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2007 Country Reports on Human Rights Practices - Serbia (includes Kosovo)

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** The report on Serbia is divided into two sections; the first addresses the human rights situations in Serbia and the second addresses the situation in Kosovo. For purposes of this report, Kosovo's population of 2.2 million is not included as part of Serbia's population.*

The Republic of Serbia is a parliamentary democracy with approximately 7.5 million inhabitants.* Prime Minister Vojislav Kostunica has led Serbia's coalition government since 2004. Boris Tadic was elected president in 2004 elections that observers deemed essentially in line with international standards. In January voters elected a new parliament, with some minority ethnic parties gaining seats for the first time and higher turnout among youth and minorities. Democratic parties formed a ruling coalition within constitutionally prescribed time limits. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens and continued efforts to address human rights concerns; however, numerous problems persisted. The following human rights problems were reported: corruption in the police and the judiciary; inefficient and lengthy trials; government failure to apprehend fugitive war crimes suspects under indictment of the International Criminal Tribunal for the former Yugoslavia (ICTY), specifically Radovan Karadzic and Ratko Mladic; harassment of journalists, human rights workers, and others critical of the government; limitations on freedom of speech and religion; societal intolerance and discrimination against ethnic and religious minorities, particularly Roma; large numbers of internally displaced persons; violence against women and children; and trafficking in persons.

During the year the government assisted in the arrests of Zdravko Tolimir and Vlastimir Djordjevic, two of the remaining six indictees sought by the ICTY for war crimes.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or

unlawful killings.

On May 23, the Belgrade special court for organized crime concluded the trial of 12 suspects, including former secret police special unit (JSO) commander Milorad Ulemek and his deputy Zvezdan Jovanovic-Zveki, in the 2003 assassination of Prime Minister Zoran Djindjic. In June 2006 key witness Zoran Vukojevic was killed. The court found all 12 suspects guilty of conspiracy against the constitutional order and security of the state, assassination of a high state official, and attempted murder (for an earlier assassination attempt). Ulemek and Jovanovic each received the maximum sentence of 40 years in prison. The other defendants received sentences ranging from the minimum of eight years to 35 years in prison. Special Prosecutor Slobodan Radovanovic stated that he would appeal the lower sentences. Ulemek and Jovanovic's lawyers announced that they would appeal the verdict.

In June the Supreme Court upheld its 2006 confirmation of the conviction of Ulemek and others for the 2000 killing of former Serbian president Ivan Stambolic. This ruling exhausted the defendants' appeal process and was the country's first final verdict in a high-profile organized crime case.

Investigation continued into the deaths of Dragan Jakovljevic and Drazen Milovanovic, two guards from Belgrade's Topcider military facility. On October 31, the chief state attorney, Slobodan Radovanovic, assigned a new prosecutor to the case. Prior to the initiation of the current investigation, the deaths were the subject of two commission inquiries. In 2004 a military commission pronounced the deaths suicides, while an independent commission determined that a third party had murdered the guards. In November the First Municipal Court issued a verdict in the criminal lawsuit the soldiers' parents filed in 2005 against the military prosecutor, Vuk Tufegzdic. The judge issued a warning to Tufegzdic, now a judge, and fined him for "dissemination of information on personal and family life."

The government continued its investigation into the disappearance and subsequent killing of Yili, Mehmet, and Agron Bytyqi in 1999. The bodies of the three US citizen brothers were discovered in 2001 in a mass grave in rural Petrovo Selo, near a Serbian police facility. All three bodies were recovered with hands bound and gunshot wounds to their heads. The special war crimes court continued the trial of Sreten Popovic and Milos Stojanovic, two former members of a special police unit accused of the killings. On April 13, the Court Council granted supervised release from custody to Popovic and Stojanovic. On February 26, police arrested four additional suspects in the Bytyqi case and charged them with war crimes against prisoners of war: Milenko Arsenijevic, deputy head of gendarmerie, Milisav Vuckovic, retired head of the local police station at Prokuplje, Marjan Mijatovic, retired head of prison guards at the district prison of Prokuplje, and Milovan Vucicevic, retired head of the city police of Prokuplje. Police subsequently released all four, but the investigation continued.

In September the acting prosecutor general announced that he would soon make a decision whether to file indictments in the case of the 1999 killing of journalist Slavko Curuvija, owner of the *Dnevni Telegraph* newspaper and *Evropljanin* magazine. On January 11, the Special Court of Belgrade had begun interviewing witnesses in the case.

In January the trial of eight police officers for the 1999 killing of 48 ethnic Albanians in Suva Reka in Kosovo resumed. The trial continued at year's end.

Domestic courts and the ICTY continued to try cases arising from crimes committed during the 1991-99 conflicts in Croatia, Bosnia and Herzegovina, and Kosovo.

On September 19, the Novi Pazar District Court found Estan Gegic, Ismet Derdemet, and Sead Papic guilty of the 2006 killing of Ruzdija Djurovic, a city council candidate from the List for Sandzak party. The court convicted Gegic of the killing and sentenced him to 15 years' imprisonment. The court also convicted Derdemet and Papic of public endangerment and sentenced each to one year in prison. All three received an additional three-month sentence for illegal possession of firearms.

There was no new information available on the trial of Kikinda policeman Sasa Misin for the 2005 fatal beating of a civilian.

b. Disappearance

There were no reports of politically motivated disappearances.

The government made modest progress in cooperating with neighboring countries and Kosovo, the International Commission on Missing Persons, and other international organizations to identify missing persons from the Kosovo conflict. The International Committee of the Red Cross (ICRC) chaired meetings of the Working Group on Missing Persons, which included government representatives from both Serbia and Kosovo. Meetings of the working group, which ICRC suspended in 2006, resumed in 2007. With the June 2006 return to Kosovo of the remains of 829 individuals from mass graves, all bodies uncovered to date in Serbia had been returned to Kosovo. On June 5, the War Crimes Court and the Serbian government's Committee for Missing Persons began an investigation into a report of alleged mass graves near Rudnica, but the investigation revealed no graves. According to the ICRC, 2,047 missing persons cases remained unsolved.

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

The constitution and law prohibit such practices; however, police at times beat detainees and harassed persons, usually during arrest or initial detention for petty crimes.

On June 28, the Youth Initiative for Human Rights (YIHR) reported that it won a lawsuit against four police officers from Doljevac for the 2003 torture and interrogation of an 11-year-old girl in the village of Sarlinac. The municipal court in Nis sentenced officers Predrag Randjelovic and Ljubisa Stamenkovic to four months and Slavisa Petkovic and Miroljub Stevanovic to five months in prison on charges of abusing authority and trespassing. YIHR planned to appeal the sentences, which it considered lenient.

There was no further information available in the following 2006 cases: the March beating of Kikinda resident Mihalj Koloncaj by police; the series of incidents between May and September in which police inspector Tomislav Lendvai allegedly beat and sexually assaulted two residents of Subotica; or the case of the gendarmerie unit led by Mileta Novakovic that allegedly used excessive force on a crowd of rowdy basketball fans.

There was no information available on developments in the following 2005 cases: the abuse of a 17-year-old girl at a Belgrade police station; the harassment and beating of a family by traffic police near Nis; the alleged police beating of a Belgrade man in his apartment; or the case of a Leskovac police officer who allegedly beat a lawyer for the Leskovac Committee for Human Rights.

Prison and Detention Center Conditions

Prison conditions varied greatly among facilities, and there were reports that some guards abused prisoners.

The media reported prison overcrowding, with 8,500 prisoners incarcerated in the prison system, exceeding the official capacity of 6,000 established by the Department for the Treatment of Prisoners. In some prisons inmates continued to complain of dirty and inhuman conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate. Guards were inadequately trained in the proper handling of prisoners. In July inmates in the Central Prison protested conditions. That same month, inmates at the prison in Pozarevac, a town southeast of Belgrade, carried out hunger strikes to protest delays in passing a draft law on amnesty.

Unlike in previous years, there were no reports of juveniles held in the same cells with adult prisoners.

The government permitted the ICRC and local independent human rights monitors, including the Helsinki Committee for Human Rights in Serbia (HCS), to visit prisons and to speak with prisoners without the presence of a warden. Reports from HCS and the Council of Europe's Committee for the Prevention of Torture (CPT), released in May 2006, were critical of prison conditions, including poor facilities, corruption of prison officials, and mistreatment of prisoners, although HCS did note some improvements since its 2005 report. The CPT report also found that facilities lacked appropriate procedures to deal with prisoner allegations of mistreatment.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. Unlike in previous years, there were no reports that police detained and interrogated human rights activists.

Role of the Police and Security Apparatus

The approximately 43,000 police officers in Serbia fall under the authority of the Ministry of the Interior. The police are divided into 33 regional secretariats that report to the national government.

The effectiveness of the police was uneven. While most officers were Serbs, the force included Bosniaks (Slavic Muslims), ethnic Hungarians, a small number of ethnic Albanians, and other ethnic minorities. The police force in southern Serbia was composed primarily of Serbs, although there were small numbers of ethnic Albanian officers as well.

There were reports of corruption and impunity in the police force, and the government took measures to address them during the year. The interior ministry inspector general's office, subsequently renamed Internal Control, obtained somewhat increased authority to actively investigate abuses in addition to addressing citizens' complaints. While Internal Control could not itself redress abuses, during the year it gained the authority to file criminal reports with the prosecutor and recommend the initiation of disciplinary proceedings. While the office recommended numerous disciplinary proceedings against interior ministry employees, it had no means of following up on proceedings, and some offices completely ignored its recommendations. In October, as a result of Internal Control's investigation, prosecutors filed abuse charges against nine border police officers in Kladovo who were allegedly receiving bribes and allowing customs-free transport of goods across the border.

The inspector general's office initiated disciplinary measures against approximately 100 officers, primarily traffic police in Novi Pazar, and prosecutors brought charges in all cases.

During the year the government, together with the Organization for Security and Cooperation in Europe (OSCE) and foreign governments, trained police, security, and border officials on combating terrorism, corruption, money laundering and trafficking. The government and the OSCE also trained prison staff. New programs during the year included creation of a training center in multiethnic Vojvodina, training for law enforcement officials in combating torture, training for police supervisors, and training for the multiethnic police force in the southern Serbian towns of Presevo, Bujanovac, and Medvedja.

Arrest and Detention

Arrests were generally based on warrants, although police were authorized to make arrests without a warrant in limited circumstances, including well-founded suspicion of a

capital crime. The law requires an investigating judge to approve any detention over 48 hours, and authorities respected this requirement in practice. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than five years were often released on their own recognizance.

The law provides that police must inform arrested persons immediately of their rights, and authorities respected this requirement in practice.

The law provides access for detainees to counsel, at government expense if necessary, and authorities generally respected this right in practice. Family members were normally allowed to visit detainees. Suspects detained in connection with serious crimes can be detained for up to six months without being charged. Authorities frequently held such persons for the full six-month period allowed, before charging.

The law prohibits police use of force, threats, deception, and coercion to obtain evidence, as well as use in court of evidence acquired by such means; however, police sometimes used these means to obtain statements.

