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Amnesty International Report 2010 - Serbia

REPUBLIC OF SERBIA, INCLUDING KOSOVO

Head of state: Boris Tadic
Head of government: Mirko Cvetkovic
Death penalty: abolitionist for all crimes
Population: 9.9 million
Life expectancy: 73.9 years
Under-5 mortality (m/f): 15/13 per 1,000
Adult literacy: 96.4 per cent

Serbia made some progress in prosecuting war crimes in domestic courts. Discrimination against minority communities continued in both Serbia and Kosovo, where inter-ethnic violence persisted. A police and justice mission led by the European Union (EU) assumed responsibilities of the UN Interim Administration Mission in Kosovo (UNMIK). More refugees were forcibly returned to Kosovo.

General political developments

In December the Chief Prosecutor to the International Criminal Tribunal for the former Yugoslavia (Tribunal) reported positively on Serbia's progress on cooperation with the Tribunal. The EU subsequently unblocked Serbia's interim trade agreement, and Serbia applied for EU candidacy status pending a decision on unfreezing a Stabilization and Association Agreement. Progress had previously remained dependent on the arrest of former Bosnian Serb General Ratko Mladic and former Croatian-Serb leader Goran Hadzic, indicted by the Tribunal.

In December the International Court of Justice considered submissions on the legality of Kosovo's 2007 unilateral declaration of independence, which 64 countries had recognized by the end of the year.

Serbia

International justice

The Tribunal convicted five Serbian political, police and military leaders in February of war crimes and crimes against humanity. Former Yugoslav Deputy Prime Minister Nikola Sainovic, Yugoslav Army (VJ) General Nebojsa Pavkovic and Serbian police General Sreten Lukic were convicted of the deportation, forcible transfer, murder and persecution (including rape) of thousands of ethnic Albanians during the 1999 Kosovo conflict, and each sentenced to 22 years' imprisonment. Former VJ Colonel General Vladimir Lazarevic and General Chief of Staff Dragoljub Odjanic were convicted of aiding and abetting deportations, forcible transfer and other inhumane acts, and each sentenced to 15 years' imprisonment. Former President Milan Milutinovic was acquitted.

Proceedings opened in January against former Assistant Interior Minister Vlastimir Dordevic, indicted for crimes against humanity and war crimes in Kosovo. He was charged with responsibility for crimes by police under his command leading to the deportation of 800,000 Albanian civilians, the enforced disappearance of more than 800 ethnic Albanians, and leading a conspiracy to conceal their bodies which were transported to Serbia for reburial.

Proceedings were suspended in January against Vojislav Seselj, Serbian Radical Party leader, indicted for crimes against humanity and war crimes in Croatia and Bosnia and Herzegovina (BiH). He was convicted in July for contempt of court for disclosing the identities of protected witnesses.

In October the Appeals Chamber considered the Prosecution's application for a retrial of Kosovo Albanian Ramush Haradinaj, acquitted of war crimes in 2008.

Justice system: war crimes

Proceedings continued at the Belgrade Special War Crimes Chamber in cases related to BiH, Croatia and Kosovo.

In April, four Serbian police officers were convicted and sentenced to between 13 and 20 years' imprisonment for the murder of 48 members of the Berisha family and Abdullah Elshani, in Suva Reka/Suharekë, Kosovo, in March 1999. Two senior commanders were acquitted.

In June, four members of the Scorpions paramilitary group were convicted of murdering 20 Albanian civilians in Podujevo/ë in March 1999, and sentenced to between 15 and 20 years' imprisonment.

In September, two former police officers were acquitted of the post-war disappearance of the Albanian-American Bytici brothers. The prosecution immediately appealed the verdict.

The trial continued of the ethnic Albanian Gnjilane/Gjilan Group accused of the imprisonment, torture and abuse (including rape) of 153 civilians, and the murder of at least 80 of them, in 1999; 34 individuals were still missing. Eight accused were tried in their absence.

In November, five men suspected of killing 23 Roma civilians in Sjeverin in BiH in 1992 were arrested. Allegedly the Roma were imprisoned and tortured, men were forced to sexually abuse each other and women were repeatedly raped.

Investigations continued into the alleged post-war abduction and torture of Serbs by the Kosova Liberation Army at the Yellow House near Burrel in Albania.

Torture and other ill-treatment

In January the European Committee for the Prevention of Torture reported on its November 2007 visit to places of detention in Serbia. There were fewer allegations than on previous visits but ill-treatment, including disproportionate force on arrest,

continued.

The UN Committee against Torture (CAT) in July found that Besim Osmani was in June 2000 subjected to cruel, inhuman or degrading treatment or punishment during the forced eviction of a settlement in Belgrade. The CAT noted that the "infliction of physical and mental suffering [was] aggravated by ... his Roma ethnic origin ... a minority historically subjected to discrimination and prejudice." The authorities had failed to open an investigation, denying Besim Osmani the rights to have his case promptly and impartially investigated and to receive compensation.

