorani and Bosniak. There were 3 multi-ethnic radio stations and 1 television station, while there were 14 radio stations and 1 television station broadcasting in more than one language. In total, four radio and three television stations broadcast Kosovo-wide.

One Albanian language electronic media outlet, Radio Television of Kosovo (RTK), was partially publicly funded. Additionally, the Government of Serbia funded two independent broadcast stations and several publications for Kosovo's minority communities. Neither UNMIK, PISG, nor donor countries exercised editorial control over these media outlets.

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. The TMC was responsible for publishing a broadcast code of conduct, issuing licenses, and imposing sanctions up to and including closing down offending media organs in the event of violations of UNMIK regulations or published codes of conduct; however, the TMC believed the codes need to be updated because they were hastily drawn up more than 3 years ago and have not been updated to reflect changing conditions in Kosovo. Also, they fail to adequately protect the privacy of children and crime victims.

The Constitutional Framework provides for an Independent Media Commission (IMC) and a Board of the Public Broadcaster independent of the PISG. UNMIK worked with the PISG to establish an IMC, laying the groundwork to transition the TMC to an IMC and the establishment of a Board of Public Broadcasters. However, the agreement establishing an IMC was not finalized by year's end. In the interim, appointments to the TMC Media Appeals Board continued. In 2002, the Kosovo Assembly announced the formation of a "Committee on the Media"; however, it was not yet active by year's end and had unclear responsibilities. There were three associations of journalists in Kosovo, but only one, the Association of Professional Journalists of Kosovo, claimed Serbs among its members.

The TMC Media Appeals board received 27 complaints during the year, and held 2 Media Hearing Board sessions. While most print and broadcast media followed accepted journalistic principles, there were some exceptions.

The TMC received no complaints of threats or attacks against journalists; however, there was one reported case. On September 5, 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. There was no official investigation; however, the TMC concluded that the RTK journalists were unnecessarily confrontational in their efforts to pursue a story.

On January 21, as a result of threats made against the daily newspaper 24 Ore, the paper suspended operations. The daily never restarted, although anecdotal evidence suggested that this was due to financial problems.

UNMIK regulations prohibit the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise; however, these regulations were not used to stifle criticism of UNMIK, the PISG, or political figures. Complaints of libel were addressed by the TMC; however, the TMC expressed concern that libel should not be included in the new Criminal Code; rather, defamation law should be confined to the Civil Code.

In September, the TMC publicly reprimanded the daily newspaper Bota Sot for its failure to correct "baseless speculation" in its coverage of the attack on Serb children at Gorazhdevac (see Section 5). In another case, Bota Sot also revealed the name of a father who assaulted his child, thereby indirectly revealing the name of the child, despite laws protecting minors in such circumstances. Bota Sot was fined twice during the year, on March 6 for publishing an article against Peja businessman Ekrem Lluka and Minseter Et'hem Ceku, and on September 26, for publishing a misleading photograph and related allegations regarding Baton Haxhiu, the head of the Association of Professional Journalists of Kosovo. Despite repeated requests over a period of 9 months, the newspaper failed to publish a correction or apology for its misleading information. The TMC, Robert Gillette, said in a statement that he "remains very concerned about a pattern of behavior by Bota Sot, in which the newspaper appears systematically to attack representatives of civil society in Kosovo."

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

UNMIK regulations provide for freedom of assembly; however, UNMIK authorities occasionally limited this right based on security concerns. No written permit was needed to hold a demonstration; however, organizers were required to notify UNMIK 48 hours in advance with the purpose, time, place, route, and contact person for demonstrations for police coordination purposes. UNMIK police estimated there were 70 demonstrations involving 134,000 participants during the year. In granting permits for organized demonstrations, regional UNMIK civilian police chiefs made a determination based on the potential for violence and the current security situation. The UNMIK representative in Mitrovica banned the May 6 celebration of the fourth anniversary of the death of KLA fighter Artim Jashari in Mitrovica's House of Culture on the grounds that the public venue could not be used for private and political activities.

Civilian UNMIK police and KFOR units occasionally forcibly dispersed demonstrations that became violent or otherwise unmanageable. On May 7, KFOR soldiers used tear gas to disperse protesters and clear the road to the Northern Kosovo village of Suhodoll blocked by Serb protesters, who threw stones at the KFOR soldiers. Within days, police arrested five persons suspected of inciting the violence, but after brief detentions, no charges were filed. In most instances, UNMIK and KFOR authorities dispersed hostile protestors with minimal injuries; police generally responded more appropriately than in previous years.

UNMIK regulations provided for freedom of association, and the Government generally respected this right in practice. In its regulations governing definitions and registration requirements for political parties and NGOs, UNMIK stated that such regulations did not affect the right to association.

c. Freedom of Religion

The Constitutional Framework and UNMIK regulations provide for freedom of religion, and UNMIK and PISG generally respected this right in practice. Kosovo is a secular society with no state religion. Religious groups were registered as NGOs.

The majority of the population was Muslim with significant numbers of Serbian Orthodox and Roman Catholics. Ethnic tensions between Kosovo's Albanian and Serb population remained the basis of political conflict. Religion and ethnicity were closely intertwined; the political identities of the ethnic groups in Kosovo have been influenced by religion, and some instances of ethnic discrimination or tension may have had religious roots. Kosovo Serbs identified themselves with the Serbian Orthodox Church, which defined not only their religious but also their cultural, historical, and political affiliation. Differences between Muslim and Catholic communities tended to be overshadowed by their common ethnic Albanian heritage. Although the political role of the clergy diminished in favor of Kosovo Serb political parties and civil leaders, significant parts of the Kosovo Albanian community continued to view the Serbian Orthodox Church with hostility and suspicion.

During the year, the rate of violent crime involving Kosovo Serbs increased slightly but remained low, punctuated by a few dramatic acts such as the shooting of six youths swimming in a river in Gorazdevac, Pec/Peje municipality, in August (see Section 5). Two of these youths died as a result of the injuries they sustained in the shooting. While some members of the Kosovo Serb community presumed an ethnic or

religious motive, no perpetrator had been arrested by year's end.

Attacks on Serbian Orthodox churches and cemeteries during the year continued; however, the frequency and seriousness of the attacks diminished. No Orthodox churches were seriously damaged or destroyed during the year. There were incidents of vandalism at religious sites, including damage to the Orthodox cemetery in Decani/Decan. Several Orthodox churches were burglarized.

Security concerns restricted freedom of movement within the Kosovo Serb community, which also affected their freedom to worship (see Section 2.d.). Monks and nuns at some monasteries were unable to use parts of monastery properties due to safety concerns. Serb families with relatives living in both Kosovo and Serbia were restricted by security concerns from traveling to join their relatives for religious holidays or ceremonies, including weddings and funerals. Bishop Artemije Radosavljevic, head of the Serbian Orthodox Church in Kosovo, remained in a monastery in the Kosovo Serb enclave of Gracanica rather than return to the diocesan seat in Prizren. During the year, UNMIK police and KFOR provided security to improve mobility, and the OSCE reported some improvement in freedom of movement, particularly in the eastern region.

KFOR removed static checkpoints from most churches and religious sites during the year, relying instead on patrols by the local KPS. In most cases, such changes in security measures did not affect safety of or access to the religious sites, although the head priest at the Pristina Orthodox Church reported that the situation deteriorated and that there were incidents of rock-throwing after the switch from static KFOR checkpoints to mobile KPS patrols. On May 31, a hand grenade was thrown at the KFOR checkpoint protecting the St. Czar Uros Church in Ferizaj, southern Kosovo, injuring five people. On December 12, a hand grenade was thrown into the Urosevac St. Uros churchyard, slightly damaging a KFOR vehicle parked outside of the church, but causing no injuries or damage to the church.

Members of the small Protestant minority reported violence and discrimination. Some Protestant leaders alleged mistreatment by "Islamic fundamentalists," whom they claimed attended Protestant services in order to identify participants for later harassment. In May in Gjilan/Gnjilane, persons badly beat a member of a Protestant Evangelical church on his way home from church. Religious leaders claimed that the police failed to conduct a proper investigation. Protestants have also complained of vandalism of churches and theft of church property. Despite a number of incidents, including the break-in at the Evangelical Fellowship of the Messiah on Christmas Eve, violence and property destruction against Protestants decreased during the year; the KPS was more responsive to complaints although no arrests were made.

Members of the PISG and some political leaders reached out to Serbian Orthodox officials and expressed a public commitment to assist in the reconstruction of some damaged and destroyed churches, such as the visit by Prime Minister Rexhepi and PDK leader Hashim Thaqi to Zociste Monastery in 2002; however, no action was taken to help reconstruct damaged churches by year's end.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Applicable law provides for freedom of 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. While freedom of movement increased in many areas during the year, freedom of movement for Kosovo Serbs varied greatly depending on location. In some areas, Kosovo Serbs moved about Albanian-majority communities without incident; in others, they required a KFOR or CIVPOL escort. On July 4, in Gorazdevac Village, a 43-year-old Kosovo Serb man was stabbed during an attack; police later arrested a 22-year-old Kosovo Albanian man for the crime. Serb media reported on April 21 that unknown assailants threw stones at a van belonging to Zvonko Dimitrijevic, a Kosovo Serb, of Pasjane near Gnjilane on the Presevo-Gnjilane road in the village of Mucibaba. The windows on the vehicle were smashed but no one was injured. A convoy of buses returning Serb children to their homes in Gorazdevac after a visit to Belgrade was stoned on September 22 in the village of Rudnik near Srbica, on the Kosovska Mitrovica-Pec road.

On a November 13 "go and see visit" to Musutiste village, Suha Reka municipality, seven displaced Kosovo Serbs encountered a group of 100 Kosovo Albanians demonstrating against the visit. After an apparent grenade explosion, some demonstrators threw rocks at a KFOR-escorted U.N. High Commission for Refugees (UNHCR) vehicle, injuring one UNHCR staff member. KFOR fired warning shots into the air, and an UNMIK Special Police Unit and other police restored order. A similar incident occurred on December 11, when 11 Serbs attempted to return to Klina municipality, but were not allowed to do so by

Albanian residents; police intervened to disperse protestors, and 1 CIVPOL officer was injured.

In Mitrovica, there were restrictions on freedom of movement for both Albanians and Serbs due to ethnically based harassment (see Section 5). Ethnic Serbs stationed near the bridges monitored those who crossed the Ibar River from south Mitrovica into the northern part of the town. Some ethnic Albanians reported harassment, but this monitoring activity was generally less intense than in previous years. Since May 5, KFOR restricted nonresidents from passing through the village of Suhodoll i Epërm for security reasons, which caused dissatisfaction among the Albanian population in the area. On May 28, UNMIK police reported that in the Mitrovica North village of Gusevac, approximately 150 to 200 people took part in a demonstration to express their discontent over the alleged lack of freedom of movement in the Suhodoll area.

In order to improve freedom of movement by rendering Serb and Albanian vehicles indistinguishable from each other, UNMIK continued to offer Kosovo license plates to Kosovo Serbs for no fee if they had already paid for vehicle registration in Serbia. The Government of Serbia did not endorse the program and did not sign the memorandum of understanding. Kosovo Serbs reported that they did not feel secure traveling to municipal centers to register for the program. Other minorities asked that UNMIK issue them free Kosovo plates as well, but their request was denied. On September 4, the deadline for registering vehicles with Kosovo plates in Mitrovica north and north Kosovo was postponed for the fourth time and had not passed by year's end.