Unlike in previous years, there were no reports that authorities used arbitrary arrest and selective enforcement of the law for political purposes.

The law limits the length of pretrial detention from indictment to the conclusion of a trial to two years for most cases, but allows detention for up to four years for crimes that carry up to the maximum penalty (40 years in prison). The law sets two years as the maximum detention permitted after an appellate court vacates the judgment of a trial court. Nonetheless, prolonged pretrial detention was a problem. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays occurred regularly. Due to the inefficiency of the courts, cases often took an excessively long time to come to trial; once started, trials often took an excessively long time to complete.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence, and corruption in the judiciary remained a problem. Observers believed that judicial reform, particularly the replacement of judges appointed during the Milosevic era, was essential to eliminating corruption. Some observers also criticized the system of judicial appointment, through which parliament and the government could include screening of candidates' political views. Unlike in previous years, there were no reports that officials attempted to undermine politically sensitive prosecutions, including by applying pressure on prosecutors and judges.

On July 20, the Special Prosecutor's Office for Organized Crime began an investigation into the 2001 release from detention of Dusan Spasojevic and others suspected of planning the 2003 assassination of Prime Minister Djindjic. The investigation led to the arrest of former Belgrade district prosecutor Rade Terzic, but the court ordered his release on September 6.

In June the Supreme Court upheld the 2006 conviction of former Supreme Court justice Slavoljub Vuckovic for bribe-taking in the Jotka organized crime case. Although the court reduced Vuckovic's sentence to six years, it was the first final, high-level verdict in a corruption case.

There was no new information in the case of former deputy public prosecutor Milan Sarajlic, whom the court convicted in 2006 for accepting payments from the Zemun organized crime clan in 2004.

The private sector considered corruption in the commercial courts to be widespread. Land transfers often were difficult to conclude, leading many in the private sector to

allege administrative corruption. It was unclear, however, to what extent these problems were due to corruption rather than bureaucratic inefficiency.

The courts were inefficient, and cases could take years to be resolved. The number of judges at the main courts was inadequate to meet the increasing caseload. A lack of professional court administration and the existence of a centralized budget for all courts managed by the Ministry of Justice contributed to the problem.

The judicial system consists of municipal courts, district courts, commercial courts, a Supreme Court, and a Constitutional Court. The law also provides for special courts within the Belgrade district court for war crimes and organized crime. The law provides for a Constitutional Court, an administrative appeals court, and a second instance appeals court to reduce the Supreme Court's caseload. During the year, parliament passed enabling legislation for the Constitutional Court, and judges were appointed. At year's end, parliament had yet to pass other judicial legislation required by the 2006 constitution.

During this year, the Military Department of the Belgrade District Court assumed responsibility for military cases.

Trial Procedures

Trials are generally public, but they are closed during testimony of a state-protected witness. There are no juries. The law stipulates that defendants are presumed innocent; have the right to have an attorney represent them at public expense; and to be present at their trials. Defendants have the right to access government evidence and to question witnesses. Both the defense and the prosecution have the right to appeal a verdict. These rights were generally respected in practice.

The criminal procedure code, adopted in June 2006, introduced prosecutor-led investigation, plea bargaining, and use of special investigative techniques, such as wiretaps and undercover operations, but parliament had not passed legislation to implement these changes by year's end.

The special war crimes chamber continued trying war crimes cases. According to the law, evidence gathered by special investigative techniques is admissible. In 2006 the government established a victim/witness support service in the Belgrade District Court for victims and witnesses of war crimes.

On October 15, the OSCE released a statement expressing concern that members of the parliament were verbally attacking war crimes prosecutor Vladimir Vukcevic. In the statement, the OSCE criticized these attacks as undermining judicial independence.

On October 19, police arrested four members of the Scorpions paramilitary unit for participation in the 1999 killing of 14 ethnic Albanians in the Kosovo town of Podujevo. War crimes prosecutor Vukcevic stated the arrests represented the end of the investigation into the Podujevo case.

On November 29, the war crimes chamber reported the indictment of 14 former volunteers and members of paramilitary units and members of the Army for complicity in the killing of at least 20 civilians and the abuse of other civilians in the 1991 attack on the Croatian village of Lovas. The court remanded seven of the indictees to custody and released the remaining seven pending trial.

There were developments in the Ovcarica case (also known as the Vukovar massacre). On March 1, media reported that the Supreme Court upheld the conviction of Milan Bulic for beating and abusing Croatian prisoners. The Supreme Court reduced the 2006 sentence of the war crimes chamber, from eight years to two, citing the defendant's illness. In December 2006, the Supreme Court ordered a retrial of 14 former members of Serb militias convicted in 2005 of murder, torture, and inhuman treatment of more than 200

Croatian prisoners of war in 1991. Many in the international and NGO community criticized the ruling as politically motivated, noting that every major war crimes conviction (e.g., Podujevo, Sjeverin, Ovcara) in a first-instance court had been overturned by the Supreme Court upon first review. The retrial was ongoing at year's end.

On April 12, the Belgrade special war crimes chamber convicted four of five Scorpions members indicted for involvement in the 1995 execution of six Bosnian Muslim civilians from Srebrenica. The fifth defendant, Aleksandar Vukov, was acquitted for lack of evidence. On April 12, Commander Slobodan Nedic and Branislav Nedic received the maximum prison sentence of 20 years; Pero Petrasevic, who pleaded guilty, received 13 years; and Aleksandar Medic received five years.

The Zvornik trial, involving the 1992 killing of 21 Bosnian Muslims and expulsion of 1,822 others, continued in the special war crimes chamber. In a related case, the special war crimes chamber continued to investigate the killings of an additional 700 civilians.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The country has an independent and impartial judiciary in civil matters where citizens can bring lawsuits seeking damages for or cessation of a human rights violation. The remedies generally involved monetary awards.

Property Restitution

During the year a government commission continued to register claims for private property seized since 1945 but made no progress on enacting a private property restitution law or returning property. The government enacted a law on restitution of communal property in 2006, but it took no significant action to register claims or return communal property.

The Union of Jewish Communities noted that Serbia has not ensured the restitution of private Jewish property that was expropriated, mainly between 1941 and 1944.

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

The constitution and law prohibit such actions; however, the government interfered with privacy and correspondence. While the law requires the Ministry of Interior to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save people or possessions, police occasionally did not respect these provisions in practice.

Most observers believed that authorities selectively monitored communications, eavesdropped on conversations, read mail and e-mail, and tapped telephones. Human rights leaders frequently reported that their communications were being monitored.

Media reported that the Security Information Agency placed journalist Dejan Anastasijevic under surveillance and tapped his phone for 10 days before a bomb exploded outside of his home.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, there were reports that the government interfered with these freedoms and carried out reprisals against persons who criticized the government. Independent media organizations were generally active and expressed a wide range of views; however, some media organizations experienced threats or reprisals for publishing views critical of the government. During the year there was a decrease in criticism of the government in the press. There was increased concern about declining professional and ethical standards and the rise of tabloid journalism. Many reporters lacked professionalism in citing sources and achieving accuracy.

Serbian media were mostly independent and privately owned, although most municipally-owned media had not been privatized. The oldest nationwide daily, *Politika*, was co-owned by a German company and the government but operated by several shareholding companies. *Politika's* reporting and editorials continued to have a progovernment slant, particularly favoring the prime minister's Democratic Party of Serbia (DSS). Other major newspapers include *Blic*, *Glas Javnosti*, *Vecernje Novosti*, *Kurir*, *Press*, *Dnevnik*, and *Danas*.

The law grants the parliament the power to approve the budget of the independent broadcast council, which has broad authority to strip radio and television stations of their licenses without right of appeal; however, it did not revoke any national broadcasting licenses during the year.

Radio-Television Serbia (RTS), a public media outlet funded by mandatory subscription, was a major presence, operating two television channels as well as Radio Belgrade. RTS's coverage was generally objective, although the government had considerable influence over RTS and public service Radio Television of Vojvodina. In addition, many television stations relied on the state-owned news agency Tanjug for news information. Independent news agencies BETA and FONET complained that state financing of Tanjug news agency provided unfair commercial advantage to Tanjug.

In 2006, the government-controlled Republic Broadcasting Agency awarded national television licenses to private operators B92, TV Pink, Fox TV, TV Avala, and Kosava-Happy and radio licenses to B92, Radio Index, Radio S, Roadstar, and Radio Fokus. Journalists and NGOs criticized the manner in which the agency allocated the licenses. In July the Supreme Court ruled in favor of two television and six radio stations denied licenses by the Broadcasting Agency, ordering the agency to review each case and reach new decisions. In its ruling, the court stated that the process of granting licenses lacked transparency. The Broadcasting Agency rejected the ruling, and the agency's president called for the Supreme Court president's resignation. On July 16, members of the agency's broadcasting council unanimously upheld its previous decisions.

In April 2006, police shut down the country's first private television station, BK (Karic Brothers) Television, for operating without a license, when the station criticized the process of granting licenses. BK Television broadcasted via satellite for several months, but by year's end the station was closed.

Media organizations, particularly the radio station B92, were victims of vandalism, bomb threats, and intimidation for coverage and portrayal of views unpopular with the government and right-wing elements of society, such as discussion of the status of Kosovo independence or examination of Serbia's role in the wars of the 1990s. The South East European Media Organization (SEEMO), Association of Independent Electronic Media, and Independent Journalists' Association of Serbia (NUNS) reported a number of such incidents during the year. In April death threats against Dinko Gruhonjic, Novi Sad correspondent of news agency Beta and chairman of the Independent Journalists' Association of Vojvodina, appeared on a neo-Nazi Web site. Gruhonjic had reported extensively on National Formation, a neo-Nazi group responsible for using crowbars to attack participants commemorating Kristallnacht (a pogrom against Jews throughout Germany and parts of Austria in 1938) in Novi Sad in 2005. In May a crowd of several hundred Serbian Radical Party members pasted posters supporting ICTY indictee Ratko Mladic on the front of B92's building and shouted insults at employees. In August Stefan

Cvetkovic, editor-in-chief of independent radio and television station TNT in Bela Crkva, received death threats; according to SEEMO, the threats were made to stop TNT's reports of criminal activities. In two separate incidents in November and December in Arandjelovac, supporters of the New Serbia political party, including at least one local official, interrupted and prevented broadcast of a political debate program on B92.

On December 3, producers of the popular B92 radio show *Pescanik* (Hourglass), which offers political commentary often critical of government policy, attempted to host the show in the central-Serbian town of Arandjelovac. As the program was beginning, approximately 200 members of the New Serbia Party and the Serbian Radical Party, led by Topola Mayor Dragan Jovanovic, stormed the event. The demonstrators took over the microphone and assaulted some audience members. Jovanovic defended his actions and further threatened B92 in a published interview in *Politika*.

The Independent Journalists' Association of Serbia criticized delays in investigating attacks on journalists, stating that they contributed to the belief that perpetrators could act with impunity.

