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## Amnesty International Report 2017/18 - The State of the World's Human Rights - Serbia

Impunity continued for crimes under international law. Slurs by officials and media close to the government created a toxic environment for transitional justice activists and independent media.

### Background

Mass demonstrations, protesting against electoral corruption and media bias, followed the presidential elections won by the ruling party in April. Former Serbian military leaders released after serving sentences handed down by the International Criminal Tribunal for the former Yugoslavia (ICTY) were increasingly afforded influential positions. In December, despite a UN Committee against Torture ruling against his extradition, Serbia returned a Kurdish activist, Cevdet Ayaz, to certain imprisonment in Turkey.

### Crimes under international law

In November, Ratko Mladić, former Commander of the Republika Srpska Army, was convicted and sentenced to life imprisonment by the ICTY for genocide, crimes against humanity and war crimes in Bosnia and Herzegovina (BiH). In August, the Appeal Court acquitted 10 people indicted for concealing Ratko Mladić, arrested in Serbia in 2011.

In May, Snežana Stanojković was elected Chief War Crimes Prosecutor. Only three prosecutions, all resulting in acquittals, were concluded at the Special War Crimes Chamber. The retrial continued of former soldiers indicted for war crimes in Kosovo, including the first indictment for rape.

In July, the trial of eight former Bosnian Serb special police – accused of killing 1,313 Bosniak civilians near Srebrenica in July 1995 – was halted because the 2016 indictment had been filed in the absence of a Chief Prosecutor. On appeal, the indictment was reinstated; proceedings started afresh in November. In October, the Appeals Court similarly dismissed charges against five former Bosnian Serb paramilitaries indicted for the February 1993 abduction of 20 people from a train at Štrpci station in BiH and their murder.

## Enforced disappearances

Relatives of the disappeared were denied recognition as civilian victims of war, if their missing family member had died outside Serbia.

In May, relatives of missing Kosovo Serbs called on the government to make progress in recovering their bodies. There was no progress towards the prosecution of those responsible for the transfer and subsequent burial of bodies of Kosovo Albanians in Serbia in 1999.

## Human rights defenders

Transitional justice NGOs were attacked by senior government officials, including Aleksandar Vučić, by media supportive of the government and on social media. In January, intruders left bags of fake bank notes at the Youth Initiative for Human Rights (YIHR) office, and messages accusing the NGO of being “foreign mercenaries”. Also in January, YIHR activists were physically attacked at a ruling party meeting where Veselin Šljivančanin, convicted for war crimes in Croatia, was speaking.

## Freedom of expression – journalists

Investigative journalists were subjected to smear campaigns by ministers and media close to the government. The ruling party’s private security staff physically attacked six journalists reporting on demonstrations held during the presidential inauguration on 31 May. In July, journalists working for the Network for Investigating Crime and Corruption (KRIK) received death threats, and the flat of investigative reporter Dragana Pećo was broken into. In September, the Defence Minister’s political party accused KRIK editor-in-chief, Stevan Dojčinović, of being a drug addict and paid by foreigners. This followed KRIK’s investigation into the minister’s property.

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

The appointment of Ana Brnabić, a lesbian, as Prime Minister, and her presence at the Belgrade Pride in the capital in September was welcomed by some as progress. However, the authorities failed to protect LGBTI individuals and organizations from discrimination, threats and physical attacks. In April, the UN Human Rights Committee urged Serbia to implement hate crime legislation effectively, and to introduce a procedure for legal gender recognition compatible with international standards.

## Discrimination – Roma

Roma families in Belgrade continued to live in informal settlements. They were denied access to social and economic rights, including health, education, water and sanitation, and were at risk of forced eviction. Some 44 of over 100 Roma families forcibly evicted in 2012 were still living in containers awaiting resettlement; planned apartments for 22 families were not due to be completed until February 2019; by November, two of the remaining families due to be moved to villages north of Belgrade had been rehoused.

Roma continued to face ill-treatment by police. In April, a Roma couple, who reported that their car had been stolen, were detained by the police for 13 hours, denied access to a lawyer, severely ill-treated, and threatened that their children would be taken to an orphanage.

## Refugees' and migrants' rights

Refugees and migrants were trapped in the country; those trying to enter the EU via Hungary and Croatia were repeatedly and violently returned to Serbia.