UNMIK provided identity cards and travel documents to those whose citizen identification documents were confiscated during the war. UNMIK regulations provide that the Central Civil Registry may issue travel documents to any person registered as a habitual resident of Kosovo. UNMIK issued approximately 1.3 million identity documents, 406,000 travel documents, and 182,000 drivers licenses since 2000. Although there were more than 103,000 minorities, including 71,000 Serbs, in the civil registry, fewer than 1,000 (less than 1 percent) applied for UNMIK travel documents. Twenty-nine countries recognized UNMIK travel documents, primarily the European Union, the U.S., and Balkan nations excluding Serbia, and negotiations continued with Eastern European and Middle Eastern countries, although no progress was made during the year. SRSG issued individual travel letters in limited cases, but such documents were not widely recognized. Kosovo Serbs often qualified for and received Serbian identity and travel documents, in addition to UNMIK-issued Kosovo identity documents. Many Kosovo Albanians also obtained Serbian documents to enable travel beyond the countries that recognized the UNMIK travel documents.

UNMIK and the PISG did not restrict or otherwise prohibit emigration, nor did they obstruct repatriation. Since Kosovo did not have national status, revocation of citizenship was not an issue.

While precise figures were unavailable, substantial numbers of Kosovo Serbs and Roma fled Kosovo following the conflict. Since 1999, just over 910,000 IDPs and refugees have returned or been repatriated, mostly ethnic Albanians. Of the more than 225,000 members of ethnic minority communities displaced after June 1999 (including approximately 170,000 Kosovo Serbs and 25,000 Roma), few had returned to Kosovo by year's end. Nonetheless, minority departures from Kosovo decreased and overall returns rose steadily during the year from 2,756 in 2002 to 3,629, an increase of approximately 30 percent. However, much work remained to be done to ensure that these returns were sustainable.

Efforts to promote refugee and IDP returns improved during the year. International agencies and NGOs initiated small-scale organized return projects and some small group organized returns, such as 35 households to Belopolje village in Peja/Pec, 30 households to Suvi Lukavac, others to Novake in Prizren, and Albanian returnees to Bitinje, a predominately Serb enclave in Strpce.

Most of the Kosovo Serbs and Roma who fled when Yugoslav forces withdrew had not returned by year's end. Their concerns centered on physical safety, lack of freedom of movement, property adjudication, and lack of employment opportunities. Many IDPs and refugees outside Kosovo also lacked accurate information on conditions in Kosovo and on the constitutional framework or civil structure. Many Kosovo Serbs who were previously employed in the public sector or in social enterprises continued to receive at least a portion of their salaries from the Government of Serbia and feared a return would put these benefits and protections at risk.

On July 1, the leaders of major Kosovo Albanian and non-Serb minority political parties published an open letter to IDPs in Serbia, Montenegro, and Macedonia urging them to return to Kosovo. This was followed on July 10 by Kosovo Assembly approval of 10 recommendations to create an environment more favorable to returns. Prominent Kosovo Albanian politicians, including former KLA political leader, Hashim Thaci, began to publicly voice support for minority returns. During the year, there were also joint PISG-UNMIK visits to return sites, such as the March 5 visit of Prime Minister Rexhepi and SRSG Michael Steiner to the village of Srecka/Sredska, and the July 10 visit of Kosovo President Ibrahim Rugova to the town of Urosevac/Ferizaj. In September, the PISG agreed to allocate \$8.75 million (7 million euros) from the Kosovo Consolidated Budget surplus to projects that support the return of IDPs.

The prospect for returns varied considerably according to region and among different ethnic groups. Ability

to speak the language of the majority community as well as the level of contact between IDPs and their neighbors prior to the conflict greatly affected the returnees' chances for reintegration. In general, interaction at the grassroots level between different communities increased during the year. Although this has helped to build inter-ethnic tolerance, it did not necessarily lead to a reconciliation process or acceptance of returns. Although some progress was made, Roma, Ashkali, and Egyptian returns continued to be limited and many Roma returnees were dependent on humanitarian aid.

UNMIK, UNHCR, and the international community continued a minority stabilization program to address some of the assistance needs of prospective returnees. On March 3, UNHCR announced that it had allocated \$6.25 million (5 million euros) for the return of IDPs. In addition, many NGOs and governments provided assistance in resettlement and repatriation efforts.

The UNMIK Office of Returns and Communities (ORC), UNDP, and UNHCR established the Rapid Response Returns Facility (RRRF) during the year to provide a rapid, flexible, and coordinated response for small-scale individual returns of minority displaced persons to their place of origin in Kosovo. This fund partially addressed the needs of approximately 130 returnee families to Kosovo during the year. The RRRF provides housing repair and reconstruction and socio-economic assistance. The UNHCR minority returns statistics indicated that 9,744 persons from nonmajority ethnic communities have returned since 2000; UNHCR estimated that 4,958 of these returnees were ethnic Serbs and that 4,786 came from other minority groups.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, UNMIK provided protection against refoulement and granted individuals status as "persons with temporary protection in Kosovo." Of the 12,000 individuals who arrived in Kosovo in 2001, 1,400 persons with temporary protection remained in Kosovo at year's end. UNMIK cooperated with the office of the UNHCR and other humanitarian organizations in assisting this caseload.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Kosovo continued to be administered under the civil authority of UNMIK, but as noted in UNSC Resolution 1244, UNMIK seeks to provide "substantial autonomy and meaningful self-administration" for the persons of Kosovo. Since the withdrawal of Yugoslav forces in 1999, a series of elections have yielded locally elected leadership; however, Kosovo's leaders criticized UNMIK for the slow pace of transfer of powers to the PISG institutions. The capacity of local institutions to undertake additional administrative responsibilities slowed the process; nonetheless, UNMIK completed the formal transfer of all nonreserved competencies to local institutions on December 31 and announced plans to fully implement this transfer in 2004.

Despite difficulties due to Yugoslav "identity cleansing" (see Section 2.d.), UNMIK and OSCE registered 1.3 million voters for the October 2002 municipal elections; the elections attracted participation by all ethnic communities, although Serb participation varied significantly by municipality, with a near-boycott in north Mitrovica. International and domestic observers determined that the 2002 municipal elections were well-organized, efficient, and generally met international standards. Of the 68 political entities that participated in the elections, 40 won at least one local assembly seat. Only residents of Kosovo and those who lived abroad at the time of the election, but who were residents of Kosovo on January 1, 1998, are eligible to vote, a requirement that excluded most of the Kosovo Albanian diaspora community abroad but included most of the Kosovo Serb IDPs who left during the war.

The November 2001 general election led to the establishment in March 2002 of the 120-member Kosovo Central Assembly, which elected Ibrahim Rugova as President of Kosovo, approved Bajram Rexhepi as Prime Minister, and appointed 10 ministers in the PISG.

Kosovo has a multi-party system with three dominate mono-ethnic Albanian parties and several minority parties and coalitions. The Democratic League of Kosovo (LDK) led by Ibrahim Rugova continued to be the most popular political party in Kosovo, garnering more than 45 percent of total votes cast in all three elections since 2001, and gaining control of 18 municipalities, but falling short of the majority required to form the central government on its own.

The other leading parties are the Democratic Party of Kosovo (PDK), led by Hashim Thaci, the Serb Coalition "Povratnik" (Return), led by caucus head Dragisa Krstovic, and the Alliance for the Future of Kosovo (AAK), led by Ramush Haradinaj. All major parties and many of the smaller parties have youth wings.

There are 30 municipalities in Kosovo. Depending on the size of the municipality, 17 to 51 Municipal Assembly members were elected for 4-year terms through a proportional system with closed lists. Each municipality elected its President (Mayor) and a Deputy President, with a second Deputy President

required in the event of a large minority community in that municipality. Each Municipal Assembly is obliged to establish three Assembly committees: Policy and Finance, Communities, and Mediation, while the establishment of other committees is left to the discretion of each Municipal Assembly. Each municipality had a professional CEO and Board of Directors proposed to the Assembly by the President; depending on the size of municipalities the Board of Directors varied. Relations between municipal governments and central structures were disorganized due in part to the division of powers in the central structures between UNMIK and the PISG. The Ministry of Public Services primarily dealt with the municipal issues, while UNMIK had a Municipal Representative and staff in each municipality, and a Regional Representative each in the five UNMIK/KFOR-established regions.

There were a number of reports of attacks on and threats against Kosovo Albanian political figures. Bota Sot reported that some unidentified gangs appeared in the village of Kodrali, Decan municipality, and harassed several LDK supporters. UNMIK police reported a telephone threat against President Rugova warning him that his life would be in danger if he attended an April 12 event in Peja. The media reported on May 13 that Pristina Mayor Ismet Beqiri received a threatening letter claiming to be from the AKSh similar to the one Member of Parliament Fatmir Rexhepi (LDK) received a few days before. On September 26, a former Armed Forces of Republic of Kosovo (FARK) commander and one of the witnesses of last year's trial against the so-called Dukagjini Group of high profile former KLA members, survived a bomb attack on his vehicle in Peje, the third attempt on his life. In most cases, no suspects were identified; however, local observers often blamed these attacks on rival political party members. Nonpolitical motives, including clan rivalry and common criminality, were also suspected in some cases.

In 2002, the OSCE set up the Elections Working Group (EWG) to reform the electoral system, including the local Central Election Commission, in preparation for the 2004 Kosovo Assembly elections. At year's end, the EWG was working to submit to the SRSG a list of recommendations for implementation as an UNMIK regulation. Many Kosovars would prefer election reform through an Assembly law, but an Assembly proposal directing the Kosovo Government to draft an elections law was declared by the SRSG to have overstepped the Assembly's authority. Kosovo Serbs and other minority communities participated in the election reform process through representatives on the EWG.

In order to address concerns raised by PISG leaders about the slow pace of the transfer of powers to local institutions, the SRSG created the joint UNMIK-PISG Council for the Transfer of Competencies. At its first meeting in April, the Council determined those powers transferable to the PISG under the Constitutional Framework, and in May the Council identified certain competencies that were "immediately transferable" and others that warranted further consideration. After some difficulties, UNMIK announced in December that the transfer of all nonreserved competencies to local institutions would take effect as of the beginning of 2004.

No legal restrictions existed on participation by ethnic minorities in government and politics. There were 34 women in the 120-seat Assembly. One woman (an ethnic Turk) served on the eight-member Assembly Presidency and another woman (also an ethnic Turk) served in Prime Minister Rexhepi's Cabinet. In response to previous elections when women resigned their seats post-election, since 2001 UNMIK has required that any seat vacated by a woman be filled by a female replacement. Following the 2002 election, women represented 28 percent of the elected municipal representatives. An effort by women parliamentarians to create a women's caucus was not successful; however, a Committee on Gender Equality held regular meetings during the year.

There were 35 ethnic minority members in the 120-seat Assembly, including 22 Serbs (10 serving in reserved seats, the remainder elected at large). There were two ethnic minority PISG ministers (one Serb, one Turk), one Serb inter-ministerial coordinator with the rank of minister, and two Serb members and one Turkish member of the Assembly Presidency. While ethnic minorities were underrepresented at the municipal level in some parts of Kosovo, the Constitutional Framework requires that the Assembly include 10 reserved seats for Serbs and 10 for members of other minorities.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without restriction, investigating and publishing findings on human rights cases. UNMIK was generally cooperative and responsive to their views. UNMIK and the OSCE continued to encourage the development of civil society, including local NGOs.

In accordance with UNMIK resolutions, UNMIK has registered more than 2,300 NGOs, including approximately 1,900 domestic and 390 international NGOs. While these figures were just higher than the number registered in 2002, the overall number of applications for registration declined. An increase in the number of local NGOs compensated for the international NGOs that left or localized their programs. UNMIK also suspended the Public Benefit Status (tax exemption) of 145 NGOs, largely due to their failure to provide annual reports, including financial information.