In April a bomb exploded outside the Belgrade apartment of Dejan Anastasijevic, journalist for the weekly *Vreme*. The attack followed Anastasijevic's criticism of sentences handed down to the Scorpions for war crimes. The Independent Journalists' Association of Serbia criticized the slow police response. On October 19, police stated that they had identified but not yet located suspects in the incident.

Journalists and media NGOs reported that the local government in the city of Novi Pazar restricted media access to municipal proceedings and events. According to Reporters Without Borders, authorities made a blacklist of journalists ahead of each press conference. For example, on September 25, municipal authorities prohibited some journalists from attending a press conference by the chief of the European Commission delegation in Serbia and the Swiss ambassador. The officials canceled the press conference when they became aware of the incident.

Journalists sometimes practiced self-censorship due to possible libel suits and fear of offending the public, particularly on subjects relating to wars in the former Yugoslavia and to the UN-led negotiations on the status of Kosovo. Human rights activists charged that they were subjects of smear campaigns in progovernment publications and tabloids for expressing critical views of the government and for expressing views that challenged the popular narrative regarding Serbia's role in the wars of the 1990s.

Libel is a criminal offense; those convicted of libel face imprisonment or fines of \$720 to \$18,000 (40,000 to 1 million dinars).

In April Zeljko Bodrozic avoided an 80-day prison sentence for his 2002 defamation conviction after his publisher and humanitarian agencies paid his \$185 (10,000 dinar) fine. In 2002 Bodrozic wrote an article critical of a prominent member of the Socialist Party of Serbia (SPS). Bodrozic had refused to pay the fine, encouraged by a 2005 ruling by the UN Human Rights Committee that the government should overturn his conviction and reimburse Bodrozic for his legal costs.

In September the Belgrade District Court ordered tabloid *Kurir* to pay damages to Economy Minister Mladjan Dinkic for publishing "untrue information" in 2005 when Dinkic was finance minister. According to the state-owned news agency, Tanjug, *Kurir* had waged a media war against Dinkic because the Finance Ministry had forced the paper's owner, Radisav Rodic, to pay back taxes.

Internet Freedom

There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, NGOs and the media reported that the government selectively monitored

Internet communications.

Academic Freedom and Cultural Events

The government generally respected academic freedom. Unlike in previous years, there were no reports of censorship of cultural events.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected it in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice; however, the government maintained a discriminatory law on religion and a discriminatory property tax, and some government officials criticized minority religious groups.

While there is no state religion, the majority Serbian Orthodox Church received some preferential treatment. For example, there were complaints that the government continued to fund construction of a large Serbian Orthodox Church in Belgrade and subsidized salaries of Serbian Orthodox clergy in neighboring countries of the former Yugoslavia.

The 2006 law on religion recognizes seven "traditional" religious communities: the Serbian Orthodox Church, the Roman Catholic Church, the Slovak Evangelical Church, the Reformed Christian Church, the Evangelical Christian Church, the Islamic community, and the Jewish community. The law requires all religious groups to re-register with the Ministry of Religion, which has the discretion to decide whether to grant approval to "nontraditional" groups; the law automatically grants traditional groups recognition. Under the previous law, many of these minority groups were recognized officially as religions in Serbia for over 50 years and were present in the republic for as long as 150 years.

The registration requirements for nontraditional groups include submitting names, identity numbers, and signatures of members; showing proof that the group meets the threshold of 0.001 percent of adult citizens of Serbia (roughly 75 persons); providing a description of the group's religious texts and a summary of its religious teachings, ceremonies, religious goals, and basic activities; and information on its sources of funding. The Council of Europe and the OSCE deemed these requirements to be invasive.

While the law states that unregistered communities can continue to practice under prior law, unregistered communities were denied tax numbers and therefore could not pay taxes, hold bank accounts, or employ individuals. Unregistered religious communities were also ineligible to seek property restitution. Authorities also denied unregistered communities building permits and refused to recognize their official documents.

Many minority religious groups, attempting to register with the Ministry of Religion, reported confusing and irregular procedures. NGO Forum 18 reported during the year that the government was arbitrarily denying legal status to numerous minority religious groups. Following the refusals, the ministry referred some groups to the Ministry of State Administration and Local Self-Government, where it suggested they seek registration as "citizens' organizations." However, the ministry referred these groups back to the Ministry of Religion because it stated that it lacked authority to register religious groups.

During the year the Ministry of Religion re-registered all seven traditional religious groups and registered 10 "nontraditional" religious groups: the Seventh-day Adventist Church, the Evangelical Methodist Church, the Church of Jesus Christ of Latter-day Saints, the Evangelical Church of Serbia, the Church of Christ's Love, Christ's Spiritual

Church, Church of God, Christian Nazarene Religious Community, Association of Christian Baptist Churches, and Christ's Church of Brothers.

In February, following two failed attempts to register, the Jehovah's Witnesses filed a suit in the Supreme Court. The Religion Ministry claimed the application was not filed properly. The case was pending at year's end. The Ministry also refused applications for registration from the Pentecostal Church.

The 2006 law stipulates that no religious group may be registered if its name contains part of the name of an existing group, and the government continued to refuse recognition of the Greek and Macedonian Orthodox Churches on that basis. In late December, the Religion Ministry refused the application of the Montenegrin Orthodox Church (CPC) on the grounds that the church was a civic association. The Ministry also refused applications from the Serbian Baptist Union, the Old Catholic Church, and the Seventh Day Adventists Reform Movement of because their names were insufficiently distinct from the names of other registered churches.

Tax law exempts property owned by the seven recognized traditional religious groups, although a challenge to the law was pending in the Constitutional Court at the end of the year. The complaint was filed July 2006 on behalf of the Union of Protestant-Evangelical Churches in Serbia.

Non-Serbian Orthodox religious organizations continued to report difficulty obtaining permission from local authorities to build new worship facilities. The Belgrade Islamic community reported continued difficulties in acquiring land and government approval for an Islamic cemetery in the city. The Baptist Union, which conducted its services and other activities in an old building it purchased to use as a church, reported that the municipal authority continued to refuse, without explanation, a permit to renovate the building.

Serbian law requires students in primary and secondary schools either to attend classes of one of the seven traditional religious communities or, alternatively, to take a class in civic education. Leaders of religious groups excluded from the program continued to express their dissatisfaction at the government's narrow definition of religion.

Small religious groups continued to report official bias. Some government officials made public statements equating Protestant communities with satanic cults. During a lecture series in September, the senior police inspector in Belgrade, Zoran Lukovic, made several public statements equating Protestant churches with "satanic sects."

After a July attack on an Adventist church in Sombor, police asked church officials if they were registered under the new law before investigating the incident.

On August 27, Marija Arsenijevic lost custody of her infant based on the accusation of the baby's father that she was a member of Jehovah's Witnesses. Observers criticized the ruling, accusing the court of basing the decision solely on the mother's purported religion. On September 14, the media reported that all three had returned to Belgium, where they had previously lived as a family, and that a Belgian court had agreed to decide on custody because the baby was a citizen of Belgium.

The government, in accordance with a 2006 law on restitution of communal property in Serbia, including religious sites seized since 1945, established a Directorate of Restitution of Communal and Religious Property. The directorate had not begun processing claims by the end of the year, but was accepting property restitution claims from the traditional communities and religious communities registered under the 2006 law. Some communities had difficulty assembling the required documentation to submit claims. The Union of Jewish Communities and other religious groups protested the use of 1945 as a baseline, since their properties were largely confiscated between 1941 and 1944.

Societal Abuses and Discrimination

During the year there were a few cases of physical and verbal attacks against religious minorities.

On March 28, Jehovah's Witnesses missionaries were attacked and held at gunpoint for nearly an hour in Stari Banovci. Police arrested and questioned a suspect, but released him. Prosecutors held a hearing on September 27 without victim testimony. Forum 18 reported that the victims did not receive notice of the hearing. Authorities took no further action during the year.

On June 29, Zivota Milanovic, a Hare Krishna devotee in Jagodina, was stabbed several times after opening his door to an individual who identified himself as a police officer. Milanovic was also attacked in June 2006 and treated for knife wounds, including a cross carved on his head. Before the June 29 incident, he had been attacked a total of five times since 2001. Authorities made no arrests in connection with any of the attacks.

Religious communities, especially minority religious communities, reported continuing problems with vandalism of buildings, cemeteries, and other religious sites. The police and prosecutors' responses were often inadequate, and civil society groups criticized the lack of commitment by the government to addressing problems of discrimination. NGOs noted that prosecutors often charged perpetrators with misdemeanors instead of the more serious charges of intolerance, religiously motivated crimes, and hate crimes in those cases they did pursue.

On July 9, following attacks earlier in the year that damaged Adventist Churches in Sombor, Stapari, Kikinda, and Ruma, youth plastered the Adventist church in Belgrade with stickers that read: "Sects are death for the Serbian nation."

On September 17, unknown perpetrators sprayed "stop sects" on the walls of the Evangelical Church in Kraljevo.

On December 25, unknown perpetrators pulled out several crosses at the Orthodox cemetery in Subotica in Vojvodina. Police continued to investigate the incident at year's end.

The press continued to label smaller, multiethnic Christian churches, including Baptists, Adventists, Jehovah's Witnesses, and other smaller religious groups as dangerous "sects." RTS broadcast a program on Jehovah's Witnesses that described the teachings of the group as brainwashing and abusive. Religious leaders noted that instances of vandalism often occurred soon after such negative press reports.

The Jewish community comprised an estimated 3,000 persons. Jewish leaders in Serbia reported continued incidents of anti-Semitism, including anti-Semitic graffiti, vandalism, small circulation anti-Semitic books, and Internet postings. For example, on March 17, a swastika was spray-painted on the facade of the Novi Sad Synagogue. The HCS noted that anti-Semitism had grown in intensity in recent years. Serbia's publishing sector published various anti-Semitic books, such as *Jewish Ritual Murder*, *The Jewish Conspiracy*, and *Why I Admire Adolf Hitler*. According to Jewish community members, the release of such publications often led to an increase in hate mail and other expressions of anti-Semitism. Several nationalist, far-right organizations identified themselves with anti-Semitic rhetoric, displaying swastikas and using hate speech. The National Front was one of the most active of these groups during the past few years, mixing anti-Semitic rhetoric with anti-Western messages. NGOs noted that the government's response to such hate speech was often inadequate.

On October 7, participants in an unauthorized neo-Nazi rally in Novi Sad clashed with counterdemonstrators. Police arrested 56 neo-Nazis, including rally organizer Goran Davidovic. Davidovic had announced the rally in September, and the police prohibited it after religious organizations and other NGOs condemned the planned event. The League

of Vojvodina Social Democrats organized the counterdemonstration in support of ethnic tolerance and against fascism. On October 9, a court in Novi Sad convicted three neo-Nazis for disrupting public order and sentenced them to 25 days in prison. The cases of the remaining individuals were pending at year's end.

