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HRW – Human Rights Watch

World Report 2020 - Serbia/Kosovo

Serbia

There was little improvement in human rights protection in Serbia in 2019. War crimes prosecutions in domestic courts were slow and lacked necessary political support. The asylum system remained flawed, with low recognition rates. The situation for journalists remained precarious, with attacks and threats for reporting on sensitive issues. The European Union-mediated Belgrade-Pristina dialogue stalemate continued.

Migrants, including Asylum Seekers, and Long-Term Displaced Persons

Between January and the end of August, Serbia registered 6,156 persons who submitted their intent to seek asylum, compared to 4,715 during the same period in 2018. Pakistanis comprised the largest national group in 2019, followed by Afghans and Bangladeshis. Only 161 people actually filed for asylum during the same period.

By the end of August, the United Nation refugee agency UNHCR estimated that there were approximately 5,420 asylum seekers and migrants in Serbia. Many left Serbia for Bosnia and Herzegovina, aiming to reach an EU Schengen country via Croatia. Most asylum seekers and migrants are housed in 16 government-run reception centers across Serbia.

The asylum system remained flawed with low recognition rates compared to EU averages and long delays before decisions are made. Between January and August, Serbia granted refugee status to only 14 asylum seekers and subsidiary protection to 15. Over the past decade, Serbia has only granted refugee status to a total of 69 people and subsidiary protection to 89.

By end of July, 437 unaccompanied children were registered with Serbian authorities, the majority from Afghanistan, compared to 257 during the same period in 2018. Serbia still lacks formal age assessment procedures for unaccompanied children, putting older children at risk of being treated as adults instead of receiving special protection. Only three institutions exist for unaccompanied children, with a total of 40 places. Two government approved institutions managed by nongovernmental organizations have capacity to host an additional 30. Remaining unaccompanied children stay in open asylum centers, often with unrelated adults, making them vulnerable to abuse.

There was little progress towards durable solutions for refugees and internally displaced persons from the Balkan wars living in Serbia. According to the Serbian commissioner for refugees and migration, as of July, there were 26,520 such refugees in Serbia, most from Croatia, and 199,584 internally displaced people, most from Kosovo.

Freedom of Media

Serbian journalists continued to face attacks and threats. Pro-government media outlets frequently smear independent outlets and journalists, describing them as “traitors” and “foreign mercenaries.” Media plurality was compromised by majority of media being aligned with the ruling party.

Between January and late July, the Independent Journalists’ Association of Serbia (NUNS) registered 27 incidents of violence, threats, or intimidation against journalists, including eight physical attacks and 19 threats. Serbia dropped from 76th to 90th place on the Reporters Without Borders’ World Press Freedom Index list out of 180 countries.

In July, Zana Cimili, a Kosovo journalist working at TV N1 received anonymous death threats on social media, saying that the person had “a life-long desire to kill an Albanian, even an Albanian child.” A person was arrested the following day and the investigation was ongoing at time of writing.

Slobodan Georgiev, Serbia editor for the Balkan Investigative Reporting Network’s (BIRN), received threats in April after a video that labels him and other independent journalists and outlets traitors circulated on Twitter, allegedly by a government official. Organization for Security and Co-operation in Europe representative for media freedom, Harlem Desir, condemned the video, stating that portraying journalists as traitors can endanger their safety.

A commission established to investigate the murders of three prominent journalists made some progress. In April, the High Court in Belgrade sentenced former state security officials Radomir Markovic and Milan Radonjic to 30 years in prison, and Ratko Romic and Miroslav Kurak to 20 years in prison for organizing and participating in the lethal shooting in 1999 in Belgrade of Slavko Curuvija, the former owner of the newspaper *Dnevni Telegraph* and weekly magazine *Evropljanin*. The murders of Dada Vujasinovic, in 1994, and Milan Pantic, in 2001, remained unsolved.

Accountability for War Crimes

Progress on war crimes prosecutions was slow and lacked political will, adequate resources and strong witnesses support mechanisms. The low numbers of high ranking officials prosecuted and convicted by courts remained a problem.