NGO efforts included assistance to hundreds of thousands of returning refugees, support for the search for the missing, and social services to ameliorate the effects of post-war trauma (see Sections 1.b. and 2.d.). The International Organization for Migration (IOM) coordinated training and projects for the KPC, often in collaboration with NGOs. Human rights observers, including those of the OSCE and some local NGOs, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation (see Sections 1.a., 1.b., and 1.c.). UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring.

UNMIK, KFOR, and the PISG generally cooperated with the ICTY regarding crimes committed during the 1998-99 conflict. On February 17, KFOR detained Haradin Bala ("Shala"), Isak Musliu ("Qerqiz"), and Agim Murtezi ("Murrizi"), who were under indictment for war crimes by the ICTY. Agim Murtezi was later released by the ICTY, as he was arrested as a result of a mistaken identity. Fatmir Limaj, PDK caucus leader, was arrested in Slovenia as part of the same case and handed over to the ICTY. The ICTY announced its intention to issue two more war crimes indictments of Kosovo Albanians; however, it had not done so by year's end. These were the only such operations conducted by KFOR following the ICTY's indictments of individuals residing in Kosovo. In addition to the Limaj group trial, which was still in the investigative stage, the only other case before the ICTY was the continuing trial of Slobodan Milosevic for war crimes and crimes against humanity committed in Kosovo, Bosnia, and Croatia during the wars in the 1990s.

The OI continued to investigate allegations of government abuses of international human rights laws. The OI was generally respected within UNMIK, had a multi-ethnic staff, and was active in issuing reports and recommendations; however, the OI alleged that its recommendations were rarely followed by UNMIK or KFOR. During the year, the OI registered 1,187 complaints, plus 30 cases initiated by the OI. Of these, 121 (about 10 percent) were made by Kosovo Serbs, and 22 by other ethnic minorities. UNMIK was most frequently listed as the respondent party, followed by the Housing and Property Directorate, the PISG, and KFOR.

The OI had no authority to intervene in cases against KFOR, and UNMIK extended broad immunities to its employees. Since 2001, the OI has maintained that Regulation 2000/47 on UNMIK and KFOR Status, Privileges, and Immunities was in violation of internationally recognized human rights. Nonetheless, the OI exercised an important advisory role both in individual cases and through special reports and general opinions. COMKFOR agreed to work closely with the OI and stated that KFOR would not make any illegal arrests.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

UNMIK regulations specifically prohibit discrimination on the basis of gender, race, or ethnic origin; however, violence and discrimination against women, persons with disabilities, and ethnic minorities persisted.

Women

Violence against women, including rape and a high level of domestic violence, remained a serious and persistent problem. The Center for Protection of Women and Children (CPWC), a local NGO, estimated that it received approximately 5,400 requests for assistance from victims of violence during the year. Domestic violence is illegal, and applicable penalties include incarceration for periods of 6 months to 5 years. In May, 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. The regulation also deals with the authority in charge of implementing the protection order and its responsibilities, including arrests, while setting up protection order violation limits of fines from \$250 to \$2,500 (200 to 2,000 euros) or imprisonment of up to 6 months. 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. However, due to the traditionally male-dominated society, domestic abuse of women was not uncommon, and few victims of spousal abuse filed complaints with the authorities. The KPS School included special training segments on domestic violence and rape in its curriculum.

Rape was underreported significantly due to the cultural stigma attached to victims and their families. Spousal rape was not specifically addressed by law. Tradition generally prevented discussion of the topic of rape among ethnic Albanians, since, in some communities, the act is seen as dishonorable to the entire family. During the year, police registered 82 cases of rape and 45 cases of sexual assault, representing an increase in the number of reported cases in 2002.

The law prohibits prostitution; it is a misdemeanor subject to a 30-day sentence. Prostitutes who were not trafficking victims were released with a warning if it was their first contact with the police.

Kosovo served increasingly as a transit point and destination for trafficking in women for the purpose of prostitution (see Section 6.f.).

There were no governmental agencies dedicated to dealing with family violence; however, there were four shelters to assist victims of domestic violence and trafficking, two were run by local NGOs and two were run by international NGOs (see Section 6.f.). Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence about domestic violence, sexual abuse, and rape.

Women have the same legal rights as men, but traditionally not the same social status, which affected their treatment within the legal system. On October 23, the Kosovo Assembly approved in principle a law of gender equality, which was the first law initiated by an Assembly committee, the Committee on Gender Affairs, rather than by the Government.

UNMIK's Office of Gender Affairs coordinated gender issues throughout all UNMIK offices. It appointed Municipal Gender Officers (MGOs) in each municipality to act as public advisors on gender affairs; 26 of the MGOs were Albanian and four were Serbs. Gender focal points, individuals appointed to coordinate among ministries on gender issues, were also established in six ministries, while the process was underway for the rest. There was also an office of gender issues in the Office of the Prime Minister.

Relatively few women obtained upper-level management positions in commerce or government, although there was no legal restriction on their doing so. There was no specific law against sexual harassment. Traditional patriarchal ideas of gender roles continued to subject women to discrimination. In some rural areas, women often had little effective ability to make decisions involving their children or to exercise control over property. While women and men legally have equal rights to inherit property, family property customarily passes only to men. Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom requiring children and property to pass to the deceased father's family, while the widow returns to her birth family.

The presence of international organizations made many jobs available to women. UNMIK police and the OSCE continued an aggressive campaign to recruit women for the KPS, in which they made up about 15 percent. Approximately 210 out of 3,000 active duty KPC members were women (7 percent). Women were increasingly active in politics. Several women also served as heads of domestic NGOs. Nonetheless, while more women than before had jobs, very few had risen to senior levels. Few women occupied decision-making positions in the KPS or other government organizations. Unemployment, estimated at 60 percent, was higher for women; approximately 70 percent of women in Kosovo were registered as unemployed.

Children

UNMIK and the PISG were generally committed to the welfare and rights of children. The Ministry of Education, Science, and Technology and the Ministry of Health shared responsibility for issues related to children's education and health; however, there was no one in the government who dealt specifically with the issue of children's rights and no juvenile justice code.

UNMIK regulations made enrollment in public school mandatory for children between the ages of 6 and 15, with some exceptions. The regulation made no provision for a waiver of school attendance based on safety concerns; however, authorities did not enforce it where there were ethnically based security concerns. Primary education was compulsory, free, and universal. The vast majority of school-aged children under 15 attended school. Forty-six percent of children attended the nonobligatory secondary school, 43 percent of whom were female. There was no difference in the treatment between girls and boys. UNMIK regulations require equal conditions for school children of all communities and accommodated minority populations by providing the right to native-language public education through the secondary level. Schools teaching Serbian, Bosnian, and Turkish languages operated during the year. On May 5, the law on higher (university) education was promulgated by the SRSG. This law also licensed the Serb-run North Mitrovica University, and provided funding from the SRSG reserved portion of the Kosovo Consolidated Budget, together with financing from Serbia.

Extensive damage to many school buildings, a lack of educational materials, and persistent electrical power outages continued to hinder the full functioning of the education system; however, there have been improvements in infrastructure during the year. NGOs shifted their focus to promote training of pre-school and primary school teachers and the inclusion of children with special needs. By year's end, there were separate classrooms for children with disabilities in every municipality. A lack of freedom of movement and reluctance to depart from a Belgrade-based curriculum led Kosovo Serb children to attend neighborhood schools that were sometimes housed in inadequate facilities and lacked basic equipment. Enrollment for both Serb and Albanian children at the primary level was almost universal; however, at the secondary

level, there was a marked gender and ethnic disparity, with lower rates of attendance and completion for Kosovo Albanian girls than for Kosovo Albanian boys or girls from the Kosovo Serb community. In rural areas, lack of transportation led families to prioritize sending boys to school.

Roma, Ashkali, and Egyptian children attended mixed schools with ethnic Albanian children but reportedly faced intimidation in some majority Albanian areas. Roma children tended to be disadvantaged by their community's poverty, leading many to start work at an early age to contribute to the family income. Bosniak children were able to obtain some primary education in their own language, but faced a lack of trained Bosniak teachers. The Ministry of Education continued a catch-up program for minority children, primarily Roma-Ashkali-Egyptians, who often missed schooling due to frequent moves associated with the conflict. The Ministry also provided an expedited registration process for displaced minority children at the secondary level and at the higher education level.

There was a report that, in September, recently-returned Albanian IDP children were not allowed access to the Strpce village of Biti local school because of their ethnicity; however, this was later resolved within the municipality.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children, particularly minority children. Humanitarian aid officials primarily blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. Observers believed that the high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead and other chemicals at the Trepca industrial complex, contributed to poor health conditions.

There were reports of child abuse, although it was not widespread. According to the Education Center, in Albanian speaking areas there was more abuse of children in the schools than in the family, while in the Serb areas there was more child abuse in the family than in school.

The OSCE issued a report during the year on the Centers for Social Work (CSW), which has offices in every municipality supervised by the PISG Ministry of Labor and Social Welfare. The report discussed 38 cases involving child victims of crime, 14 cases involving victims of sexual violence, 7 cases of victims of trafficking, 8 cases of abandonment, and 9 cases of educational neglect. For example, four girls aged 12 to 16 and a 2-year-old boy were living without adult care in an abandoned house in Prizren where men from the neighborhood visited the house and allegedly raped one of the girls; the CSW eventually appointed a caretaker who lacked adequate training.

High unemployment and family dislocation after the conflict resulted in a higher rate of child abandonment. Since the domestic adoption rate and foster family programs did not keep pace with the rate of abandonment, infants and children were often housed in group homes with few caretakers. Children with disabilities were often hidden away without proper care, particularly in rural areas.

Children were trafficked to and through Kosovo for the purpose of prostitution (see Section 6.f.). There was also one case of a UNMIK CIVPOL officer who was arrested along with three Kosovo residents for suspected involvement in a child trafficking and prostitution ring.

NGOs began to focus more on developing awareness of children's rights and training of social workers, such as Save the Children, which trained municipal level children's rights coordinators. NGOs reported that television programming for children, rare in 2002, was common, and media reporting on children's issues increased dramatically.

Persons with Disabilities

There is no comprehensive law that specifically prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services, and there was considerable discrimination in these areas in practice. However, some laws addressed aspects of disability issues, such as a law on pensions for persons with disabilities over the age of 18, and on education that provides separate classrooms for persons with disabilities. High unemployment placed particular burdens on job seekers with disabilities, and UNMIK and the PISG offered no direct services for persons with disabilities. The law mandates access to official buildings; however, it was not enforced in practice. There were specially marked parking spaces for persons with disabilities, but there was no law preventing others from using them. Progress was made in the area of education for persons with disabilities during the year; there were separate classrooms available in every school for those children whose disabilities required separate facilities, as well as joint classes for children with special needs to involve students with disabilities in regular classroom activities where possible, and 800 children with special needs used this resource during the year.

In the absence of UNMIK and PISG social services for persons with disabilities, the local NGO Handikos was the only provider of extensive services for persons with physical disabilities in Kosovo; however, Handikos had no presence in the Serb-dominated northern municipalities or Novo Brdo, so most minority communities completely lacked services for persons with disabilities.

Consistent with the generally low level of medical care in Kosovo, specialist healthcare for persons with disabilities was not widely available and, for most persons, prohibitively expensive.