Holocaust education was incorporated into the school curriculum, and the role of the government in the Holocaust was also discussed. There was a tendency among some commentators to minimize and reinterpret the role of the Serbian movement, the Cetniks, during the Holocaust, casting them as victims of foreign occupiers when in fact many Cetniks at that time collaborated with the Nazis and began campaigns against the Jewish population even before the Nazis invaded Yugoslavia.

While government leaders publicly condemned incidents of anti-Semitism, there was no significant government effort to prevent such intolerance and hate speech.

During the year the Islamic community significantly split along political lines. One group aligned itself with a newly-established local Riyaset in Belgrade, and the other retained its traditional ties to the Riyaset in neighboring Bosnia and Herzegovina. Observers noted that both groups were positioning themselves for any eventual restitution of Islamic community properties in the Sandzak region. On November 19, tensions between the two groups resulted in a brawl and shootout outside the Atun Alem mosque in Novi Pazar. On December 19, the two groups clashed in Tutin in Sandzak when followers of one group attacked followers of the other group when they attempted to enter a religious building where the latter were to distribute presents to children for the Eid holiday.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

Internally Displaced Persons (IDPs)

According to UNHCR figures, approximately 206,500 IDPs resided in Serbia, mainly Serbs, Roma, Ashkali (an Albanian-speaking ethnic group considered by outsiders as similar to Roma but self-identifying as a separate group with cultural distinctions from Roma), and Slavic Muslims who left Kosovo as a result of the 1998-1999 conflict. Approximately 4,600 IDPs remained in 67 official collective centers and 1,200 in 43 unrecognized collective centers. Although the government continued to close collective centers, many IDPs remained in minimally habitable facilities that had been constructed as temporary accommodations, rather than for long-term occupancy.

The Ministry of Labor and Social Welfare established a Department for Population Policy to address the needs of vulnerable populations in Serbia, including IDPs. Some of these responsibilities were previously held by the Commissariat for Refugees. The Commissariat remained responsible for determining status of IDPs, issuing identification cards to IDPs, and accommodating IDPs in collective centers.

The government continued to pay salaries to IDPs who were in the Kosovar government and state-owned enterprises before June 1999.

The law requires residents to register changes of residency, deregistering from the old address in person. Those IDPs from Kosovo who lacked personal or residency documents from Kosovo were unable to deregister from their Kosovo addresses, and were thus unable to register at a new address in Serbia. Without an authorized local address in Serbia, individuals are ineligible for health insurance, social welfare, and public schools. Legal assistance NGOs provided support to IDPs in residency registration.

There were 23,164 officially registered Romani IDPs in the country. However, the UNHCR estimated that there were a total of 40,000 to 45,000 internally displaced Roma living in Serbia proper, many of whom presumably lacked personal documents necessary to register as IDPs. Many Roma displaced from Kosovo were assumed to have been Serb collaborators during the conflict in Kosovo and could not safely return. While some Roma lived in government-supported collective centers, living conditions for Roma in Serbia were generally extremely poor. Local municipalities often were reluctant to accommodate them. If Roma did stay, they often lived in unauthorized encampments near major cities or towns. In at least one instance, when a local community did offer to relocate Roma from substandard conditions, the Roma refused to move away from the capital.

Unlike in previous years, there were no reports that IDPs were targeted for attacks. There were reports that the government sometimes failed to recognize IDPs, often due to a lack of communication with officials at the administrative boundary line with Kosovo who were responsible for reporting IDPs. Without an official IDP card, individuals were not able to access IDP services.

The government allowed IDPs access to assistance from NGOs and international organizations.

While government officials continued to make public statements that IDPs should return to Kosovo, senior government officials also claimed that it was unsafe for many to return.

Protection of Refugees

During the year, the law did not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. However, on November 23 the parliament passed new legislation establishing a system for granting asylum and providing protection to refugees. The new law, which will enter into force in April 2008, provides protection against refoulement, the return of persons to a country where there is reason to believe feared persecution. There was no information available on whether authorities turned such individuals away at borders during the year.

The UNHCR maintained an office at the airport to receive third-country asylum seekers, including those who entered the country via other ports of entry. The UNHCR conducted refugee status determinations in accordance with the 1951 UN convention and the organization's mandate. By tacit agreement, the government tolerated UNHCR status determinations, neither expelling individuals whom UNHCR determined to be refugees nor according them any opportunity for integration. UNHCR opened 33 cases for third-country nationals over the course of the year. Twenty-two Iraqis received refugee status during the year and were waiting to be resettled. At year's end, a total of 44 individuals remained under UNHCR protection as mandate refugees, 11 as asylum seekers, and 33 persons of concern. Two applications were withdrawn, and three applications for refugee status were "otherwise closed" because the individuals disappeared, presumably because they had migrated elsewhere.

UNHCR, with the cooperation of the Ministry of Interior, in October opened an asylum center for receiving and sheltering asylum seekers.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Under the 1992 Decree on Refugees, the

government provided temporary protection to individuals from former republics of the Socialist Federal Republic of Yugoslavia (SFRY) who may not qualify as refugees under the 1951 convention and its 1967 protocol. The government and UNHCR estimated that 98,000 refugees from Croatia and Bosnia and Herzegovina resided in Serbia. The government also provided temporary protection to individuals from other areas who may not qualify as refugees under the 1951 convention and its 1967 protocol, and provided it to 33 persons during the year.

There were no reported cases of abuse or discrimination of refugees during the year.

Stateless Persons

The basis for citizenship is *jus sanguinis*. The UNHCR estimated that there were up to 18,000 stateless persons in the country, mostly due to a cumbersome and lengthy citizenship registration process. Lack of information, administrative fees, difficulty obtaining documents, the lack of an official recognized residence, and sometimes the need to go to court to prove origin and identity made it difficult or impossible for some to register. These problems disproportionately impacted Roma, Ashkali, and Egyptian communities, particularly IDPs, although they also affected others who were destitute and living in isolated areas.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

The country held parliamentary elections on January 21, which the OSCE and other election observers judged free and fair. Ethnic Albanian parties also participated in the election, ending 15 years of boycotts.

Political parties generally operated without restrictions or outside interference. However, in a report released at midyear, YIHR detailed 119 instances of politically motivated violence between October 2006 and April 2007, including threats, assaults and property destruction directed at political party offices and officials. This violence was most commonly directed at the Liberal Democratic Party, which accepted the inevitability of independence for Kosovo and advocated cooperation with the ICTY, and the greatest number of incidents occurred in the weeks surrounding the January election.

There were 50 women in the 250-seat parliament, and one of six parliamentary vice presidents and the secretary of the Parliament were women. There were four women in the 23-member cabinet. In 2006 the government amended the law on elections of members of parliament to require parties' preelection lists to include at least 30 percent women.

The constitution and law exempt ethnically based parties from the five percent threshold required for a political party to enter parliament. In the January election, minority parties and lists received a combined 3.5 percent of the total vote. Voter turnout by members of minority communities was higher than in previous elections; however Roma continued their historical pattern of low voter turnout. Eight members of national minorities, including ethnic Hungarians, Bosniaks, Roma, and ethnic Albanians were elected to parliament. Roma political parties were represented for the first time, as two Roma parties won one seat each. An ethnic Albanian party also won a seat for the first time in 15 years. One of the six parliamentary vice presidents was a member of an ethnic minority. Rasim Ljajic, a Bosnian Muslim, was the sole member of a minority group, in the 23-member cabinet.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There was a widespread public perception of government corruption at all levels. The World Bank's worldwide governance indicators reflected that corruption was a serious problem. According to Transparency International's 2007 Global Corruption Barometer, 21 percent of respondents stated that they or their family members had paid a bribe during the past year.

Public officials are subject to financial disclosure under the conflict of interest law; however, the Committee for Financial Disclosure may only recommend dismissal for failure to file reports, and not for the substance of the information reported.

During the year authorities made some new arrests for corruption and continued the prosecution of high-profile cases from previous years. While the government's Anticorruption Council frequently made public statements and granted interviews, the body had no legal standing and had only an advisory role. There were reports of authorities failing to act in response to detailed reports of suspected corruption. Unlike in previous years, there were no reports of high-profile politically motivated investigations.

On January 22, the trial of the "bankruptcy mafia" commenced. A total of 36 defendants, including Goran Kljajevic, former president of the Belgrade Commercial Court and commercial court judge Delinka Djurdjevic, faced charges of bribery, abuse of office, and illegal bankruptcy. The government accused the defendants of operating a lucrative scam in which the commercial court would declare enterprises bankrupt and the Postal Savings Bank would provide cheap loans to favored businessmen to buy the enterprise's assets at a below-market price. The trial was ongoing at year's end.

In April Dejan Simic, former vice governor of the National Bank of Serbia, and Socialist Party of Serbia director Vladimir Zagradjanin were indicted for bribery. Simic allegedly accepted a suitcase containing the equivalent of \$146,000 cash (100,000 euros) in exchange for agreeing to register the Credit Export Bank. The trial had not begun by year's end.

In May the trial of 53 persons charged in the "highway mafia" case began. Prosecutors accused the defendants of using false payment cards and illegal software on two major tollgates between 2004 and 2006, resulting in a loss of approximately \$9.5 million (6.5 million euros) in state revenue.

In July police charged a former general manager of the power utility Elektroprivreda Srbije, Ljubomir Geric, and three other former executives of the company in connection with agreements between the utility and two trading companies between 2001 and 2004, citing the loss of millions of dollars to the state budget.

In September the fraud and embezzlement trial of Mihalj Kertes, the former Head of the Customs Service during the Milosevic era, began. The case was part of the ongoing "Cyprus money laundering" investigation of former Milosevic officials, conducted by the organized crime prosecutor's office.

The leader of the Power of Serbia Movement, Bogoljub Karic, remained outside the country at year's end. Shortly after Karic formed a new parliamentary caucus in 2006, police issued a warrant for his arrest on charges of tax evasion, mismanagement of millions of dollars, and money laundering while he was owner of the telecommunications company Mobtel. Authorities took no additional action in this case.

The trial of deputy public prosecutor Milorad Cvijovic was underway at year's end. Cvijovic was charged with the unauthorized appropriation of a court document from the archives of the state prosecutor's office in 2005 in order to influence proceedings in a

commercial case.

There was no new information in the trial of former minister of defense Prvoslav Davinic, charged with facilitating apartment leases for his bodyguards. On July 2, prosecutors indicted Davinic, Major General Milun Kokanovic and Colonel Jovica Vuckovic for abusing their positions in connection with a 2005 military equipment purchase scandal. Mile Dragic, reported as the owner of a military equipment firm, was concurrently charged with attempted fraud and possession of illegal weapons.

Government implementation of the 2004 access to information law continued to be slow, and the government generally did not provide access in practice. The law provides for public access to information of "legitimate public importance" (with many exceptions) and establishes an independent commissioner, selected by the Serbian parliament, to handle appeals when government agencies reject requests for information. In March the Commissioner of Information released a report on the law that concluded that agency compliance was increasing but was still poor. According to a September 2006 report by Transparency International, 81 percent of local institutions, 67 percent of public enterprises, and 35 percent of ministries were failing to fulfill their obligations under the access to information law, even as requests for information tripled between the end of 2005 and the end of 2006. NGOs reported that their requests for information from the government frequently went unanswered.