By August, the Belgrade Appeals Court had convicted five lower ranking officials of war crimes, while the first instance court had rendered two convictions and three acquittals. At time of writing, 56 individuals were under investigation for war crimes, and 20 cases were pending before Serbian courts. Since the establishment of the War Crimes Prosecutor Office in 2003, 133 judgments have been issued, of which 83 were convictions and 50 acquittals.

In September, the Belgrade High Court sentenced a former member of the Special Operations Unit, an elite Serbian unit, to eight years’ imprisonment for the June 1992 war-time rape of a Bosnian woman in Brcko.

In June, the Belgrade High Court convicted eight former members of the Serbian police, the Yugoslav People’s Army, and paramilitary units of killing 28 civilians in the Croatian village Lovas in 1991 and sentenced them to a total of 47 years in prison.

The Belgrade High Court in April sentenced an ex-soldier in the Bosnian Serb Army to four years in prison for the 1992 killing of a Bosniak civilian and for the attempted murder of two other civilians the same year.

Also in April, the Belgrade High Court sentenced ex-Yugoslav Army officer Rajko Kozlina to 15 years in prison for the murders of at least 31 Kosovo Albanian civilians in the village of Trnje in March 1999 but acquitted Kozlina’s superior, Pavle Gavrilovic. The court argued that it could not be proven that Gavrilovic had given an order that “there should be no survivors.”

The Belgrade High Court held hearings during the year in the trial of eight Bosnian Serb former police officers charged with the killing in a warehouse in Kravica village of more than 1,300 Bosniak civilians from Srebrenica in July 1995.

Chief Prosecutor Serge Brammertz at the Mechanism for International Criminal Tribunals (MICT) expressed concern in July to the UN Security Council that in Serbia, and other former Yugoslav countries, convicted war criminals are considered heroes and glorified by politicians, with widespread denial by public officials of war crimes. He called on Serbia and neighboring countries to support the regional cooperation process to hold war criminals to account.

Members of the US Congress in February urged President Aleksandar Vucic to take action to resolve the 1999 murders of three Albanian-American Bytqi brothers after they were detained by Serbian police. In May, Vucic told the Serbian parliament that there is no evidence of who committed the murders. In July, Congress’s House of Foreign Affairs Committee passed a resolution urging Serbia to hold responsible people to account for the three killings.

Sexual Orientation and Gender Identity

Attacks and threats of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people and activists remained a concern. Serbian LGBTI rights organization DA SE ZNA!, between January and mid-August, recorded 24 incidents against LGBTI people, including 17 physical attacks, and five threats. Investigations are often slow and prosecutions rare.

The September Pride parade in Belgrade took place under heavy police protection and without major incidents.

Disability Rights

Serbia did not adopt a comprehensive plan to move people with disabilities out of institutions and

into community based living. Children with disabilities do not have access to inclusive education.

Key International Actors

In August, the US, UK, France, Germany, and Italy called on Belgrade and Pristina to stop thwarting the European Union-mediated dialogue, stalled since 2018.

In its May 2019 report on Serbia’s accession negotiations, the European Commission stressed that the lack of progress in the area of freedom of expression and media freedom was a serious concern and called on authorities to step up efforts to investigate attacks and threats against journalists. The Commission also called on Serbia to increase measures to protect the rights of LGBTI persons, persons with disabilities, persons with HIV/AIDS and other vulnerable individuals.

The US government in October appointed Richard Grenell, the US ambassador to Germany, as special envoy for the ongoing Serbia-Kosovo negotiations. A separate US special representative for the Balkans was appointed in August.

The UN special rapporteur on torture and other cruel and inhuman or degrading treatment or punishment in his January 2019 report expressed grave concerns about arbitrary detention and the use of torture and ill-treatment during police interrogations and called on Serbia to adopt the regulations, instructions and training to ensure a modernized forensic, non-coercive investigation methodology. He also called on authorities to introduce independent and effective complaints and investigation mechanisms.

The UN Committee on the Elimination of Discrimination Against Women (CEDAW) in its February 2019 Concluding Observations raised concerns about the lack of effective investigations of cases of gender-based violence against women, the discrepancy between the number of criminal charges and convictions, and that the majority of those convicted receive suspended sentences. CEDAW urged Serbia to ensure that cases of violence against women are properly investigated and perpetrators prosecuted.