There was a complete lack of social understanding about persons with disabilities, and there were no social welfare provisions for the estimated 14,000 persons with mental disabilities in Kosovo. The guardianship law in place did not meet international standards and there was no expertise on the issue of disability rights. For instance, the law does not recognize the placement of individuals in institutions and the treatment against their will (involuntary treatment) as two different legal issues. The law also makes no provision for social welfare assistance for persons on the basis of mental disability.

There were dedicated mental health facilities in Kosovo, including Shtimje, the home for the aged in Pristina, and two facilities for children, one in Shtimje and another in Pristina. The World Health Organization established Community Mental Health Programs in each municipality, but their coverage was inadequate. Kosovo generally lacked mental health facilities with adequate capacity and services. There were psychology wards in hospitals such as in Pristina, which had a capacity of 56, but the conditions were far below acceptable standards for long-term mental healthcare.

The NGO Mental Disability Rights International (MDRI) has been active in promoting rights for persons with mental disabilities following its August 2002 report which found extensive and credible evidence of neglect, physical violence, sexual assault, and arbitrary detention at the main mental health care facilities. Staff and patients at the Shtimje Institute, the Pristina Elderly Home, and the Pristina University Hospital, reportedly committed these crimes, and criminal investigations were underway at year's end. The programs were a product of policies established by UNMIK; however, UNMIK has largely transferred responsibilities on persons with disabilities to local personnel.

In response to MDRI's report, UNMIK established "Boards of Visitors" to provide oversight of conditions and secure funding to build group homes for persons with disabilities. UNMIK spent approximately \$2.5 million (2 million euros) during the year to rebuild the Shtimje institution. On July 17, MDRI issued a 1-year follow-on report alleging that, despite improvements in facilities, UNMIK failed to protect patients' rights and create safe alternatives to institutional care in the community, which UNMIK strongly denied. MDRI reported that resources went almost exclusively to facility improvements rather than to improvement in services and treatment for persons with mental disabilities, which remained inadequate. For instance, Shtimje's 199 residents filled the facility well above its target capacity of 100 residents. Medical staff were not trained to deal with persons with mental disabilities and were insensitive to the special needs of women who had experienced sexual violence or other trauma. MDRI alleged that patients were detained with no legal basis, as no regulation was promulgated by UNMIK to regulate the process of commitment to psychiatric or social care facilities or to protect rights within institutions.

UNMIK lacked a plan for adequate community-support services to allow for integration into the community. In the absence of a community support system, persons with mental disabilities invariably ended up in the criminal justice system, often due to petty crimes, ignorance on the part of police, or inadequate facilities. On occasion, individuals in need of mental health treatment were convicted of fabricated or petty crimes and ended up in the prison system, which lacked resources for adequate treatment; however, MDRI trained some KPS officers to help prevent this. Additionally, despite documented abuses, no one in Kosovo has been punished for mistreatment of persons with mental disabilities.

National/Racial/Ethnic Minorities

Although the high level of revenge-based violence that followed Yugoslavia's 1999 withdrawal continued to decline significantly, violence and crime continued to affect minorities. There were killings, kidnappings, and assaults committed against Kosovo Serbs, Roma, and other minorities, and property crimes such as arson continued to occur. Overall the level of violent crime remained about the same as in 2002. There were 72 killings during the year, up slightly from 70 in 2002 (see Section 1.a.). Of these, 17 involved victims from minority communities (24 percent). There were 13 killings of ethnic Serbs during the year, 7 of which were widely believed to be ethnically motivated. Increased violence, particularly during the summer, may have been politically motivated, as evidenced by its correlation with an increase in political activity. 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 end. Kosovo Serbs and Roma continued to report that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians (see Section 2.d.).

On May 17, one Serb, Zoran Mikic, was killed in Vrbovc village of Viti, while another that had gone missing on May 12 was found dead in Gazivode of Zubin Potok municipality. On June 3, a

Serb family of three in Obilic was brutally killed, including the 80-year-old Slobodan Stolic, his wife, and son. On August 13, two Serb youths were killed and four wounded by automatic rifle fire while swimming in a river in Gorazdevac. On August 26, a Serb farmer was shot in the stomach by a sniper in Bica, but survived. On August 31, a grenade attack on a shop in Cernica killed one and injured four. No suspects had been arrested in any of these cases, causing considerable concern within the Serb community. On November 16, Viti/Vitina police station was informed of a dead body of a 21-year-old Kosovo Serb male, found in the fields near Klokot village, with a single gunshot wound. Police arrested two Kosovo Serb male suspects who had a land ownership dispute with the victim, but they were later released; the case remained unsolved at year's end.

There were several instances of Serb violence against Kosovo Albanians, but no reported fatalities. On February 12, a group of Serbs from Zubin Potok physically attacked a five-member Albanian family traveling to the Albanian enclave of Caber. On May 4, 62-year-old Albanian Shaip Zhilivoda was beaten by a group of Serbs in North Mitrovica, sustaining serious injuries that left him in a coma for several days; UNMIK police arrested a Serb in connection with this case. On March 3, unknown persons threw a grenade into an Albanian/Bosniak enclave in northern Mitrovica. On April 9, several Serbs threw stones at Bekim Shala, an Albanian, in the Serb enclave of Gorazhdec/Gorazdevac, in Peje/Pec municipality, causing serious injuries. There were several instances of apparent retaliation for the August 13 Gorazdec killings. For 4 days in a row ending on August 18, Albanian neighborhoods in Mitrovica north were the targets of grenade attacks. On August 17, a group of Serbs from Gracanica beat five Albanians, including two children, who were traveling to Gjilan. On August 20, Ramadan Krasniqi was ambushed while driving through the Serb-inhabited village of Raniluk, on Gjilan-Kamenica road, but he escaped unharmed. On September 9, Albanian inhabitants of the northern Mitrovica neighborhood Kodra e Minatoreve complained that Serb "bridgewatchers" were guarding the entrance to their zone under the pretext of protecting Serb homes, while impeding access for Albanians to the local medical clinic and school. In November, five Serbs assaulted the family of Bedri Beka in Mitrovica north while they slept, attacked Beka several times, and threw an explosive device at his house; CIVPOL identified those involved and arrested one suspect.

On December 6, 150 demonstrators surrounded a lunch meeting in north Mitrovica between a delegation of World Bank officials and Kosovo Prime Minister Bajram Rexhepi. The crowd threw stones at the restaurant, damaging the windows. The Prime Minister fled and was not injured, but one member of the international delegation suffered minor injuries.

Members of non-Serb minority communities, including Bosniaks, Egyptians, Ashkali, 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 (see Section 2.d.). On July 20, a hand grenade exploded in the garden of an Ashkali family. The head of the family claimed that this was the ninth time his family had been attacked. Bosniak leaders continued to complain that thousands of their community members had left because of discrimination and a lack of economic opportunity.

Civilians were responsible for the destruction, often through arson, of private property. There were 524 cases of arson recorded during the year, up from 489 cases in 2002. Police believed that 26 of these arsons were ethnically motivated. The reported phenomenon of "strategic sales" of property persisted and grew; violence, intimidation, and attractive price offers were used to convince Kosovo Serbs to sell properties at key locations, leading to the erosion of Kosovo Serb neighborhoods and a consequent increase in isolation of those remaining. Property disputes and illegal occupation of homes continued to be a source of inter-ethnic friction (see Section 1.e.). These disputes were rooted in the forced migration and displacement resulting from the 1999 conflict. Kosovo Serbs and Roma live primarily in enclaves, except for the Kosovo Serbs in the north of Kosovo, where Serbs and Albanians partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposaviq/Leposavic, Zubin Potok, and Zvecan, in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and police provided security to these enclaves, and escorts for those travel, but began to scale back their patrols and escorts.

In Mitrovica, ethnic Serbs and Albanians harassed each other and restricted freedom of movement (see Section 2.d.). Many Kosovo Albanians in South Mitrovica wanted to return to their homes in north Mitrovica, and approximately 1,500 Kosovo Albanians who lived in the northern section of town were subjected to repeated harassment. In predominately ethnic Albanian south Mitrovica, Kosovo Albanians illegally occupied Serb-owned properties. After UNMIK extended its authority to north Mitrovica last year, the Government of Serbia established a branch office of the Kosovo Coordination Centers (CCK), where Kosovo Serbs from the city could apply for Yugoslav documents processed in Serbia. While there remained concern over other "parallel structures" in the area, including the Serb Ministry of Health-funded North Mitrovica Hospital, many of the employees of the former Serbian-funded municipal administration were employed by UNMIK. After Kosovo Serbs in north Mitrovica largely boycotted the 2002 municipal elections, UNMIK appointed a multi-ethnic Advisory Board for north Mitrovica to represent residents of the northern sector of the municipality.

Despite some improvement-over previous years, ethnic minorities, particularly Serbs, suffered from widespread social discrimination, particularly in employment, education, and health services. Physical security and freedom of movement continued to be serious concerns for Kosovo Serbs, as evidenced by the continuing residence of the vast majority of Kosovo Serbs in enclaves. Kosovo Serbs also experienced social discrimination in education and health care, but these services continue to be supplemented by funding from Serbia through the CCK and parallel institutions, such as the hospital in North Mitrovica. Minority membership in the KPC continued to be a problem (see Section 1.d.).

The Turkish community was more closely integrated with Kosovo Albanians and felt the impact of social discrimination less than other minorities. Roma were heavily dependent on humanitarian aid. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in their prior homes, security concerns persisted (see Section 2.d.).

Section 6 Worker Rights

a. The Right of Association

UNMIK regulation provides for fundamental rights at work, including the employment relationship, terms of employment, and the right to form and belong to unions and other organizations without employer interference, but no explicit right of association, and workers exercised these rights in practice. Anti-union discrimination is prohibited and did not occur in practice. The Confederation of Independent Trade Unions of Kosovo (BSPK), the largest of the few unions active in Kosovo, reported that the regulation was respected by only a small number of firms. They claimed that worker rights were abused in every sector, including the international organizations, where staff did not have access to security insurance or pensions. The PISG Ministry of Labor and Social Welfare has responsibility for policy recommendations on labor practices and worker rights.

After the war, labor organizations redirected their focus from members' welfare to traditional labor issues. The dominant union organization, BSPK, was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990s. During the year, it had 16 active branches and 4 with observer status. BSPK's membership was approximately 100,600 persons, of whom half were unemployed. BSPK's president sat on the board of the Kosovo Trust Agency, which managed the privatization process, and a BSPK member sat on each committee in the Kosovo Assembly. BSPK continued to work with international entities, including the International Labor Organization (ILO), gained full membership to the International Confederation of Free Trade Unions, and observer status to the European Trade Union Confederation. BSPK had good access to state owned enterprises, but not to private enterprises, so labor rights tended to be limited in private firms. BSPK had a branch for small enterprises and artisans, but it represented owners rather than employees. Another active trade union organization was the Union of Education, Science, and Culture of Kosovo, which was registered as an NGO.

Although legislation expressly permits international affiliations and there were no legal impediments to their activities, in practice, a lack of international travel and exchange constrained the ability of unions to affiliate internationally.

b. The Right to Organize and Bargain Collectively

UNMIK regulation provides for the right to organize and bargain collectively; however, collective bargaining rarely took place. Trade unions tended to focus on the needs of specific groups, rather than the collective needs of all workers. Workers in various sectors were ineffective at finding common interests for which to negotiate, such as job security, minimum safety standards, and universal benefits. The weak economy and high unemployment rate limited the leverage of labor organizations.