On March 30, the government signed a contract to build a highway from Horgos to Pozega through Vojvodina. The Anticorruption Council, local Vojvodina officials, journalists, and NGOs following corruption publicly questioned whether the contract was awarded to the lowest bidder. Infrastructure Minister Velimir Ilic repeatedly refused public efforts to obtain the contract, citing a secrecy clause in the contract, which he claimed was intended to protect the contractor's proprietary information. After continued public pressure and public requests for information under the access to information law, the ministry posted most of the contract on its Web site. At year's end, the government was in the process of implementing the contract.

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

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, these groups were often subjects of harassment, threats, and libel suits for expressing views critical of the government or contrary to nationalist views of Kosovo, the ICTY, and the wars of the 1990s. Prominent human rights groups included HCS, the Humanitarian Law Center (HLC), the Lawyers' Committee for Human Rights (YUCOM), the Fund for an Open Society, YIHR, and the Belgrade Center for Human Rights.

In July YIHR activist Maja Stojanovic avoided imprisonment when a group of NGOs paid a fine on her behalf. A Nis municipal magistrate had ordered the fine or a 10-day prison sentence if she did not pay the fine by July 25. The fine was imposed after Stojanovic was arrested in 2005 for putting up posters calling for the arrest of ICTY indictee Ratko Mladic. Stojanovic chose not to pay the fine as an act of civil disobedience, protesting selective enforcement of the law. The NGOs paid the fine after President Tadic issued a statement supporting Stojanovic's position.

During the year media campaigns aimed at demonizing human rights activists led to threats, harassment, and attacks against NGO workers. Media sometimes published NGO workers' personal information, such as their ethnic backgrounds and addresses. On February 28, tabloid *Kurir* called for the prosecution of Women's Peace Coalition for advocating the independence of Kosovo. On April 28, the pro-Radical newspaper *Pravda* printed an eight-page report attacking NGOs as enemies of the country, including attacks on HCS director Sonja Biserko, HLC's Natasa Kandic, and YUCOM director Biljana Kovacevic-Vuco.

During the year there were several physical attacks and threats against NGO workers. NGOs reported that officials were often slow to investigate or prosecute these cases. On January 22 in Belgrade, a group of skinheads attacked Violeta Djikanovic and Milos Urosevic of the NGO Women in Black. After making derogatory comments regarding Urosevic's sexuality, one of the attackers pushed Djikanovic down a flight of stairs; she was treated at the hospital for head and body injuries. Djikanovic and Urosevic reported the incident to the police and identified one of the assailants from a photograph. However, the suspect claimed an alibi for the time of the attack, and police took no further action.

On January 24 in Nis, YIHR activist Radojica Buncic was punched in the face and verbally abused by unknown assailants. Police took a statement from Buncic but did not identify the perpetrators. There was no further action during the year.

On July 11 in Nis, youth members of My Initiative were hanging posters calling for the arrest of ICTY indictee Mladic when six men attacked them. Police detained one assailant, but subsequently released the assailant without charges, and authorities took no further action.

In March 2006, HCS issued a report on the targeting of human rights defenders in Serbia. While praising some positive legal developments, the report criticized the government's failure to denounce more forcefully verbal and physical attacks against human rights defenders, as well as continued media campaigns aimed at discrediting local human rights advocates.

In July the government selected Sasa Jankovic to serve as ombudsman for the country, a position established in 2005 but previously unfilled. Vojvodina province had its own ombudsman, who operated independently during the year. The city of Kragujevac also had its own ombudsman.

During the year the government assisted in the arrests of Zdravko Tolimir and Vlastimir Djordjevic, two of the remaining six indictees sought by the ICTY. Two of ICTY's most wanted war crimes suspects with links to Serbia, Ratko Mladic and Radovan Karadzic, remained at large. Despite the arrests, ICTY Chief Prosecutor Carla del Ponte stated in her December report to the UN Security Council that she was disappointed that more was not being done to apprehend Mladic and Karadzic and that the government was not cooperating fully with ICTY.

While the constitution prohibits the extradition of any person with Serbian citizenship, the law allows for an exception in cases of extradition of citizens to the ICTY.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, discrimination against women and ethnic minorities, trafficking in persons, and violence against women and children were problems.

Women

Rape, including spousal rape, is punishable by one to 40 years for a simple case, a minimum of three years for an aggravated case, and a minimum of five years if death results or the victim is a minor. Advocates suspect that only a small percentage of rape victims reported their attacks, fearing reprisals from their attackers or humiliation in court. Few spousal rape victims filed complaints with authorities. Women's groups reported that sentences were often too lenient.

Violence against women was a problem, and high levels of domestic violence persisted. Domestic violence is a crime punishable by a prison sentence of six months to 10 years, depending on the seriousness of the offense, and a minimum of 10 years if death results.

Such cases were difficult to prosecute due to lack of witnesses and evidence and unwillingness of witnesses or victims to testify. In a 2006 World Health Organization study of Serbian women, two-thirds of physically abused women reported that they did not seek help because they thought such abuse was normal or not serious. The few official agencies dedicated to coping with family violence had inadequate resources.

A report by several Romani NGOs released in April found that, of the half of the respondents who would discuss domestic violence, over 75 percent reported experiencing verbal or physical abuse. The respondents said that police did not act to protect them and that they were excluded from some state-funded safe houses.

The Serbian Victimology Society reported in July 2006 that one-third of women have been victims of physical violence and half of women have been victims of psychological violence. In 2004 there were approximately 4,900 reported cases of domestic violence in the country. According to the Magistrates Association of Serbia (MAS), domestic violence was significantly underreported and the problem was widespread and usually long-lasting. Violence frequently became a way of life in a country where contributing factors such as financial dependence, cramped living quarters (multifamily living arrangements were common), and the lack of support from extended family were prevalent.

During the year the MAS participated in a series of seminars and training sessions for magistrates to adjudicate domestic violence cases. The Center for Autonomous Women's Rights in Belgrade offered a rape and spousal abuse hot line and sponsored a number of self-help groups. The Counseling Center Against Family Violence operated a domestic violence shelter partly funded by the government. On November 22, the government opened its own shelter in Belgrade for victims of domestic violence. Media outlet B92 ran a campaign with the Counseling Center against Family Violence to raise funds for a shelter to be built in cooperation with the City of Belgrade.

Prostitution is illegal, although being a client of a prostitute is not a criminal offense.

Sexual harassment was a common problem, but public awareness remained low and few complaints were filed during the year. The law provides that sexual harassment is a crime punishable by up to six months' imprisonment for a simple case and up to one year's imprisonment for abuse of a subordinate or dependent.

Women have the same legal rights as men, including under family law, property law, and in the judicial system, and these rights were generally enforced in practice. The government has a council for gender equality, which worked during the year with NGOs in raising public awareness of gender equality problems. The Vojvodina government also has a secretariat for labor, employment, and gender equality. The OSCE mission to Serbia helped to establish domestic bodies in charge of gender equality in more than 30 municipalities.

Traditional views of gender roles, particularly in rural areas, resulted in discrimination against women. In remote rural areas, particularly among some minority communities, women could not effectively exercise their right to control property. In rural areas and some minority communities, it was common for husbands to direct the voting of their wives.

The social status of women was generally considered inferior to that of men, and women were not well represented in commerce. Women were legally entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wages were 11 percent lower than that of men.

Children

The government was committed to the rights and welfare of children.

Romani families experienced some difficulties registering the births of children, mostly

due to a lack of permanent address or documentation of parents' identity.

The educational system provided nine years of free, mandatory schooling, including a year before elementary school. However, ethnic prejudice, cultural norms, and economic distress discouraged some children, particularly Roma, from attending school. According to a progress report on poverty reduction released by the government in August, 95 percent of children started elementary school on time, and an estimated 76-86 percent of secondary school-age children attended school. The report noted, however, that school attendance was significantly lower among children from vulnerable groups, including Roma and poor populations. Only 14.4 percent of children in rural areas attended preschool.

Romani education remained a problem. Many Romani children, especially girls, did not attend primary school, reportedly either for family reasons, because they lacked identity documents, because they were judged by school administrators to be unqualified, or because of societal prejudice. In some cases, children who did have access to school sat in separate Roma-only classrooms or in a group at the back of regular classes. Few teachers were trained in the Romani language, and many Romani children did not learn to speak Serbian. Some Romani children were mistakenly placed in schools for children with emotional disabilities because the Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. According to a 2005 report on racism in eastern Serbia by the Forum for Ethnic Relations and International Cooperation, although 70 percent of Romani children who attended urban schools completed primary school, only 10 percent did so in rural areas. The UNHCR, with government support, conducted health education programs for Roma and preschool programs for Romani children.

The law provides that government clinics offer free medical care, including free medicines from a limited list of covered drugs. There were reports, however, that corruption resulted in restricted access to medication for some. Boys and girls had equal access to medical care; however, Romani children often were not vaccinated.

Child abuse was a problem. According to the Poverty Reduction Strategy Report, reported cases of family violence rose in 2006. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police generally responded 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.

Child marriage was a problem in some communities, particularly among Roma and in rural areas of southern and eastern Serbia. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 as the average; boys generally married a few years later than girls. Child marriage was most common among Muslim Ashkali, most of whom came from Kosovo and were living in other parts of the country as IDPs.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked through, to, and from the country for commercial sexual exploitation, labor, and begging.

Serbia was a transit point and a point of origin and destination for trafficking in women and children for the purpose of sexual exploitation. Domestic trafficking increased compared to previous years, and the number of domestic victims identified was higher than foreign victims. Serbia was a transit point for women trafficked to other Balkan countries and Western Europe. Eastern European countries were the primary source countries for persons trafficked to and through Serbia. NGOs and government officials reported that the number of minor victims continued to increase, although this may have been a result of increased monitoring and improved identification of victims.

In 2006 the Ministry of Labor, Employment, and Social Policy and the NGO Children's Rights Center released results of a survey that showed Romani children and children from poor, rural communities and foster families were at the highest risk for child labor abuse, including begging, theft, prostitution, dealing narcotics, and hard physical labor. Some Romani children were trafficked within the Romani community and to Roma abroad for exploitation in begging and theft rings.

Traffickers tended to be part of small crime groups with international links. Unlike in previous years, there were no identified cases with ties to large organized crime groups. In some cases, friends or family members facilitated contact between traffickers and victims.

Traffickers recruited victims through enticements including advertisements for escorts, marriage offers, and offers of employment. Some women went to work as prostitutes knowingly and only later became trafficking victims. Authorities reported increased use of the Internet and mobile text messaging as a method of recruiting victims.

The government increased funding for its antitrafficking programs. The criminal code differentiates between trafficking and smuggling. The penalty for trafficking in persons is two to 10 years in prison; for trafficking minors, the penalty is a minimum of three years; if the act of trafficking resulted in death, the penalty is a minimum of 10 years; if it involved serious physical injury, the penalty is three to 15 years; if there were multiple acts of trafficking or if perpetrated by an organized group, the penalty is a minimum of five years.