Prison conditions

The European Committee for the Prevention of Torture reported severe overcrowding and "dilapidated" detention conditions, especially in Belgrade District Prison. Prisoners were reportedly ill-treated in the Pozarevac-Zabela Correctional Institution, abuse that was apparently concealed by alteration of the register of "coercive means". Psychiatric patients were hit with truncheons in Belgrade Special Prison hospital. The Committee expressed concerns about the quality of prisoners' medical records.

According to a local NGO, in January lawyers for detainee N.N. were refused access to his medical records. N.N. had alleged that his arm was broken in 2008 by prison guards at Ni. Correctional Centre. In November, 12 security staff were arrested on suspicion of abusing and torturing detainees at Leskovac District Prison in January.

Amendments to the Law on Execution of Penal Sanctions adopted in August improved the internal complaints system. A by-law on internal oversight was not adopted, nor had a National Protection Mechanism required under the Optional Protocol to the UN Convention against Torture been established by the end of the year.

Rights of lesbian, gay, bisexual and transgender people

In March an Anti-Discrimination Law was adopted. It had earlier been withdrawn under pressure from the Serbian Orthodox Church and other religious institutions. They objected to articles guaranteeing freedom of religion and the right to non-discrimination on the grounds of sexual orientation and gender identity.

In September the Belgrade Pride march did not take place, after the authorities at the last moment refused to provide security on the agreed route, because of threats from right-wing groups.

Discrimination – Roma

In June the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities recommended that the judicial system address discrimination against minorities more efficiently, and that action be taken to issue identification documents and to tackle discrimination against Roma in education, employment, health and housing.

In June G.H., an internally displaced person from Kosovo, was reportedly attacked by 10 unknown individuals in Belgrade. G.H. was taken to hospital with pulmonary damage, but later discharged himself. Without identity documents he was not eligible for medical care, nor would the police investigate his case. Three attacks on the same community were reported in July. No one was brought to justice.

The inhabitants of several unlawful Romani settlements were forcibly evicted.

- Displaced people from Kosovo were evicted in April from a temporary settlement at Blok 67 in New Belgrade to make way for the June 2009 Student Games. Temporary alternative accommodation was provided, but local residents attempted to set containers on fire to prevent Roma from moving in. Some 60

families accepted alternative accommodation without water or electricity. Others remained at Blok 67 without permanent shelter. A fence erected around them in June for the duration of the games restricted their freedom of movement.

Human rights defenders

Women human rights defenders, in particular those addressing war crimes, transitional justice and corruption, were subject to continued threats to their lives and property, media attacks and malicious prosecutions. The authorities failed to protect them. In June anti-fascist activists were twice attacked by the right-wing group Honour (Obraz) because of their support for evicted Roma.

Violence against women

Amendments to the Criminal Code increased penalties for domestic violence and trafficking, and introduced the offence of knowingly exploiting a trafficked person. A draft law on domestic violence was criticized by NGOs for failing to strengthen protection mechanisms and to ensure the prosecution of those who violated protection orders.

Kosovo

In accordance with a 2008 UN plan, UNMIK retained a role in relations between Serbia and Kosovo. Some of its responsibilities were taken over by an EU-led police and justice mission (EULEX).

A Constitutional Court was established to review legislation and receive complaints of human rights violations by the Kosovo authorities. In June the Kosovo Assembly appointed an Ombudsperson.

In September, 22 members of the NGO Self-Determination! (Vetevendosje!) were arrested for damaging EULEX vehicles during a demonstration against a protocol on co-operation between the Serbian Ministry of Interior and EULEX police.

The ruling Democratic Party of Kosovo won local elections in November which were marred by violence. Despite provisions for the decentralization of municipalities, Kosovo Serbs largely boycotted the elections and failed to win municipalities where they formed a majority.

Justice system: war crimes

EULEX and the Ministry of Justice established mixed judicial panels and an Office of Special Prosecutors, which included local prosecutors, to address war crimes and other serious crimes.

In March Gani Gashi was convicted of the murder, attempted murder and grievous bodily harm of ethnic Albanians in 1998 and sentenced to 17 years' imprisonment.

In September, four Kosovo Serbs were arrested in Novo Brdo/Novobërdë on suspicion of war crimes including the inhumane treatment, unlawful arrest and detention of Kosovo Albanians in 1999.

In October, in a retrial of the Llapi Group ordered by the Supreme Court, Latif Gashi, Nazif Mehmeti and Rustem Mustafa-Remi were convicted of the torture and inhumane treatment of civilian detainees at Llapashtica/Lapastica in 1998-9. They were sentenced to between three and six years' imprisonment. The Albanian member of the judicial panel made public his disagreement with the verdict.

Enforced disappearances and abductions

More than 1,800 families in Kosovo and Serbia still did not know the fate of family members at the end of the year. EULEX had in December 2008 taken responsibility for the Office of Missing Persons and Forensics (OMPF). By December 101 mortal remains had been exhumed and 83 returned to their families; 400 previously unidentified remains were sent to the International Commission for Missing Persons for identification through DNA analysis. Investigations were opened in a few cases.