In May, Council of Europe Human Rights Commissioner Dunja Mijatovic called on Serbian lawmakers not to pass the law that enables life sentence without parole, and reminded Serbia about its obligations under the European Convention of Human Rights.

Kosovo

The European Union-sponsored normalization dialogue between Pristina and Belgrade stalled in November 2018 after Serbia blocked Kosovo from joining Interpol. In response, Kosovo imposed 100 percent import duties on all goods from Serbia and Bosnia and Herzegovina.

Progress towards accountability for serious war crimes committed during the 1998-1999 Kosovo war was slow. Prime Minister Ramush Haradinaj, who served as a commander in the Kosovo Liberation Army during the war, resigned in July following a summons for questioning by the special war crimes prosecutor in The Hague; Vetevendosje, the previous opposition party, won snap elections in October. Journalists faced threats and intimidation, and prosecutions of crimes against journalists are slow. Tensions between Serbs and Kosovo Albanians continued, particularly in the north. Roma, Ashkali, and Balkan Egyptian communities continued to face discrimination.

Accountability for War Crimes

The Hague-based Specialist Chambers and Prosecutor’s Office trying serious war crimes committed during the 1998-1999 summoned three suspects during the year for questioning but had issued no indictments at time of writing. In July, the Hague Prosecutor’s Office summoned Kosovo Prime Minister Ramush Haradinaj for questioning, prompting his resignation. Former senior Kosovo Liberation Army (KLA) fighters are expected to be indicted and stand trial.

In July, the Basic Court in Pristina remanded Goran Stanisic, a former member of the Yugoslav reserve forces, into custody for his alleged participation in forced displacement, robbery, intimidation, and involvement in the killing of dozens of civilian Albanians in Slovinje village in central Kosovo during an attack by Serbian forces in April 1999.

Also in July, the court in Prizren convicted former KLA unit commander Remzi Shala to 14 years in prison for the 1998 kidnapping of an ethnic Albanian who was later found dead.

In April, the Court of Appeals in Pristina upheld the six-and-a-half years prison sentence of former policeman Zoran Vukotic for torturing ethnic Albanian prisoners in the Mitrovica area, in northern Kosovo in May 1999. The court ordered his retrial for attacking fleeing civilians during the same time period.

In June, Kosovo's Special Prosecution Office charged Zoran Djokic, member of an organized criminal group of Serbs wearing military, paramilitary and police uniforms, with the killing of 33 Kosovo Albanians in Peja village in April 1999.

The Human Rights Review Panel, an independent body set up in 2009 to review allegations of human rights violations by staff of the now-concluded European Rule of Law Mission (EULEX), ruled in 13 cases between January and September. Twenty-four cases were pending before the panel at time of writing. Since its existence, the panel has registered 200 cases.

Accountability of International Institutions

The United Nations failed during the year to apologize and pay individual compensation to lead poison victims forced to live in camps run by the UN Interim Administration Mission in Kosovo (UNMIK) in northern Kosovo after the 1998-1999 war, as recommended by the Human Rights Advisory Panel (HRAP), an independent body set up in 2006 to examine complaints of abuses by UNMIK. Victims are displaced members of the Roma, Ashkali and Balkan Egyptian communities. By time of writing, one state had made a modest contribution to a voluntary trust fund established by UN Secretary-General Antonio Guterres in 2017 to benefit these communities (not specifically those affected by lead poisoning).

Treatment of Minorities

Roma, Ashkali, and Balkan Egyptians continued to have difficulties acquiring personal documents, affecting their ability to access health care, social assistance and education. No concrete progress was reported towards integration of the Roma, Ashkali, and Balkan Egyptian communities.

Inter-ethnic tensions continued during 2019 particularly in Kosovo's divided north. In July, Kosovo's Prosecutor's Office indicted former minister of local government administration Ivan Todosijevic of inciting and spreading hate, division and intolerance between nations, racial and ethnic communities. The indictment followed a statement three months earlier by Todosijevic in which he, in his position as minister, said that Kosovo Albanians fabricated claims of crimes against them during the 1998-1999 war while committing crimes against Serbs. He was subsequently fired by then-Prime Minister Haradinaj.