The law does not recognize the right to strike; however, strikes were not prohibited. BSPK believed the right to strike was recognized indirectly when it forwarded its statutes for registration, which contain this right. Nothing in the law addresses labor disputes; however, in 2001, UNMIK, the BSPK, and the Chamber of Commerce concluded a Tripartite Agreement, which BSPK reported was functioning well to help resolve labor disputes.

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. In September, teachers throughout Kosovo held strikes that corresponded with the start of the school year. BSPK called upon teachers to avoid strikes, as did its subsidiary Trade Unions of Primary and Secondary schools in Kosovo, but the SBASHK supported the strikes. Parallel to the teachers, strikes were also organized by more than 700 Trepca miners, demanding employment, and pensioners, who demanded restoration of their status and payment of pensions owed by Serbia. The strikes were resolved through meetings with the

Government, which agreed to increase wages for education and health staff by 20 percent immediately and 5 percent starting in 2004, granted immediate assistance to the miners of \$187,500 (150,000 euros), and included miners over 50 years of age, as opposed to 65, in the pensions scheme. There were several other smaller-scale strikes and protests, including an August rally by hundreds of police officers and administrative workers who were dismissed by force during 1987-89.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f).

d. Status of Child Labor Practices and Minimum Age for Employment

The pre-1989 labor laws set the minimum age for employment at age 16 and age 18 for any work likely to jeopardize the health, safety or morals of a young person, but permit children to work at age 15 provided such work is not harmful to the child nor prejudicial to school attendance. In villages and farming communities, younger children typically worked to assist their families. Urban children often worked in a variety of unofficial retail jobs, typically washing car windows or selling newspapers, cigarettes and phone cards on the street; some also engaged in physical labor, such as transporting goods. The number of these children working on the streets rose sharply since 1999, when rural families resettled to cities in large numbers after the war. According to one study, almost half of the children who worked such street jobs lived in rural villages before the 1999 conflict, and one-fifth commuted from villages to work in the cities. Almost 90 percent of these children said they were forced into such work by poverty, and over 80 percent said they worked up to 9 hours a day to support unemployed parents, often preventing school attendance. According to a report published in September by a local NGO, Human Rights and Legal Initiative Professional Center, primarily male children between the ages of 8 and 14 worked on the streets, but they also recorded children as young as age 6. There were no real employment opportunities for children in the formal sector, and institutions lacked a strategy to address this problem or an office focused exclusively on children's rights.

Reports of sweatshops were rare, although some privately operated factories operated under poor conditions. Many families depended on wages earned by children, often by selling cigarettes or groceries on the streets for long hours.

e. Acceptable Conditions of Work

The Kosovo Office of Statistics estimated that the unemployment rate was 60 percent, and the average wage paid to those who were employed full-time was insufficient to provide a decent standard of living for a worker and family. The labor legislation provides for a minimum wage, but did not set its level. While the public sector wage, paid out of the Kosovo Consolidated Budget, was \$189 (151 euros), the private sector wage was an average of \$260 (208 euros). Employers did not implement the official 40-hour workweek under conditions of high underemployment and unemployment. Night work was eligible for overtime pay, and the laws prohibited overtime work exceeding 20 hours per week and 40 hours per month.

While many international agencies and NGOs paid adequate wages, UNMIK decided that wages for all jobs that will eventually fall under Kosovo's governmental structure should be set according to the level affordable under the consolidated budget, even though such salaries were barely sufficient to support a worker and a family. This situation precipitated teachers' strikes in October and in September 2002.

Labor inspectors began work at the end of 2001, and the Kosovo Assembly passed a Law on Labor Inspectorate in February, but its implementation was difficult due to high unemployment that made employers and workers less concerned with enforcement of established occupational safety and health standards. The law does not permit employees to remove themselves from dangerous workplaces without fear of losing their jobs.

f. Trafficking in Persons

UNMIK regulations specifically prohibit all forms of trafficking in persons; however, trafficking of women and children remained a serious problem. During the year, one international police officer was arrested for suspicion of child prostitution and slavery; however, there was no known evidence of official involvement in trafficking.

Trafficking in persons is a crime punishable by 2 to 20 years in prison under UNMIK regulations, which also provide for victim assistance. A client engaging in sex with a victim of trafficking may be sentenced for

up to 5 years in prison, while sex with a trafficked minor is a criminal offense carrying penalties of up to 10 years in prison.

UNMIK actively investigated cases of trafficking during the year, and police raided several brothels and nightclubs on almost a weekly basis. The Trafficking and Prostitution Investigation Unit (TPIU) of UNMIK CIVPOL provided a coordinated law enforcement response against trafficking through investigations and counter-trafficking police operations, such as raids against suspected brothels, while local KPS officers provided most of the undercover police work. Since its creation in 2000, TPIU has carried out several thousand counter-trafficking operations, brought over 140 charges on trafficking in human beings, closed 83 premises, and created a database of 1,848 women and 510 men who were suspected of involvement in trafficking. During the year, TPIU conducted 2,047 raids or checks and assisted 70 victims of trafficking. At year's end, there were 200 establishments on UNMIK's list of off limits premises, with 70 percent of those in Prizren and Gnjilane, both close to the border with Macedonia and Albania.

According to TPIU, of 60 trafficking cases in the courts during the year, 26 were ongoing at year's end. Of those completed, the courts acquitted 18 and convicted 17, only one of which resulted in the maximum sentence of 5 years, while all others resulted in sentences of 3 to 6 months. There were also arrests for trafficking-related offenses, including 33 for prostitution, 19 for solicitation of prostitution, 11 for pimping, and 6 for possession of false documents. UNMIK lacked bilateral extradition treaties, so there was no such cooperation with other countries.

A significant problem in anti-trafficking efforts was the low number of prosecutions and convictions, and short sentences for traffickers; this resulted in a lack of cooperation from victims. Victims' rights groups often successfully persuaded victims to return to their homes without waiting to testify against their traffickers, which undermined effective prosecutions. Other factors that contributed to the low number of prosecutions included the increasing sophistication of organized crime efforts to avoid direct links between the victims and senior crime figures, lack of a witness protection program, and inadequate training for judicial personnel.

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. CPWC estimated that it responded to approximately 180 cases of trafficking during the year, 80 percent of which were internally trafficked. The IOM assisted 58 victims, including 17 locals. TPIU worked with both of these organizations and others to assist a combined total of 70 local and international victims.

Kosovo was a source, transit point, and destination for trafficked persons; internal trafficking was a problem as well. As in previous years, the vast majority of trafficked women and children in Kosovo were from Eastern Europe. According to the IOM, over 50 percent of victims trafficked into Kosovo from abroad were from Moldova, 22 percent from Romania, 13 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, and Serbia, while just under 5 percent were originally from Kosovo. Evidence suggested that trafficking was often the result of a coordinated effort between Kosovo Serb and Kosovo Albanian organized crime elements, with Serbia acting as a particularly active transit hub for the transfer of trafficked victims from Eastern Europe into and through Kosovo. Serbia was the entry point into Kosovo for 59 percent of trafficking victims, Macedonia for 21 percent, and Albania for 5 percent. Women from Moldova have also been trafficked into Kosovo through Austria and Switzerland. Some women were trafficked through Kosovo to Macedonia, Albania, Italy, and other Western European destinations. Less than half of the victims traveled with passports, and 70 percent reported crossing borders illegally at least once.

The number of Kosovo victims of trafficking assisted by the IOM Counter Trafficking Unit has consistently increased since 2000, leading to an average of three cases reported per month. This was partly due to increased awareness as well as increased willingness to report the cases to the referral system. The cases of local victims of trafficking assisted in the past 2 years by IOM Kosovo indicated that a large number of the victims were minors (62 percent), particularly young girls between the ages of 13 and 15; the youngest reported victim was 12 years old. The overall number of cases involving minors was increasing; local children and young girls from rural areas were particularly at risk of being trafficked, as were those from urban areas plagued with a high level of poverty, unemployment, and illiteracy (61 percent).

Based on interviews with 271 trafficking victims over the past 3 years, approximately 80 percent of the clients of women trafficked for prostitution were locals, while approximately 20 percent were internationals; however, there were no comprehensive figures on this issue. According to the IOM, the presence of a large international community in Kosovo contributed to an increase in the number of brothels involved in trafficking; however, women rescued from the brothels often reported that the majority of their clientele were locals. While there have been cases of internationals involved in trafficking they were few in number; the international community presence supported trafficking more indirectly than directly, by bringing money into the economy that was spent by locals on prostitution.

Most trafficking in Kosovo was conducted for the purpose of sexual exploitation, but some victims were also subjected to forced labor. Approximately 90 percent of victims were lured into migrating illegally with false job promises or false invitations abroad, while 9 percent were initially forced or kidnapped. According to an IOM report released in September, prior abuse in the family and financial hardship were the strongest determining factors for potential victims of trafficking. Among victims of trafficking, 70 percent were poor and over 80 percent lacked a high school education. Trafficked victims worked in the sex industry, primarily in brothels and nightclubs, and increasingly in private residences. Less than 5 percent reported that they were aware that they would be working in the sex industry when they accepted employment offers. Methods of trafficking increased in sophistication and complexity. Women were less likely to be held by force or physically threatened, but often were paid more after they were trafficked to Kosovo than they could make in their country of origin. Prostitution no longer took place in the bars and brothels, but at the separate premises, such as private apartments. Many trafficking victims were able to make enough money, often approximately \$375 to \$500 (300 to 400 euros) per month, to send remittances to their families in their countries of origin. Many women who were initially victims of trafficking claimed they were engaged in consensual prostitution and refused assistance. They were then either released by police or convicted on prostitution charges with minimal sentences.

Commercial sexual exploitation of children was not a widespread problem in the past; however, there were cases of trafficking victims as young as 12 years old during the year. On June 9, UNMIK police arrested four suspects, three Kosovo Albanians and one international police officer, in Peje/Pec municipality on suspicion of involvement in a child prostitution and slavery conspiracy. One of the Kosovo Albanians involved in the case committed suicide, and the CIVPOL officer was released pending trial. Almost 60 percent of victims were between the ages 18 and 24, and 12 percent were minors. During the year, the IOM assisted a 15-year-old boy who was being trafficked through Kosovo. While the IOM has never directly come into contact with cases of trafficking in children for organs, it believes this practice may have occurred.

Trafficking victims reported that they were regularly subjected to physical violence, rape, denial of access to health care, and confiscation of their travel and identity documents. Victims were often found in poor health and psychological condition, with as many as 80 percent exhibiting health problems directly resulting from sexual exploitation. Victims reported being physically abused in 78 percent of cases examined by the IOM.

Internationals caught involved in prostitution or entering bars on an UNMIK's list of off-limits premises were returned to their host countries. There were no cases of internationals caught in the act of soliciting or engaging in prostitution, but several were found in suspected premises and sent home, including five KFOR soldiers in Mitrovica, and a CIVPOL police commander sent home from Pristina in March.

There was no evidence of corruption or bribery in trafficking prosecutions; witness cooperation and threats were more significant factors. Some local prosecutors reported instances in which the same lawyer represented an accused trafficker and the victim. The Kosovo Judicial and Prosecutorial Council, which hears disciplinary complaints against local judges and prosecutors, brought 14 disciplinary procedures since 2000, but only 5 during the year, mostly for ethics violations and neglect of responsibilities; corruption charges were not common.

UNMIK and the OSCE, PISG ministries, international organizations, and NGOs shared responsibility for combating trafficking and assisting victims. The UNMIK Victims' Advocacy and Assistance Unit (VAAU) worked with victims of trafficking and other crimes to assist them in accessing the criminal justice system and coordinated victim support. Victims of trafficking who chose assistance were referred by TPIU through OSCE regional officers to one of two organizations. International victims were referred to the IOM, which runs a shelter through the NGO United Methodist Committee on Relief. Domestic victims were referred to the CPWC, which ran a shelter and provided a variety of services for victims, such as counseling and job training. There was also an Interim Secure Facility open to all victims of trafficking and domestic violence while they waited to testify in court or considered whether to seek additional assistance.