During the year authorities filed 26 criminal charges against 57 persons for trafficking. Government officials estimated that the number of unidentified cases was increasing. Antitrafficking groups worked with 185 trafficking victims, including 60 victims identified during the year.

The government cooperated in combating trafficking with neighboring countries, including Bosnia and Herzegovina, Croatia, Hungary, Slovenia, Bulgaria, Romania, Greece, and Ukraine. However, the constitution prohibits extradition of citizens, including dual nationals (except to the ICTY for war crimes) and the government did not extradite any citizens who were accused of trafficking in other countries.

On November 17, acting public prosecutor in Novi Pazar, Slobodan Radovanovic, announced the arrest of deputy public prosecutor Nenad Palamar, who allegedly failed to investigate or report victims of trafficking forced to work as prostitutes at a night club in Novi Pazar and allegedly sexually abused those victims. The trial was pending at year's end.

The government's antitrafficking team, headed by an antitrafficking coordinator who was the chief of the border police, incorporated government agencies, NGOs, and international organizations and led government antitrafficking efforts. The organized crime police force included a full-time antitrafficking unit, and the border police force had a full-time office to combat trafficking and alien smuggling. The government assisted in international investigations of human trafficking and participated in regional antitrafficking operations.

The government offered temporary resident visas and shelter to victims who agreed to testify against their traffickers, provided victim and witness protection, and did not prosecute victims.

The government's agency for coordination of protection to victims worked to ensure that trafficking victims were correctly identified and referred to assistance providers. Every police station had a focal point for trafficking in persons, to provide rapid response and assistance to possible victims. Separate shelters for domestic and foreign trafficking victims operated during the year. The NGO Astra operated a hot line for trafficking victims. NGOs and volunteers provided legal, medical, psychological, and other assistance to victims. The NGO Atina operated a long-term reintegration program for

victims of sexual exploitation.

Unlike in previous years, the International Organization for Migration (IOM) did not have funds for repatriation of foreign victims, and it no longer ran a regional clearing center for information on trafficking victims.

The IOM and the OSCE funded numerous training programs, including training for hot line volunteers, shelters, social welfare officers, and police.

Government and NGO public awareness efforts to combat trafficking included conferences on trafficking, documentary films and public service announcements shown across the country, and school outreach programs. NGOs continued to organize and fund the majority of Serbia's public information campaigns. The government partly funded a 13-episode television series, *Modern Slavery*, devoted to promoting awareness of human trafficking.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government generally enforced the law. However, lack of access to public buildings and public transportation was a problem. The Center for Independent Living (CIL), a disability rights NGO, reported that most persons with disabilities lived isolated from their communities and that facilities for their education and care were nonexistent or inadequate. A high unemployment rate and lack of accommodations made it difficult for persons with disabilities to obtain employment. While there were no reports of overt discrimination against persons with mental or physical disabilities, CIL reported that it was difficult to determine if there was discrimination in obtaining employment because employers usually gave other reasons for not hiring persons with disabilities.

The law mandates access for persons with disabilities to new public buildings, and the government generally enforced this provision in practice.

Unemployment remained a serious problem for persons with disabilities. A study released by the Center for Development of Inclusion and the Center for Study of Alternatives in 2006 found that 87 percent of persons with disabilities were unemployed, while 70 percent lived in poverty. The study also found that a greater percentage of women with disabilities were dependent on public assistance compared to men with disabilities.

In a report released in February, the HCS found that psychiatric hospitals in the country often provided inadequate living conditions and that staff lacked training to deal with these cases. Most institutions were large facilities, isolated from the community. Many patients stayed in institutions for 10 or 20 years because there were no other options. Rights of psychiatric patients are not protected either by law or regulation. The HCS reported that some patients were involuntarily confined in locked wards longer than was medically warranted and that abuses of treatment, such as lengthy physical immobilization, could occur.

On November 21, Mental Disability Rights International (MDRI) released a report on government facilities for the mentally disabled. The report, titled "Torment, Not Treatment," criticized the facilities for inadequate hygiene and treatment of patients. The report also cited a lack of training for personnel and lack of oversight of their activities, resulting in abuses of patients. MDRI gave examples of patients tied to their beds continuously. The Social Affairs Ministry objected that, while the report was partially accurate in its description of the worst institutions, the conditions were not so extreme at all facilities.

National/Racial/Ethnic Minorities

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

Roma, who constituted 1.4 percent of the population, continued to be targets of numerous incidents of police violence, verbal and physical harassment from ordinary citizens, and societal discrimination.

In January in the village of Medja in Leskovac municipality, 30 Romani homes were spray-painted with swastikas and anti-Roma graffiti. Police took statements but took no further action during the year.

On February 6, a group of Serbs attacked the president and several members of the Democratic Association of Roma in Belgrade. The HCS reported that traffic police witnessed the event without intervening and also made racist remarks about the victims. Police took statements from the victims but took no further action during the year.

In August there was a series of attacks on Roma in Belgrade, including destruction of homes, assaults, and hate speech graffiti. Police responded that they were investigating but had not made any arrests by year's end.

The July 2006 UN Development Program's social vulnerability report found that the Romani population continued to live in conditions of extreme poverty with limited access to education and healthcare. The report noted that the situation of Roma in the country remained largely unchanged since aid efforts began.

Many Roma, including IDPs from Kosovo, lived illegally in squatter settlements that lacked basic services such as schools, medical care, water, and sewage facilities. Some settlements were located on valuable industrial or commercial sites where private owners wanted to resume control; others were on the premises of state-owned enterprises due to be privatized. During the year Belgrade authorities continued to suspend demolition of one settlement on privatized land until they could locate alternative housing for Roma living there, but authorities continued to struggle to find an alternative.

Although not widespread, there continued to be incidents of vandalism and some physical attacks against minorities in Vojvodina. The number of incidents against ethnic Hungarians in Vojvodina remained low, and minority leaders there reported that the situation was calm. Vojvodina and Serbian government officials continued implementation of a 2005 10-point strategy to improve ethnic relations in the province, including education programs, public awareness campaigns, and greater representation of minorities in the police and judiciary.

Political leaders in Vojvodina continued to object to certain provisions in the 2006 constitution. While the constitution ostensibly gives Vojvodina a larger portion of its tax revenue than the province previously received, it also further limits its autonomy. Only 48 percent of the Vojvodina electorate voted in the referendum on the constitution, and only 14 percent of ethnic Hungarians participated. Ethnic Hungarian political leaders cited these constitutional "defects" as an evidence of the government's failure to involve minorities in policy-making.

The law stipulates official use of any native language and alphabet of a national minority with 15 percent of the population in a given area. However, in June YIHR reported that place and street names were only written in Serbian using the Cyrillic alphabet in six municipalities in Vojvodina with large populations of ethnic Czechs, Hungarians, and Romanians.

Ethnic Albanian leaders in the southern municipalities of Presevo, Bujanovac, and Medvedja continued to complain about under-representation of ethnic Albanians in

government structures, and lobbied for greater political autonomy for predominantly ethnic Albanian areas. In the January parliamentary elections, ethnic Albanians in southern Serbia ended a decade-long boycott of national elections and elected one representative.

In September the government announced a reorganization of the Coordinating Body for Southern Serbia, which coordinates policy and assistance to the region. Ethnic Albanian leaders complained that the government did not consult them prior to the announcement and that the proposed changes did not address the most pressing problems in the region, such as education and healthcare. In December the president of the coordinating body traveled to the region to present the coordinating body's five-year plan for the region and to urge local leaders to participate in the organization.

The government operated a hot line for minorities and others concerned about human rights problems. The government also provided students with an optional civic education class, which included information on minority cultures and multiethnic tolerance. The class was an alternative to religion courses covering the "traditional" religions.

Other Societal Abuses and Discrimination

Violence and discrimination against homosexuals was a problem. Some NGOs reported that homosexuals were denied equal opportunities in education and employment. A 2006 survey by YIHR indicated that lesbians, gays, bisexuals, and transgender persons experienced widespread threats, hate speech, verbal assault, and physical violence. The Anti-Discrimination Coalition criticized the lack of police response to three attacks on patrons of two clubs in Belgrade frequented by homosexuals on October 12 and November 3. The NGO characterized the attacks as part of antigay campaign.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, the media carried slurs against homosexuals.

Human rights organizations were sometimes targeted for their vocal support of gay rights, sometimes leading to harassment. For example, on February 28 in Nis, two YIHR members were followed and harassed by unknown persons who expressed anger that they "protect gays and lesbians" and accused them of being anti-Serb.

In a 2006 poll conducted by lesbian rights organization Labris, 65 percent of homosexual respondents claimed they had experienced violence due to their sexual orientation. Only ten percent of respondents had reported this violence to the police.

NGOs reported acts of discrimination against persons with HIV/AIDS, including job loss and harassment from neighbors. The NGO Sunce stated that fear of discrimination prevented many persons from seeking testing, and, as a result, the actual number of HIV-positive persons in the country was as much as ten times greater than the 2,088 reported HIV cases.

6. Worker Rights

a. The Right of Association

The law and constitution provide the right for workers, except military and police personnel, to join or form unions of their choosing. This right was subject to restrictions, including approval by the Ministry of Labor and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to an employer approval requirement. A state-affiliated trade union federation dominated organized labor, due to preference by the managements of the state-owned industries that dominated the economy. Smaller federations of independent trade unions successfully competed with the government-affiliated federation. In the state-owned sector, 61 percent of workers belonged to unions, down from last year due

to privatization. In the private sector, 13 percent were unionized, an increase from the previous year.

The law does not prohibit antiunion discrimination. According to the trade union Nezavisnost, during the year there were cases of dismissal and suspension for union activity. One employer forced workers to relocate to another branch in the hope that workers would quit. That case was pending in court.

b. The Right to Organize and Bargain Collectively

The law and constitution allow unions to conduct their activities without interference, and the government protected this right in practice. The law protects the right to organize and bargain collectively, and it was exercised freely in practice. The 2005 labor law requires collective bargaining agreements for any company with more than 10 employees. However, in order to negotiate with an employer, a union must have 15 percent of company employees as members. In order to negotiate with the government, a union must have 10 percent of all workforce employees as members. Wage arrears were reported to be substantial and widespread. Approximately 40 percent of employed workers were covered by collective bargaining agreements.

The law and constitution provide for the right to strike except by persons providing essential services such as education, electric power, and postal service. These employees constitute approximately 50 percent of the workforce and must announce planned strikes at least 15 days in advance and ensure that a "minimum level of work" is provided. Workers exercised the right to strike.

Serbia continued to lack a general collective agreement since the previous agreement expired in 2005. Following unsuccessful negotiations in 2006, there were no new talks during the year. In the absence of a general collective agreement, branch and local agreements can be signed based on provisions in the labor law. In the event that there is no union representation at a company, the employer is obligated to set minimum labor standards based on the labor law.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law and constitution prohibit forced and compulsory labor, including by children; however, women and children were trafficked for commercial sexual exploitation, labor, and begging.