The police investigation into the January 2018 murder of Kosovo-Serb politician Oliver Ivanovic was broadened in May to include two new, unnamed suspects. In October, police arrested two suspects, including an ethnic Serb police officer. Two other suspects have been in custody since November 2018. Ivanovic was shot dead by unknown assailants outside his office in Mitrovica, northern Kosovo.

Kosovo police registered seven cases of incitement of religious, ethnic and racial hatred between January and August without providing more disaggregated data or information on other bias crimes.

Women's Rights

Despite some positive developments, domestic violence remained a problem in Kosovo with inadequate police response, few prosecutions and continued failure by judges to issue restraining orders against abusive partners.

In April, authorities launched a national unified database enabling monitoring and prosecution of domestic violence cases to ensure accountability by requiring relevant institutions to update the database with necessary information from central and local levels. The Constitutional Court ruled in February that the Kosovo Assembly could amend the Constitution to recognize the Council of Europe Convention on Preventing and Combating Violence and Domestic Violence (also known as the Istanbul Convention).

The 2018 application process for wartime survivors of sexual violence to be granted legal status as war victims and to seek financial compensation from authorities had limited reach. By June, around 800 survivors of sexual violence had applied, of which 145 had been approved and 102 rejected, and the remaining pending at time of writing. Approved victims receive 230 euros per month and may be eligible for health benefits for illnesses linked to violence suffered during the war. Women survivors are not automatically entitled to free primary or secondary health care, or free psychosocial assistance, unlike other civilian war victims.

Asylum Seekers and Displaced Persons

During the first ten months of the year, the United Nations High Commissioner for Refugees registered 115 voluntary returns of members of ethnic minorities to Kosovo, down from 153 during the same period in 2018.

The Kosovo Ministry of Internal Affairs registered 800 forced returns, mostly from Germany, to Kosovo between January and August. The Ministry of Internal Affairs reported that ethnic data was missing. Among those forcibly returned to Kosovo 189 were children. Returnees were provided limited assistance upon return.

Sexual Orientation and Gender Identity

Online hate speech against lesbian, gay, bisexual, and transgender (LGBT) rights activists remained a problem. Cel Kosovo, an LGBTI organization, registered 18 cases of threats and discrimination against members of the LGBT community, of which six were investigated by police at time of writing. Cel stated that LGBT activists had received more than 150 online death threats during the year. All were reported to police, but no cases were prosecuted. In April, a new criminal code entered into force, strengthening the protection for members of the LGBT community by adding to the definition of a “hate act” a crime committed against a person, group of persons, property or affinity with persons on grounds including sexual orientation and gender identity.

Freedom of Media

Threats and attacks against journalists continued while investigations and prosecutions were slow. Threats on social media platforms remained a widespread problem. Between January and September, the Association of Journalists of Kosovo registered 11 cases of threats and violence against journalists and media outlets, including four physical attacks and seven threats. Police were investigating four of the reported cases at time of writing.

In August, the ruling PDK (Democratic Party of Kosovo) issued a statement calling an online news outlet, *Gazeta Express*, “fake news,” encouraging citizens to be doubtful of its reporting. The Association of Journalists of Kosovo had reported in May that PDK head Kadri Veseli put pressure on the editor-in-chief of *Gazeta Express*. Police were investigating at time of writing.

TV BESA reporter Gramos Zurnaxhio was attacked and received death threats in July while he was covering the demolition of a building complex in Prizren. The assailants were reportedly company workers and police were investigating at time of writing.

Key International Actors

European Council President Donald Tusk in April urged Kosovo authorities to improve relations with Serbia to ensure progress towards future EU membership but failed to stress human rights concerns with authorities.

In March, the UN special rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes reiterated his call on the UN to pay compensation to Roma families affected by lead poisoning in the UNMIK-run camp.

In June 2019, the [special rapporteur addressed letters](#) to the leaders of several organizations in the United Nations system, reiterating the need for the UN system as a whole to contribute to mobilizing the necessary resources to provide the victims their right to an effective remedy.

In May, the European Commission called for strengthening of rule of law institutions, noting that the judiciary remains vulnerable to political influence. The commission also noted that more financial resources and better coordination is needed to implement human rights frameworks. In November 2018, [the European Parliament adopted a resolution](#) calling on the UN “to swiftly deliver the necessary support to the victims.

ecoi.net summary:

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