Several international agencies and NGOs established programs to assist the victims of trafficking with material support to return to their countries of origin or homes. While UNMIK, the OSCE, and the IOM did not directly provide shelter for domestic victims, they worked with local and international NGOs, such as UMCOR and CPWC to provide these services. In addition, CPWC conducted awareness programs in schools and communities. In early January, CPWC's offices were burglarized and computers with confidential information were taken, potentially putting victims at risk; the crime had not been solved by year's end.

Protection for victims of trafficking made considerable progress in recent years. Since prostitution is illegal and many of the trafficked women were in the country without documentation, victims often failed to report their traffickers due to fear of arrest. However, UNMIK regulation provides a defense for victims of trafficking against criminal charges of prostitution and illegal entry, while the law provides a prohibition against deportation of trafficked persons due to a conviction of prostitution or illegal entry. UNMIK did not provide any official residency status to victims. Those who did not accept assistance from the IOM were released, but if they continued to work as prostitutes, they were subject to re-arrest, short jail sentences,

and deportation.

There was significant success in disseminating the view that women who were the victims of trafficking should not be prosecuted for prostitution nor subjected to deportation orders. However, a few local judges sometimes incorrectly sentenced trafficking victims to jail, contrary to the law, which provides for their partial immunity. Judges issued deportation orders against some women for lack of proper documentation.

During the year, the IOM worked closely with the PISG, particularly the Office of the Prime Minister, the Ministry of Labor and Social Welfare, and the Ministry of Health to increase local awareness of the phenomenon of trafficking, and to encourage engagement in counteracting the problem. The IOM also offered training on trafficking to instructors engaged in rule of law development programs. The IOM continued an awareness campaign directed at Kosovo NGOs involved in human rights and women's issues, and a public campaign to discourage the use of commercial sex services by Kosovo men and international staff. The IOM also released a report on psychological support and services for victims of trafficking.

MONTENEGRO

Montenegro was a constituent republic of the Federal Republic of Yugoslavia (FRY) until February when the FRY was dissolved and Montenegro became a constituent republic of the state union of Serbia and Montenegro (SaM). Like Serbia, Montenegro has a president and a parliamentary system of government. On May 11, Filip Vujanovic was elected President in general elections that were deemed free and fair. 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. The Montenegrin Government continued to act largely independently from the Republic of Serbia on most issues. Montenegro has a separate customs regime, a separate visa regime, its own central bank, and uses the euro rather than the Yugoslav dinar as its currency. The Constitution provides for an independent judiciary; however, courts often were subject to political influence and corruption and remained inefficient.

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 cooperated 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 government authority. Some members of security forces committed human rights abuses.

Montenegro has a population of approximately 686,000, including refugees and displaced persons from Kosovo. The economy, more market-based than state-owned, was mixed agricultural, industrial, and tourist-oriented. 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 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.

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.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There were no developments in the investigations of the 2001 killing of Darko Raspopovic, chief of the

Montenegrin police anti-terrorism unit, or the 2000 assassination of Goran Zugic, advisor for security issues to the President of Montenegro.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, police occasionally beat suspects during arrest or while suspects were detained for questioning.

On May 17, five police inspectors reportedly physically and verbally abused Igor Zindovic in the port city of Bar. According to a criminal complaint filed by the Humanitarian Law Center (HLC), the inspectors detained Zindovic and held him for several days. During this time, they forced a confession of robbery from him by hitting him on the head, stomach, and back and threatening to kill him and throw his body into the sea. Zindovic was taken before the police chief, who said he was to sign everything or he would be "wrapped in a fishing net and thrown in the Bojana River." On May 20, Zindovic was taken to a prison, and the next day he told an investigating judge that his confession had been coerced. On June 10, Zindovic was released when the prosecutor dismissed the case against him.

On August 21, police inspector Dobrasin Vulic and three other unidentified officers reportedly physically abused Nikola Popovic. According to the HLC, which filed a criminal complaint in the case, Popovic, hearing that his son had been detained, went to the police station in the Zabjelo neighborhood of Podgorica. At the station, an unidentified officer punched him, and Vulic kicked him repeatedly in the mouth and nose and threatened to beat him with his nightstick whenever he saw him. Popovic was detained for 3 days. At year's end, judicial authorities had taken no action on the HLC complaint; however, an investigation into charges that Popovic attacked an officer performing a security-related duty was ongoing.

In October, HLC filed a criminal complaint against two police officers for mistreating Izet Korac of Rozaje early that month. According to HLC, Korac was slightly wounded during the incident. An investigation was ongoing at year's end.

Three Bijelo Polje police officers, Mevludin Hasanovic, Vladimir Šiljak, and Ljubodrag Zugic, beat student Darko Knezevic and held him for several hours without medical attention in 2002. In accordance with the MUP Department for Internal Control and Control of Legal Usage of Authority, Hasanovic was fined 50 percent of his salary for 2 months and the other two officers were fined 50 percent of their salaries 3 months. The three police officers were also indicted on charges of "mistreatment while on duty"; their trials were ongoing at year's end. At the same time, police agreed not to pursue criminal charges against Knezevic.

In December, the Basic Prosecutor issued an indictment against six police officers in Berane for "exceeding authority" for their involvement in beating five Muslim men in Petnjica in 2002. The victims, considering the indictment too mild, brought private charges against the police officers. The prosecutor also issued an indictment against one of these plaintiffs for "threatening by dangerous arms during a fight or quarrel."

According to the MUP Department for Internal Control and Control of Legal Usage of Authority, police involved in the beating of two Roma internally displaced persons (IDP) boys in 2002 were fined 30 percent of 1 month's salary.

The Municipal Court in Pljevlja ordered the Republic of Montenegro to pay \$11,375 (9,100 euros) to Bojan Tosic in compensation for his unlawful arrest and torture by police in 1999; however, by year's end, the compensation had not been paid. At year's end, a criminal case was ongoing against Police Inspector Zeljko Golubovic for inciting the abuse of Tosic to extract a confession that Tosic had planted an explosive device under an automobile.

Prison conditions generally met international standards; however, some problems remained. Prison facilities were antiquated, overcrowded and poorly maintained. Women were held separately from men. The law mandates that juveniles be held separately from adults and pretrial detainees be held separately from convicted criminals; however, in practice, this did not always occur due to overcrowding. Due to inadequate prison budgets, prisoners often had to obtain hygienic supplies from their families, although the prisons provided basic supplies to those who could not obtain them otherwise.

The Government permitted prison visits by human rights observers, including the International Committee of the Red Cross and local NGOs. The Ombudsman, elected by Parliament in October, had the right to

visit detainees and prisoners at any time, without prior notice. After the Ombudsman's office became functional on December 10, the Ombudsman visited one detainee and one inmate.

d. Arbitrary Arrest, Detention or Exile

The law prohibits arbitrary arrest and detention; however, at times the police arbitrarily arrested and detained persons.

The MUP controls both National and Border Police. These two services were generally effective in maintaining basic law and order; however, their effectiveness in fighting organized crime was limited. A sizable percentage of the police force was made up of Bosnian Muslims, also referred to as Bosniaks, many of whom were deployed in a predominantly Muslim area in the north commonly referred to as Sandzak. During the year, the Border Police took over from the SaM army responsibility for policing Montenegro's borders. The Government investigated some police abuses; however, criminal procedures and sentences against police were rare. When they were initiated, criminal procedures against police were often of long duration with convictions resulting in only minor penalties.

Low wages and socialist-era habits contributed to an environment in which some corruption was tolerated; the small, close-knit society discouraged reporting of corruption and provided criminals access to law enforcement officers. However, strong international and domestic pressure resulted in some progress.

The international community provided substantial financial and technical assistance to upgrade the quality of training and facilities for the Border Police, with a special focus on combating trafficking in persons. Assistance was also provided to train the police to better combat organized crime.

In December, Parliament adopted the Criminal Procedure Act; it was expected to take effect in April 2004 and to supercede all previous criminal procedure laws. The Act defines the authority of police in pretrial processes and permits police involvement in these processes only with the approval of a judge. It also contains new measures for combating organized crime and for in-court witness protection. The Organization for Security and Cooperation in Europe (OSCE) expects the Act to strengthen protection of human rights and freedoms of citizens while giving more power to police, prosecutors, and courts to combat the most serious criminal offenses.

Arrests require a judicial warrant or "high suspicion that the suspect committed an offense." A suspect could be detained for up to 72 hours without access to an attorney. It is within this initial detention period that most abuses occurred (see Section 1.c.). Under the new Criminal Procedure Act, expected to take effect in 2004, a suspect may only be detained for up to 48 hours before being taken before a judge. The Act includes a legal requirement to provide access to a lawyer during the pretrial detention period. There is no general requirement for a juvenile suspect to have an adult present during police interrogation; however, if a juvenile faces a sentence of 5 years or more, an attorney must be present. If a criminal case goes to trial for a crime with a possible sentence greater than 5 years, a lawyer will be appointed if the defendant cannot afford one. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail. Remanded prisoners were permitted visits by family members and friends, and this was confirmed by an October survey of Montenegrin detention procedures by the Committee of Experts of the European Committee on Crime Problems.

The Montenegrin Helsinki Committee (HCM) did not record any incidents of arbitrary arrest or detention during the year. There were some cases of arrest in which subsequent investigation did not lead to prosecution; however, unlike in previous years, the HCM did not find any political, ethnic, or religious motivation in these cases. The HCM believed the police sometimes made arrests before collecting sufficient evidence and that some police officers at times formulated records in a manner that made it appear that preliminary investigations were concluded when they had not been.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, a historical lack of cooperation between police and prosecutors, a backlog of cases, often primitive courtroom facilities, and corruption remained problems. The Government may have at times influenced prosecutors for political reasons. Although judges were poorly paid, some received free housing, which to some extent offset their low salaries. The failure to bring indictments in a trafficking case involving a deputy state prosecutor raised concerns of possible political influence on the justice system (see Section 6.f.).

The court system consists of municipal, higher (or district), and supreme courts at the republic level.

In accordance with the 2002 Law on Courts, a Judicial Council was established and began functioning during the year. The Supreme Court President chairs the Council, and other members include judges, lawyers, and academics; no Executive Branch members are included. The Judicial Council selects and disciplines judges and handles court administration, such as preparation of the judiciary's budget request. The law also requires that cases be assigned to judges by rotation and dictates formation of an Appeals Court and an Administrative Court to reduce the burden on the Supreme Court; however, these new courts had not been formed by year's end due to lack of facilities.

The law provides for the right to a fair trial, the presumption of innocence, access to a lawyer, and the right of appeal.

There were no war crimes trials in Montenegro during the year, although cases for compensation for damages during the conflict in the 1990s were heard.

In 2002, the Bijelo Polje District Court sentenced former "Avengers" paramilitary unit member Nebojsa Ranisavljevic to 15 years in prison for war crimes committed in Serbia and Bosnia during the Bosnian war. The Supreme Court held a hearing on Ranisavljevic's appeal, but at year's end the court had not issued a ruling. Victims' families pressed criminal charges, seeking to have the Ranisavljevic investigation extended to additional individuals, including Dobrica Cosic and high officials in office when the alleged crimes were committed. The families also initiated 19 lawsuits seeking compensation for non-material damages (e.g., pain and suffering) in courts in Montenegro (Bar, Berane, Bijelo Polje, Rozaje) and Serbia (Prijeopolje). These cases were pending at year's end. In February, the HCM requested an investigation of Dobrica Cosic.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the law allows the SDB to eavesdrop on citizens without court authorization. Some observers believed that police used wiretapping and surveillance against opposition parties and other groups on a selective basis. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance.