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws protecting children from exploitation in the workforce; however, there were reports that children were trafficked for commercial sexual exploitation, labor, and begging.

In villages and farming communities, younger children commonly worked in family businesses. Children, particularly Roma, also worked in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. Romani children were often forced by their families into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings.

The minimum age for employment is 15, and youth under 18 require written parental or guardian permission for employment. The labor law stipulates very specific working conditions for youth, and limits their workweek to 35 hours.

The Labor Inspectorate of the Ministry of Labor, Employment, and Social Issues checked for child labor during its inspections; however, the ministry stated it found no violations during the year. The absence of such violations was most likely the result of limited

monitoring capabilities by inspectors. No reliable data existed on the extent of child labor due to the lack of a mechanism to monitor the problem. There were no reported child labor violations during the year. The ministry also included prevention of child labor in its regular child and family protection programs.

e. Acceptable Conditions of Work

The minimum wage for the period July-December was set by the Social Economic Council at approximately \$205 (11,094 dinars) per month. The minimum wage did not provide a decent standard of living for a worker and family. In companies with a trade union presence, there was generally effective enforcement of the minimum wage. This was not the case in smaller private companies, and workers were often afraid of losing their jobs because many of them were not legally registered. The Labor Inspectorate is responsible for enforcing the minimum wage.

According to figures released at year's end, the average salary in November was approximately \$524 (29,373 dinars) or \$26 (1,468 dinars) per day or \$3 (183 dinars) per hour. The average salary was not adequate for a worker and family to live comfortably. Two average salaries were needed to cover expenses for average monthly consumption.

The standard workweek of 40 hours was generally observed in state-owned enterprises but not in private companies. The law provides that an employee may not work overtime for more than four hours a day or for more than 240 hours in a calendar year. For an eight-hour workday, one 30-minute break is required. At least 12 hours of break are required between shifts during a workweek, and at least 24 hours of break are required over a weekend.

Collective agreements were the primary means of providing premium pay for overtime. However, the labor law requires that the premium for overtime work should be at least 26 percent of the salary base, as defined by the relevant collective agreement. Trade unions within a company are the primary agents for enforcing overtime pay; however, the labor inspectorate also has enforcement responsibilities. The inspectorate had mixed results enforcing labor regulation due to a variety of factors, including politics and corruption.

It is mandatory for companies to establish a safety and security unit to implement safety and security regulations; however, in practice these units often focused on rudimentary aspects of safety, such as purchasing soaps and detergents, rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment.

KOSOVO

Kosovo has a population of approximately 2.2 million and is administered by the UN Interim Administrative Mission in Kosovo (UNMIK) pursuant to UN Security Council (UNSC) Resolution 1244 of 1999. UNMIK is led by a special representative of the UN secretary general in Kosovo (SRSG). UNMIK promulgated regulations that addressed the civil and legal responsibilities of governmental entities and private individuals and ratified laws passed by the Kosovo Assembly. The UNMIK-promulgated Constitutional Framework for Provisional Self Government in Kosovo defines the provisional institutions of self-government (PISG). Multiparty elections in November for the Kosovo Assembly generally reflected the will of the voters. During the year negotiations aimed at settling Kosovo's status were held under the auspices of the UN. No decision on Kosovo's status was reached by year's end. UNMIK international civilian authorities and a UN-authorized North Atlantic Treaty Organization (NATO) peacekeeping force for Kosovo (KFOR) generally maintained effective control over security forces.

UNMIK and the PISG generally respected the human rights of residents; however, there were problems in some areas, particularly relating to minority populations. The most serious of these were cases of politically and ethnically motivated violence; injuries from unexploded ordnance or landmines; lengthy pretrial detention and lack of judicial

due process; corruption and government interference in the judiciary; societal antipathy against Serbs and the Serbian Orthodox Church; lack of progress in returning internally displaced persons to their homes; corruption in the PISG; violence and discrimination against women; trafficking in persons, particularly girls and women for sexual exploitation; societal violence, abuse, and discrimination against minority communities; societal discrimination against persons with disabilities; abuse and discrimination against homosexuals; and child labor in the informal sector.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, UNMIK forces killed two persons during demonstrations.

During a February 10 demonstration by the Self-Determination Movement in which protestors turned violent, UNMIK security forces killed two civilians with rubber bullets and seriously wounded two others. Subsequent to this incident, UNMIK Police Commissioner Steven Curtis and Minister of Interior Fatmir Rexhepi resigned from their posts. In July, after a preliminary investigation, UNMIK Department of Justice concluded that the loss of life was unjustified and that the facts gave reasonable suspicion of criminal acts among the security personnel who had fired the rubber bullets. UNMIK Department of Justice also concluded that insufficient evidence existed for charges to be lodged against any particular officers. The investigation, which was ongoing at year's end, found that the security forces had used rubber bullets long past their expiration date. As a result UNMIK banned the use of rubber bullets by its security forces. Albin Kurti, leader of the so-called "Self-Determination Movement," was charged with participating in and organizing a crowd committing a criminal offense, participating in and leading a group obstructing officials in performing their duties, and a call to resistance. His trial was ongoing at year's end. Several international human rights organizations voiced concerns at the length of Kurti's pretrial detention and UNMIK's conduct of the trial.

There were no developments in the December 2006 case of Hetem Sadri Rexhaj, who was killed in police custody in Pec/Peja.

Unlike in 2006, there were no reports of deaths from landmines or unexploded ordnance from the 1998-1999 conflict.

There were no developments in the investigations of the following killings that may have been politically motivated: the May 2006 killing of Mark Oroshi, who was suspected of killing attorney and Istok/Istog Democratic League of Kosovo (LDK) political activist Shaban Manaj in 2001, or the June 2006 killing of Kosovo Serb Dragan Popovic, who was shot and killed in his home in the ethnically mixed Klina municipality.

Unlike in previous years, there were no apparently politically motivated killings of police officers. However, two Kosovo Police Service (KPS) officers were killed during the year. On January 3, officer Avni Kosumi was shot and killed near Babin Most village while driving on the Pristina-Mitrovica highway. He was with two other off-duty KPS officers. A KPS investigation continued at year's end.

On August 30, KPS officer Triumf Riza was shot in a Pristina parking lot while off duty and died at the hospital shortly thereafter. On September 1, Arben Berisha confessed to the murder and surrendered to police. Local criminal figure Enver Sekiraka was publicly accused of involvement in the murder; at year's end the KPS was investigating his alleged links to the crime.

In 2006 the murder trial of Shkumbin Mehmeti, Florim Ejupi, Nazim Kadriu, Arben Ahmeti and Arsim Rashiti began before international judges. The suspects were charged in 2005 with the killing of a KPS officer and an UNMIK police officer in an ambush on the Podujevo/Podujeve road after the March 2004 riots. On November 9, the Pristina District Court convicted Mehmeti of aggravated murder, attempted murder and three counts of unauthorized possession of weapons, while acquitting him of other charges in the indictment. Shkumbin Mehmeti was sentenced to 30 years' imprisonment. Florim Ejupi, Nazim Kadriu, Arben Ahmeti, and Arsim Rashiti were acquitted of all charges. A separate ruling was issued extending Mehmeti's detention until the verdict becomes final.

Florim Ejupi was also indicted earlier on charges that he and accomplices planned and executed the 2001 Merdare bus bombing near Podujevo/Podujeve that killed 11 Kosovo Serbs and injured 40. On August 9, the international prosecutor amended the indictment withdrawing charges of terrorism against all defendants, as well as dropping charges against five defendants. Closing arguments have been filed in the case. On November 30, acting on a request filed by the international public prosecutor, the court extended the period of detention on remand against the defendant for two months. The trial was ongoing at year's end.

On September 19, the Pec/Peja regional court sentenced Bedri Krasniqi to 27 years imprisonment for the 2003 shooting of KPS officers Sebahate Tolaj and Isuf Haklaj.

There were developments in some alleged war crimes cases from previous years. On January 17, the Prizren District Court closed the investigation of two former Kosovo Serb policemen, Goran Janjusevic and Slavisa Milkovic, for committing war crimes against the civilian population in the Prizren region during the 1999 conflict. Neither Janjusevic nor Milkovic were apprehended.

On February 8, prosecutors indicted Idriz Gashi, who was brought to Kosovo from Sweden to face war crimes charges for crimes committed in 1998 in the Pec/Peja region. In June Gashi was convicted of murdering Sanije Balaj, a Kosovo Albanian civilian in 1998 after she was stopped at a Kosovo Liberation Army (KLA) checkpoint in the village of Barane. He was sentenced to 15 years of imprisonment.

There were developments in the case of Kosovo Albanian Kosovo Protection Corps (KPC) officers (Selim Krasniqi, Bedri Zyberaj, Xhavit Elshani, Isuf Gashi, and Islam Gashi), arrested for alleged involvement in war crimes committed against Kosovo Albanian civilians in the Drenovac Detention Camp in Prizren in 1998. Selim Krasniqi was apprehended on November 24 and was in detention awaiting trial at year's end. On April 19, UNMIK Police arrested Osman Zyberaj, who was accused of the 2005 murder of Hasan Rrustemi and attempted murder of Nezim Rrustemi, both witnesses in the then-ongoing war crimes trial against Krasniqi. On July 17, an international prosecutor indicted Zyberi and another suspect, Shyqeri Shala.

On August 22, the Supreme Court acquitted Sali Veseli of the murder of a former KLA leader from Prizren and ordered his immediate release. This decision by international judges overturned the District Court of Prizren's retrial conviction of Veseli.

There were no developments in the investigation into the 2005 killing of UNMIK police officer Omar Ali, who died when a bomb was detonated under his official vehicle.

There were no developments in the possibly politically motivated 2005 killing of ethnic Turk and Turk Democratic Party of Kosovo member Ibish Cakalli. Investigations were ongoing at year's end.

There were no developments in the following apparently politically motivated killings of Kosovo Albanians in 2005: the killing of Sadik Musaj, a witness at the "Dukagjini group" trial; the killing of Muhamet Sallaj, a former KLA member; the drive-by shooting of journalist Bardhyl Ajeti of the Albanian language daily *Bota Sot*; the drive-by killing of Muhamet Xhemajili, former commander of the Liberation Army of Presevo, Medvedje and Bujanovac, an armed Kosovo Albanian group previously active in Serbia's Presevo

Valley; and the car bombing of KPC and former KLA member Naser Ramaj and his brother Jeton.

There were no developments in the case of Faton Hajrizi, arrested in 2006 for the alleged killing a Russian KFOR soldier in Klina in 2002. On August 18, he escaped from the Dubrava prison; police apprehended him in a Pristina cafe on October 5.

b. Disappearance

There were no reports of politically motivated disappearances; however, there were still thousands of persons missing from the 1998-99 conflict, whose remains had not been identified or whereabouts determined.