Families of the disappeared held repeated demonstrations calling for the return of missing relatives. Amendments to the 2006 Law on Civilian Victims of War providing compensation to relatives of the disappeared had not been introduced by the end of the year.

Torture and other ill-treatment

In January the European Committee for the Prevention of Torture reported on its March 2007 visit to places of detention in Kosovo then under UNMIK's control. It reported the denial of detention rights and ill-treatment by Kosovo Police Service officers, and criticized conditions in most psychiatric and social welfare institutions. The Committee also described ill-treatment in several prisons by the elite Intervention Unit, including the beating of juvenile males at Lipjan/Lipljan Correctional Centre.

Impunity

In March the Special Representative of the UN Secretary-General (SRSG), citing security reasons, refused to allow a public hearing before the UNMIK Human Rights Advisory Panel (HRAP) relating to UNMIK's failure to bring to justice members of the Romanian Formed Police Unit. An internal investigation had found them responsible for the death of two men, Mon Balaj and Arbën Xheladini, on 10 February 2007 and for the serious injury of two others through the improper use of rubber bullets. Although the HRAP decided a public hearing would take place in June, the SRSG said in May he would not attend the hearing "under the procedure envisaged by the panel". In October an Administrative Directive was adopted which potentially rendered the case inadmissible.

Inter-ethnic crimes

In September the UN Secretary-General reported on the growing number of security-related incidents affecting minority communities. Inter-ethnic tensions between Kosovo Serbs and ethnic Albanians and attacks continued, especially in Serb-dominated north Mitrovicë/a. In July and August Roma were attacked and threatened in Gjilan/Gnjilane and Ferizaj/Uroševac respectively.

In March the Supreme Court overturned the conviction in June 2008 of Kosovo Albanian Florim Ejupi for the bombing in February 2001 of the Nis-Ekspress bus near Podujevë/o in which 11 Serbs were killed and at least 40 injured. A new investigation opened in May.

In April Kosovo Albanian returnees to Kroj i Vitakut/ Brdani in north Mitrovicë/a were prevented from rebuilding their houses by Kosovo Serbs. For 10 days EULEX police and troops of the NATO-led Kosovo Force (KFOR) used tear gas and stun grenades against protesters, one of whom was injured. In mid-May Serbs also were allowed to rebuild their houses, and a barbed wire fence was erected between the construction sites, patrolled by EULEX police. In mid-August and September violence again broke out.

Discrimination – Roma

Discrimination against Roma remained pervasive, including in access to education, health care and employment. Few enjoyed the right to adequate housing. The majority remained without personal documents that would enable them to register their residency and status.

The action plan to implement a Strategy for the Integration of Roma, Ashkali and

Egyptians had yet to be implemented. An estimated 75 per cent of Romani women were illiterate and had little access to protection from domestic violence. In October NGOs alleged discrimination against Roma applicants for "multi-ethnic" apartments in the predominantly Serbian village of Llapje Sellë/Laplje Selo.

In June the HRAP declared partially admissible a case brought against UNMIK by 143 displaced Romani, Ashkali and Egyptian residents of UNMIK-administered camps in northern Mitrovicë/a. The residents alleged they had suffered lead poisoning and other health problems from the Trepçë/Trepca smelter and mining complex.

Forcible returns

Several EU member states and Switzerland negotiated bilateral agreements with Kosovo on the forcible return of minorities, including Roma. Kosovo Serbs were forcibly returned from Luxembourg in November. A return and reintegration strategy agreed by the Kosovo authorities and UNMIK in 2007 was not adequately resourced or implemented by government and municipal authorities.

In November UNHCR, the UN refugee agency, in considering needs for international protection, stated that Serbs, Roma and Albanians in a minority situation continued to face persecution or serious harm through cumulative discriminatory acts. During 2009, according to UNHCR, 2,962 individuals were forcibly returned to Kosovo from other European countries, including 2,492 ethnic Albanians and 470 members of minority communities. There were 193 individuals – 47 Serbs, 127 Roma and 19 Albanians (returned to a minority situation) – from communities UNHCR considered to be in need of continued international protection.

Violence against women

The OMPF reported on 400 cases of sexual assaults in Kosovo between 2003 and 2008, in which only 10 per cent of suspects were forensically examined. Over a third of victims were under the age of 16. A 2009 survey found that the majority of sexual assaults were not reported to the authorities.

Amnesty International visits/reports

- Amnesty International delegates visited Serbia and Kosovo in February.
- Serbia: Burying the past – 10 years of impunity for enforced disappearances in Kosovo (EUR 70/007/2009)
- Serbia: Human rights defenders at risk (EUR 70/014/2009)
- Concerns in the Balkans: Serbia, including Kosovo, January-June 2009 (EUR 70/016/2009)
- Serbia: Briefing to the Human Rights Committee (EUR 70/015/2009)

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