Citizens could inspect secret files kept on them by the SDB from 1945 to 1989; however, they did not have access to post-1989 files.

There were reports that membership in the appropriate political party was a prerequisite for obtaining positions or advancing within certain parts of the Government.

Section 2 Respect for Civil Liberties, including:

a. Freedom of Speech and Press

The Constitution and laws provide for freedom of speech and of 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.

The Government tried to move away from state-run media towards true public broadcasting (PBS) and privatization. The Media Law mandates regulatory structures designed to insulate state-owned media from direct party control, including a Radio and Television Council (RTVCG) to take over from the Government editorial oversight of PBS radio and television stations. The Council was formed during the year, with members selected by a variety of NGOs and professional groups; however, some observers noted that many Council members had close ties to the Government. The state-owned print media were slated for privatization, so they were not placed under the purview of RTVCG. Despite an obligation imposed by the 2002 media laws to privatize by November, the state-owned daily newspaper *Pobjeda* had not begun the process at year's end. Only two out of a dozen local, state-owned newspapers began the privatization process by year's end.

The print media consisted of a mixture of state-owned and private news outlets, which published a wide variety of domestic and foreign articles. Domestic radio and television stations regularly broadcast programs from Belgrade's B-92, Croatian State Television, Italian television, the British Broadcasting Corporation, the Voice of America, and Radio Free Europe.

Domestic radio and television stations needed licenses from the Government to broadcast. The regulatory Broadcasting Agency was established during the year; however, it had not begun allocating licenses by year's end. YU-INFO TV news no longer broadcast from military bases in the Republic; the broadcasts had

violated the law. The Serbian television station TV Pink, highly partial to the Montenegrin Government, continued to broadcast in Montenegro under temporary licenses received in a non-transparent procedure from the Agency for Telecommunications. The more financially and technically powerful TV Pink began to edge out Montenegrin independent stations from the market.

Many private media outlets lost guaranteed financial backing from supporters and had to rely on circulation and advertising for revenue; this increased competition for audience share and resulted in the closure of two dailies. A tacit government requirement that ministries place their listings, such as government job vacancies, in the pro-government *Publika* newspaper provided extra revenue for this relatively low-circulation daily.

In 2002, the parties then in opposition voted in favor of media reform laws that ultimately led to cancellation of the state-run television's gavel-to-gavel coverage of Parliament. However, when the RTVCG Council ordered that full coverage cease, the opposition began a boycott of Parliament, arguing that government domination of the media made it necessary for citizens to see unedited parliamentary coverage. Although the RTVCG and many other actors offered various compromises that would provide near-complete coverage, the boycott was ongoing at year's end.

There were no publicized cases of direct government censorship of state-owned media. However, officials continued to bring libel suits against some media outlets, the newspaper *Dan* in particular, for relatively harmless offenses. The fear of being sued for libel, which carried criminal penalties of up to 3 years' imprisonment, continued to inhibit free expression in the press. However, in December, Parliament adopted a new criminal code that eliminated jail sentences for libel (including insult and defamation), imposing only fines ranging from \$750 to \$12,500 (600 to 10,000 euros). In September, after *Dan* printed an opinion piece asserting that Prime Minister Djukanovic used the services of trafficked women, the Prime Minister filed a libel lawsuit against the editor-in-chief of *Dan* and his deputy, and against the NGO activist who wrote the article; the cases had not gone to court by year's end. Despite the continued risk of libel suits, a modest increase in the willingness of the media to criticize the Government was noticeable.

In November 2002, the Podgorica Higher Court sentenced former editor-in-chief of opposition daily *Dan*, Vladislav Asanin, to 30 days in jail for libeling businessman Stanko Subotic and to a 3-month jail term for libeling then President Djukanovic after Asanin reprinted in *Dan* an allegation that Subotic and Djukanovic were involved in cigarette smuggling. By year's end, the Government had not jailed Asanin for either conviction; however, the Supreme Court denied his appeal in the Subotic case on October 13. His appeal in the Djukanovic case remained pending at year's end.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice. There was no state religion, although the Montenegrin Constitution mentions the Orthodox Church, Islamic Religious Community, and Roman Catholic Church as equal and separate from the state, and the Serbian Orthodox Church received some preferential treatment in practice. The Ministry of Religion was abolished early in the year.

While there was no formal registration requirement for religions, religious groups had to register as citizen groups with the Montenegrin MUP in order to gain status as a legal entity, which is necessary for real estate and other administrative transactions. The Diocese of Montenegro and the Littoral-Serbian Orthodox Church, even though not formally registered, enjoyed the status of legal entity.

A human rights organization claimed that the Government discriminated against a member of the Jehovah's Witnesses from Berane who received a 1-year sentence for use of a counterfeit banknote. These human rights activists questioned the strength of the evidence presented in the case and noted that the defendant's membership in the Jehovah's Witnesses was included in the court decision.

There was no progress noted during the year on restitution of previously seized church property. The Government challenged a decision by the SaM Ministry of Defense to transfer military property into the hands of the Serbian Orthodox Church. Officials claimed the transfer was an illegal attempt to prevent the Republic Government from obtaining the property when the federal state was dissolved.

Religion and ethnicity were intertwined closely and in many cases it was difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin. Minority religious communities reported some continued problems with vandalism of church buildings, cemeteries, and other religious premises.

Catholic, Orthodox, and Muslim communities coexisted within the same towns and often used the same municipal-owned properties for worship services. Tensions continued between the canonically unrecognized Montenegrin Orthodox Church and the Serbian Orthodox Church, but these tensions were largely political. Pro-Serbian political parties strongly supported moves to establish the Serbian Orthodox Church as the official state religion, while pro-independence parties pushed for the recognition of the Montenegrin Orthodox Church. The two churches continued to compete for adherents and made conflicting property claims; however, the contention was not marked by the violence seen in previous years.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation.

The Constitution provides for these rights, and the Government generally respected them in practice.

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. Eviction of Roma from illegal settlements and, sometimes, legal residences, was a serious problem (see Section 5).

The law provides for the granting of refugee status to persons who meet the definition in the 1951 U.N. 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 U.N. High Commissioner for Refugees (UNHCR) in Belgrade for determination. Refugees that the UNHCR determined had legitimate fears of persecution could then be resettled elsewhere. People who entered Montenegro illegally claiming fear of persecution were sent to Belgrade, where they were detained for up to 3 weeks in a special jail. In these cases, the UNHCR was also requested to determine the legitimacy of persecution claims.

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. 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). Only refugees who were leaving the country permanently were issued travel documents. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment. Many Roma refugees lived in collective centers, with only limited access to health care and education. One of the major problems for Roma children was their lack of knowledge of the Serbian language; Albanian is the first language for most Roma in Montenegro, particularly IDPs.

The 2002 Law on Employment treated refugees as economic migrants and deprived them of the right to register with the Montenegrin Employment Bureau, a right IDPs lacked. The May 5 Decree on Employment of Non-Resident Physical Persons was designed to limit economic migration; however, a \$3.13 (2.5 euros) per-day surcharge it levied on employment of non-residents also applied to refugees and IDPs, making their labor more expensive than comparable labor of Montenegrin citizens.

Section 3 Respect for Political Rights: the Right of Citizens to Change their Government

The 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.

In February, a presidential election failed due to low turnout (46.1 percent), with the mainstream opposition parties boycotting. Parliament then removed the 50 percent turnout requirement, and acting president Filip Vujanovic was elected President on May 11, with 64 percent of the vote in a free and fair election, which had a turnout of 48.3 percent.

In an October 2002 election, President Djukanovic's coalition, Democratic List for a European Montenegro, obtained a majority in Parliament, with 39 out of the total 75 parliamentary seats. After resigning the presidency in late 2002, Djukanovic formed his Government on January 8 and was confirmed as Prime Minister. Djukanovic has been in power as President or Prime Minister almost all of the previous 12 years.

The Croatian minority's political party, Croatian Civic Initiative, won four seats in the Tivat municipal assembly in 2002. According to a survey by the Ministry for Protection of Rights of Minorities and Ethnic Groups, there were no Roma in the state administration, and only 0.15 percent of local administration employees were Roma.

There were no legal restrictions on women's participation in government and women voted in large numbers. There were 8 women in the 75-seat legislature, and 2 women in the cabinet (Ministers of Culture and Foreign Economic Relations). Vesna Medenica, a female judge, was appointed State Prosecutor when her predecessor resigned under pressure from critics who accused him of corruption and possible collusion in a highly visible human trafficking case. At year's end, there was one female mayor in Montenegro's 21 municipalities. (Two female mayors resigned during the year.)

There were no legal restrictions on political participation by ethnic minorities, although ethnic Montenegrins and Serbs dominated the Republic's political leadership. There were 11 ethnic minorities in the 75-seat legislature, and 3 in the Cabinet. Ethnic Albanians and Bosniaks participated in the political process, and their parties, candidates, and voters participated in all elections. Four parliamentary seats are allocated to ethnic Albanians; two of these seats were held by members of Albanian parties and the other two were held by members of Prime Minister Djukanovic's DPS.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, and officials were somewhat cooperative and responsive to their views. There were a substantial number of NGOs investigating and publishing their findings on human rights cases; these included HLC, HCM, and the Center for Democracy and Human Rights. NGOs have been credited with helping to bring about an overall decline in police brutality and other abuses.

There was a committee on human rights in the Parliament; however, in December, HLC and HCM stated that the committee was inactive.

The Government cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY) in allowing access to witnesses and in responding quickly to reports that indictees might have been in Montenegro. Prime Minister Djukanovic declined the ICTY Prosecutor's request that he testify in the trial of Slobodan Milosevic in September.

In July, Parliament adopted the Law on the Protector of Human Rights and Freedoms (the Ombudsman Law). In October, Parliament elected former Constitutional Court Judge Sefko Crnovrsanin as the first Ombudsman and the Ombudsman office was functioning by year's end. According to the Law, the Ombudsman protects human rights and freedoms guaranteed by the Constitution, laws, ratified international human rights agreements, and generally accepted principles of international law, when these rights are violated by actions or omissions of state bodies, local governments, or public services. The Ombudsman does not have authority over the work of the courts, except in cases of prolonged procedure, obvious abuses of procedure, and failure to execute court decisions. Anyone can appeal to the Ombudsman, and the procedure is free of charge. If the Ombudsman finds a violation of human rights or freedoms, he may initiate disciplinary procedures or dismissal of the violator. Failure to comply with the Ombudsman's request for access to official data, documents, or premises, or to the Ombudsman's request to testify at a hearing, is sanctioned by fines of 10 to 20 times the minimum monthly wage. The Ombudsman must submit to Parliament an annual report, which is a public document.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law provides for equal rights for all citizens, regardless of ethnicity, social status, or gender; however, in practice, the Government provided little protection against discrimination.