In January, up to 1,800 refugees and migrants were still living in abandoned warehouses, often in sub-zero temperatures. By May, they had all been evicted and transferred to government-run centres, where conditions were inadequate and overcrowded. There were continued obstacles and delays in registering, interviewing and providing identification for asylum-seekers. By August, out of 151 asylum applications that were received, two were accepted and 28 rejected; 121 asylum applications were being processed.

The EU negotiated an agreement with Serbia, enabling the European Border and Coast Guard Agency (FRONTEX) to operate within Serbia.

## Violence against women and girls

In May, Serbia adopted 18 May as Remembrance Day for women killed by their husbands or partners. In July, women's organizations protested at the authorities' failure to protect two women and one of their children, who were killed by their former husbands in two separate incidents at the Belgrade Centre for Social Work. In November, Serbia ratified the Istanbul Convention on preventing and combating violence against women.

## Kosovo

### Crimes under international law

Under 2014 legislation, the competencies of the EU-led Police and Justice Mission (EULEX) for the prosecution of crimes under international law were limited, although some prosecutions continued. The absence of any agreement on mutual legal

assistance between Kosovo and Serbia hampered the prosecution of Serbs suspected of crimes under international law during the 1998-99 armed conflicts, including conflict-related sexual violence (CRSV).

Hundreds of unresolved case files were due to be transferred by June 2018 to Kosovo's Special Prosecution Office. Prosecutors, NGOs and survivors of CRSV were concerned that testimonies, known to have been gathered after the armed conflict by the UN Mission in Kosovo (UNMIK), had not been promptly or adequately investigated. In June, former president Atifete Jahjaga was denied entry to Serbia, where she was due to present a book of testimonies from survivors of CRSV.

## Reparation

Progress was made in implementing legislation introduced in 2014, which provided some reparation for survivors of CRSV. A commission was appointed to consider applications from survivors, who were due to be able to apply for monthly compensation payments from January 2018. Other reparation measures did not meet international standards, failing to provide survivors with free health care or adequate rehabilitation. Stigma associated with war-time rape continued to overshadow survivors.

## Enforced disappearances

Little progress was made in locating people still missing from the armed conflict and its aftermath. Of the few remains recovered, the body of a man buried by Albanian villagers, who had found him in a river flowing from Kosovo, was exhumed in September. Some 1,658 people were still missing.

The Kosovo Specialist Chambers opened in The Hague on 28 June. It had been established to investigate the alleged abduction, torture and murder of Kosovo Serbs and some Kosovo Albanians, transferred to Albania by members of the Kosovo Liberation Army (KLA) during and after the war. In December, MPs failed to revoke the law governing the Specialist Chambers, which they considered discriminated against the KLA.

## Detention

In May, the Kosovo Rehabilitation Centre for Torture Victims, authorized to monitor the treatment of the people in detention, was refused access to prison hospitals after these had been transferred to the Ministry of Health. Some detainees were held for long periods before and during trial; one defendant was detained for over 31 months, in violation of the Criminal Procedure Code. The Ministry of Justice failed to provide an explanation for the death in detention of Astrit Dehari, a member of the Vetëvendosje opposition party, in November 2016.

## Freedom of expression

In October, the first Pride took place with government support. Hate crimes investigations were opened after a speaker on transgender rights subsequently received serious threats.

The Association of Kosovo Journalists reported an increase in attacks, especially on investigative journalists.

### Right to health

In May, the UN Secretary-General agreed to set up a voluntary trust fund, but refused to pay compensation, apologize or accept responsibility – as recommended in 2016 by the UNMIK Human Rights Advisory Panel – for the lead poisoning of 138 Roma, Egyptians and Ashkali who were relocated by UNMIK to an internally displaced persons camps in northern Kosovo in 1999. The Panel found that the right to life, health and non-discrimination of the 138 internally displaced people had been violated. They had suffered from lead poisoning and other health conditions, including seizures, kidney disease, and memory loss, after they had been placed in the camps on land known to be contaminated.

### Violence against women and girls

In April, a National Strategy for Protection from Domestic Violence was launched. In May, the Law on Compensation for Crime Victims was extended to victims of domestic violence, trafficking, rape and child sexual abuse. However, few received adequate protection from the authorities.

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