Women

High levels of domestic violence persisted, particularly in rural areas. The few official agencies dedicated to coping with family violence had inadequate resources and were limited by social pressure to keep families together. In 2002, the Government introduced provisions against domestic violence in its criminal legislation. Prescribed sanctions are: For arrogant behavior that threatens the tranquility, physical integrity, or mental condition of a family member, a fine or up to 1 year in prison; if dangerous weapons are used, 3 months to 5 years in prison; if damage to health or serious injury results, or if directed against a minor, 1 to 5 years in prison; and if death results, 3 to 12 years in prison. Victims of domestic violence rarely filed complaints with the authorities. According to a survey by the NGO SOS Hotline for Women and Child Victims of Violence-Podgorica (SOS Hotline), only 30 percent of victims reported domestic violence incidents to police. In the 2 districts for which SOS Hotline had statistics, approximately 180 domestic violence criminal complaints were filed with police, and police forwarded about 85 of these to prosecutors. In the remaining cases, police usually issued warnings. The judiciary prosecuted a number of domestic violence cases; however, NGOs reported that courts were insufficiently active on domestic violence cases due to lack of understanding of the issue. Seniors from the MUP High School in Danilovgrad were trained to deal with domestic violence.

Punishment for spousal rape is 1 to 10 years in prison; however, the crime can only be prosecuted if the victim brings the charges. According to SOS Hotline, although nearly one-fourth of married women are victims of spousal rape, no charges were filed during the year.

Punishment for rape is 1 to 10 years in prison. According to the Montenegrin Women's Lobby (MWL), victims rarely filed criminal complaints for rape. Of the two women MWL assisted to file criminal charges against their alleged rapists during the year, neither ultimately pursued a prosecution.

Trafficking in women for prostitution was a problem (see Section 6.f.). A lack of female police at police stations resulted in long delays in investigating rapes, assaults, and offenses against women.

Sexual harassment was a problem. Women did not enjoy equal status with men, and few women held upper-level management positions in government or commerce; however, increasing numbers of women served as judges, and there were many women in professional fields such as law, science, and medicine. Legally, women were entitled to equal pay for equal work; however, in practice, they did not always receive it. Women were allowed 12 to 18 months of maternity leave.

Traditional patriarchal ideas of gender roles, which hold that women should be subservient to male members of their families, continued to subject women to discrimination in the home. In rural areas, particularly among minority communities, women did not always have the ability to exercise their right to control property, and husbands commonly directed wives' voting. Divorce occurred, although infrequently. Women were active in human rights organizations.

Children

The Government attempted to meet the health and educational needs of children; however, insufficient resources impeded this goal. The educational system provided 8 years of mandatory schooling. Although ethnic Albanian children had access to instruction in their native language, some Albanians criticized the Government for not developing a curriculum in which Albanians could learn about their ethnic culture and history. Most Roma children received little or no education beyond the primary school level.

There were some reports that abuse against children was a problem, although there was no societal pattern of such abuse. The law does not allow a juvenile to make an allegation of a crime without a parent or guardian present; consequently, there was almost no reporting of child abuse or incest.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services. The law mandates access to new official buildings, and the Government enforced these provisions in practice; however, facilities for persons with disabilities were inadequate, including at polling stations. Mobile voting existed for handicapped or ill voters who could not come to polling stations. There was societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities

Societal discrimination against ethnic minorities persisted. While there was no officially sanctioned discrimination against the Roma population, prejudice against them was widespread. Local authorities often ignored or tacitly condoned societal intimidation or ill treatment of Roma, many of whom were IDPs from Kosovo. The HLC reported that a Roma woman, Radmila Selimovic, was discharged from the hospital following a July 16 hit-and-run accident with no follow-up treatment arranged in spite of serious injuries she had received, including a broken pelvis that left her unable to walk. The police had not taken a statement from her by year's end. On June 19, the Montenegrin Government agreed to pay \$1,231,250 (985,000 euros) to 74 Roma whose neighborhood was destroyed by a mob in 1995—as police stood by—following the alleged rape of a non-Roma girl by two Roma youths.

Roma IDPs, who lived primarily in collective centers and scattered settlements throughout the country, often lacked identity documents and access to basic human services (see Section 2.d.). Eviction from illegal settlements and, sometimes, legal residences, was a serious problem.

HLC reported that the local population exerted pressure on three Roma families to move out of Niksic and organized protests against the Roma in front of the City Council. In response, police provided stronger security for the Roma families concerned.

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 (see Section 3).

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of association for all workers; however, military personnel may not form unions. Most, if not all, of the workforce in the official economy was organized. Both official, government-affiliated unions and independent unions existed. Because the independent labor movement largely was fragmented, there was little improvement in working conditions or wages. A general lack of resources within the economy also acted as a restraint.

The Constitution, laws, and the General Collective Agreement prohibit anti-union discrimination. Anti-union discrimination was not generally a problem, although workers were involuntarily transferred to lower-paid positions discriminatorily. Unions could affiliate with international labor organizations; however, access to international labor unions was limited.

b. The Right to Organize and Bargain Collectively

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.

The law only prohibits strikes by military and police personnel. Strikes were frequent during the year, primarily caused by the economic situation, unpaid salaries, allegations of manipulation and fraud in the privatization process, and denial of union rights. A strike of education workers during the year lasted nearly 11 months. There were also strikes in shipping and hotel/tourism companies, timber- and wood-processing plants, a home appliance plant, and a construction equipment company—all state-owned.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The official minimum age for employment is 15 years, although in farming communities it was common to find younger children assisting their families. Children could also be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. The high unemployment rate ensured that there was little demand for child labor in the formal sector.

Some children worked in the "gray zone" between voluntary and forced labor; however, there were no reports that such practices occurred systematically.

e. Acceptable Conditions of Work

The minimum wage was \$62.50 (50 euros) per month, and large government enterprises, including all of the major banks and industrial and trading companies, generally observed this wage. The minimum wage was comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage for 2002 was \$231 per month (185 euros), with a disposable average wage (after social contributions and payroll taxes) of approximately \$106 (85 euros) per month; this amount was insufficient to provide a decent standard of living for a worker and family. Prices increased faster than wages, with inflation as of October at 6.7 percent. The latest available data suggest that households spent almost all of their resources on basic needs, such as food, clothing, and housing.

The official workweek is 40 hours and payment of overtime is prescribed by the GCA. The Government did not give high priority to the enforcement of established occupational safety and health regulations. In view of the competition for employment, workers were not free to leave hazardous work situations without risking loss of employment.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. There were reports that police and other officials were involved in trafficking.

The Criminal Code provides for up to 8 years' imprisonment for trafficking and up to 10 years' imprisonment if a person under age 14 is involved. The new Criminal Code, which is expected to take effect in April 2004, sets the punishment for all trafficking in persons at up to 10 years' imprisonment. Only three cases under the new trafficking charge had come to trial by October, and only one resulted in a conviction. NGOs and international organizations suspected that the small number of arrests did not reflect the full extent of the trafficking problem.

A controversial case involving the rape and torture of a trafficked woman from Moldova, identified by the initials S.C., arose when authorities arrested Montenegrin Deputy State Prosecutor Zoran Piperovic in November 2002. Government officials were alleged to be directly involved in the purchase, sale, rape, and torture of S.C. Piperovic and two other suspects were charged with mediation of prostitution, and a fourth person was charged with trafficking in persons and mediation of prostitution. After Ana Vukovic, the Podgorica Municipal Court Investigative Judge assigned to the case, conducted a 4-month investigation, including interviews with about 50 witnesses, she recommended that indictments be issued against all four suspects. On June 2, after reviewing Vukovic's report, Podgorica Prosecutor Zoran Radonjic dismissed charges against all the suspects, citing insufficient evidence. Judge Vukovic criticized Radonjic's decision, stating publicly that she believed her investigation had turned up sufficient evidence to indict Piperovic and the other suspects (see Section 1.e.). Foreign governments, the European Union, and the OSCE strongly criticized the decision not to try the case.

S.C., who was residing abroad, decided not to pursue the case further through an optional procedure known as a private prosecution, and Judge Vukovic officially closed the case on September 2, noting that it could be reopened if new evidence emerged. In November, Judge Vukovic claimed that she was wiretapped and placed under surveillance; the SDB and police denied the charges. At year's end, State Prosecutor Vesna Medenica was investigating Vukovic's allegations.

In July, at the invitation of the Montenegrin Government, the Council of Europe and the OSCE performed a joint investigation of the handling of the S.C. case and provided a copy of their report and recommendations to the Government at the end of September. The Government provided its response on October 20, and both the report and response were made public by year's end.

The Government and ruling party (DPS) denounced the case, and in late January when Prime Minister Djukanovic formed a new government, he did not renew the mandate of the incumbent Minister of Internal Affairs, Andrija Jovicevic. This move was widely interpreted as retaliation for Jovicevic's authorization of Piperovic's arrest. Government actions, such as disbanding the special anti-trafficking police unit that arrested Piperovic and the other suspects, and transferring the police's anti-trafficking chief to a new department, raised concerns about the Government's commitment to fighting trafficking. However, the Government did fire Deputy State Prosecutor Zoran Piperovic; his boss, State Prosecutor Bozidar Vukcevic; and Podgorica Prosecutor Zoran Radonjic.

Since 2001, a National Coordinator appointed by the MUP has chaired the Anti-Trafficking Working Group composed of relevant ministries, social services, the OSCE, the International Organization for Migration (IOM), and NGOs. Until the Piperovic case arose, there had been good cooperation among the board's members; however, the scandal appeared to damage trust within the group, and cooperation reportedly neared a standstill. One source of tension was the coordinator's admitted close friendship with one of the accused. The Anti-Trafficking Working Group convened several times in the second half of the year to develop an anti-trafficking strategy. In November, the Government approved the strategy and established a new inter-ministerial working group tasked with supervising implementation; the group began its work in December.

Available data suggested that Montenegro remained primarily a transit point for trafficked women and children and, to a lesser extent, a destination. According to local NGOs, victims likely originated from Romania, Ukraine, Moldova, Bulgaria, and Russia, often passing through Belgrade and on to Kosovo or Albania, where they continued on to Italy and other western European countries. Trafficking had increased steadily since 1999; however, since January, there was a decline in the reports of trafficked persons to NGOs and international organizations such as the IOM. The Podgorica shelter, Safe Women's House, accommodated approximately 49 women between its opening in 2001 and the end of 2002; however, in the first 9 months of the year, it housed only 9 women. Precise figures on the number of women and children trafficked through Montenegro were not available.

Information regarding the latest methods of recruitment or entrapment of trafficked women was not readily available; however, NGOs reported that, as in the past, victims often responded to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may have been aware that they

were going to work in the sex industry, they often were unaware of the slavery-like conditions they might face. Many women were sold several times in different countries to different nightclub owners. Their passports often were confiscated. Women reported being beaten and raped by their traffickers. There were allegations that some authorities have colluded in trafficking by taking bribes, although the Government denied such allegations.

The highly publicized S.C. case and police crackdowns on nightclubs and brothels may have forced the sex industry into a lower profile. Women's organizations reported a decline in requests for help by trafficked women, which they attributed to the removal of women from bars and nightclubs to brothels set up in private residences, where they had less opportunity to escape or be discovered.

A protocol signed by the MUP and two local NGOs in 2002 provides procedures for protecting trafficking victims by distinguishing them from prostitutes and illegal migrants, as well as procedures for referring victims to appropriate social services; however, according to local NGOs, law enforcement authorities continued to mishandle some cases involving potential victims. In February, authorities transferred a Romanian woman found in Bar to a detention center in Belgrade. She was later found to be a victim of trafficking and transferred to the shelter in Belgrade. The Government repatriates victims; a number of international donors funded repatriation through the IOM.

International organizations sponsored police training in methods of dealing with human trafficking. Local NGOs, with the support of international donor funding, opened a shelter for trafficking victims and a 24-hour hotline in Podgorica. General awareness of the problem improved following internationally sponsored public awareness campaigns conducted throughout the country.