According to the International Committee of the Red Cross (ICRC), at the end of June, there were 2,047 persons still listed as unaccounted for since the conflict, of whom 70 percent were Kosovo Albanians and 30 percent were Kosovo Serbs and other minorities.

During the year the UNMIK Office of Missing Persons and Forensics (OMPF) continued to identify the remains of missing persons in Kosovo. Since 2002 the office performed 571 field operations and exhumations, 66 of which took place during the year. The remains of over 3,800 missing persons were recovered and OMPF focused on establishing the identities of 1,500 sets of human remains discovered in Kosovo since 1999, along with the identities of approximately 900 sets received from Serbia since 2002.

By the end of the year, 455 unidentified bodies were under OMPF custody (397 bodies were exhumed in Kosovo and 58 were transferred from Serbia proper). Between January and August the OMPF received 180 positive DNA reports, representing 77 identifiable individuals. During the year the OMPF and the International Commission on Missing Persons worked on the identification of 61 cases of missing persons for which there were not enough blood donors to provide information for a match. DNA information and traditional methods were combined to confirm identification of remains. Nine sets of remains were returned during the year; identification of the remaining bodies was in process.

During the year OMPF also continued exhumations; it recovered and autopsied 73 bodies from 66 sites. Exhumations were ongoing at year's end.

In June 2006 the Serbian government transferred the last sets of identified remains of Kosovo Albanian victims of the 1998-99 conflict found in mass graves in Serbia. These remains were returned to families for burial. Families of the missing continued to request that the Serbian government provide access to records that might indicate locations of additional mass graves or places where bodies may have been incinerated.

Four times during the year, officials from Kosovo and Serbia met in a working group on missing persons, chaired by the ICRC and under the auspices of the SRSB. Although a sub-working group on forensic issues met twice during the first half of the year and the parties conducted several teleconferences on forensic issues, hundreds of sets of human remains in the Pristina morgue remained unidentified.

According to the ICRC, during the period between January and August, 155 identified sets of human remains were handed over to families. Forty-one were transferred from Serbia to Kosovo (through the OMPF); 16 were transferred from Kosovo to Serbia (exhumed in Kosovo and handed over to families in Serbia), and 98 were transferred within Kosovo (exhumed in Kosovo and handed over to families in Kosovo).

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

The constitutional framework and criminal procedure code prohibit such practices; however, there were reports that the PISG engaged in such practices. There were no reports that UNMIK, which is the sovereign authority, or KFOR, which has limited arrest

and detention authority, engaged in such practices.

According to media reports, the KPS used force to disperse violent demonstrations and beat demonstrators while making arrests during the demonstration on February 10. The Ombudsperson Institution began an investigation into the February 10 protest and sent letters to the SRS and the prime minister requesting that they use their authority to ensure independent investigations of police behavior during this protest.

The KPS Professional Standards Unit initiated three investigations, one of which was dismissed as unfounded. The other two investigations resulted in disciplinary action against the officers involved, each of whom was suspended for 10 days without pay, given mandatory remedial training, and had letters of discipline placed in their personnel files.

Prison and Detention Center Conditions

Prisons and detention centers reportedly met international standards; however, there were allegations of abuse and mistreatment of prisoners during the year.

On August 18, seven prisoners incarcerated for terrorism, murder, attempted murder, and robbery escaped from Dubrava prison. One inmate allegedly fired two shots inside the prison, and unknown suspects fired automatic weapons at the outer walls of the facility to cover the escape. Rocket-propelled grenades were found later outside the prison walls. UNMIK Department of Justice's Penal Management Division took control of Dubrava Prison for a day. Five Kosovo Correctional Service (KCS) officers were arrested. The Director of Dubrava Prison, Sokol Zogaj, resigned on August 27. Police subsequently arrested one escapee in a Pristina cafe on October 5 and another outside Pristina soon afterwards. One escapee was killed in fighting near Tetovo, Macedonia, on November 1, and two others died in fighting in the same area on November 7. Two escapees remained at large at year's end.

UNMIK reported bringing disciplinary proceedings against members of the 1,650-strong KCS during the year. Behavior resulting in discipline included administrative violations such as repeated tardiness and fraud.

Dubrava prison held 1,161 inmates as of July 1, above its total capacity of 1,100. The Dubrava prison and five detention centers operated during the year, and the construction of a new prison facility continued in Lipjan/Lipjan to alleviate crowding.

During the year UNMIK police corrections officers continued to transfer responsibility for administering Kosovo's prisons to the KCS, under the authority of the PISG. The KCS managed daily operations at the Dubrava prison, with the exception of the 32-prisoner high risk section, which remained under international supervision. UNMIK retained authority to take full control of the prison system during emergencies.

UNMIK permitted ICRC visits and monitoring by the ombudsperson of Kosovo's prisons and detention centers. In February the Ministry of Justice granted the Council for Defense of Human Rights and Freedoms (CDHRF), a local NGO, full access to all prisons, detention centers, and correction centers. CDHRF had previously complained that it was denied access on some occasions. In March, representatives of the Council of Europe's Committee for the Prevention of Torture (CPT) visited prisons and other detention facilities. The delegation was also provided full access to the detention facility on a NATO/KFOR base. During the year the ICRC visited some of Kosovo's prisons, but issued no public findings.

d. Arbitrary Arrest or Detention

The constitutional framework and criminal procedure code prohibit arbitrary arrest and detention, and UNMIK, KFOR, and the PISG generally observed these prohibitions in practice.

Role of the Police and Security Apparatus

Local security forces included the KPC, a civilian emergency response organization, and the KPS, a local police force that functions under the authority of the SRSG and supervision of UNMIK police. A December 2005 UNMIK regulation established the Ministry of Internal Affairs, which under the constitutional framework is responsible for law enforcement. In 2006, the first internal affairs minister was appointed, and KPS became an executive agency under the ministry. UNMIK maintains executive authority over the police but continued to transfer police authority and functions to the KPS.

An international commissioner of police directed both UNMIK police and the KPS. A Kosovar deputy commissioner and four Kosovar assistant commissioners reported to the international police commissioner. Members of ethnic minorities comprised approximately 16 percent of the KPS's 7,200 officers at year's end; 10 percent of KPS officers were Kosovo Serbs. Women accounted for over 13.5 percent of KPS officers.

Executive authority over the KPS is a reserved power of the SRSG. Day-to-day police operations were transferred to the KPS in all regions except Mitrovica region. In those regions, the KPS is responsible for all police services and routine activity. Specialized units on war crimes and ethnically motivated crimes were still primarily staffed by international UN police officers and largely operated independently of the KPS due to the sensitivity of those functions. Units on criminal intelligence and organized crime were operated jointly. Both the international police and the judiciary have broad discretion to intervene in any particular criminal matter. As a practical matter, most policing duties and responsibilities were in the hands of KPS.

Corruption and government influence remained problems in the security forces.

In 2006 the PISG Ministry of Internal Affairs and the Organization for Security and Cooperation in Europe (OSCE) Mission in Kosovo inaugurated the Police Inspectorate of Kosovo, a body designed to promote police efficiency and effectiveness, hold police accountable for their actions, and investigate and punish misconduct. Inspectors conducted 14 audits and inspections during the year, including one related to the February 10 self-determination protest.

An UNMIK office of oversight investigated corruption in UNMIK and the criminal justice system. The judicial system generally held the security forces to the same level of accountability as it held the general population.

During the year the KPS professional standards unit, run by UNMIK police, opened 460 cases involving 678 KPS employees; most were related to unjustified absences from work, misuse of sick leave, use of force, sleeping on the job, and ethics violations. At year's end 376 of these cases were completed, 2,994 were deemed to have merit, and 68 were deemed unfounded. Nine were closed without investigative measures due to resignation of accused officers. Sanctions ranged from dismissal to temporary suspension or mandatory training. As of September a total of 185 cases were still under investigation; in cases involving violations of the criminal code, many of the employees were suspended temporarily pending a court decision.

In April a KPS-led raid in the Serb-majority municipality of Strpce/Shterpce, conducted solely by ethnic Albanian police officers, resulted in injuries to several Kosovo Serb suspects and credible allegations of excessive use of force and inappropriate behavior. As a result, the KPS launched an internal investigation to determine police misconduct and began drafting standard operating procedures for police operations in Serb and other minority areas. The investigation and establishment of these procedures were ongoing at year's end.

Arrest and Detention

Police generally made arrests openly using a warrant issued by a judge or prosecutor;

however, in some cases, persons were arrested secretly by masked or undercover police officers. By law, arrests must be based on prosecutor orders and arrestees must be brought before a judge within 72 hours. The majority of the year's arrests were carried out by the KPS rather than by UNMIK. The KPS did not abuse the 72-hour rule and generally charged arrestees within six hours or released them. Arrestees have the right to be informed of the reason for their arrest in a language they understand; to remain silent and not answer any questions except those concerning their identity; to obtain free assistance of an interpreter; to obtain defense counsel and to have defense counsel provided if they cannot afford to pay for legal assistance; to receive medical treatment including psychiatric treatment; and to notify a family member. UNMIK police and the KPS generally respected these rights in practice. The law permits bail, confiscation of travel documents, house arrest, and other measures as an alternative to detention on remand, but these were applied in only a handful of cases.

Under extraordinary circumstances, KFOR can arrest and detain individuals without a warrant. The KFOR commander can extend the detention of individuals in 30-day increments without charging them with a crime before a court, provided they were not released by a court. There were no reports that KFOR arrested persons without a warrant during the year.

UNMIK police and the KPS may hold individuals for up to 72 hours without a court order. The court may hold individuals in pretrial detention for 30 days from the day of arrest but this can be extended by the courts up to a total of 18 months. The law allows for house arrest, an appeal for detention on remand, and expanded use of bail as alternatives to pretrial detention.

Lengthy detentions, both before and during judicial proceedings, remained a problem, although some improvements were reported during the year. The law provides that the judge may impose this extraordinary measure only when ordinary measures, such as house arrest, are insufficient to secure the defendant's presence during the criminal proceedings and enable proper administration of the criminal proceedings. In practice judges routinely used detention on remand without showing any evidentiary justification.

e. Denial of Fair Public Trial

The constitutional framework provides for an independent judiciary; however, the local judiciary was at times biased and subject to outside influence and did not always provide due process. There were credible reports of corruption in the local judiciary, and the court system was inefficient.

Legal authority is held by UNMIK under UNSC Resolution 1244. UNMIK police and justice authorities held executive responsibility for the judicial system but worked with local judges and prosecutors; UNMIK continued to transfer some reserved competencies to the Ministry of Justice, the Ministry of Internal Affairs, and the Kosovo Judicial Council that was established in 2005. The Serbian government continued to operate an unsanctioned parallel judicial system in Kosovo Serb enclaves and in majority Serb municipalities.

The court system includes a Supreme Court, five district courts including a commercial court, 25 municipal courts, 25 minor offense courts, and an appellate court for minor offenses. As of October there were 174 UNMIK-appointed international judges and 13 international prosecutors. In January UNMIK and the Ministry of Justice established the Kosovo Special Prosecutors Office, under the oversight of UNMIK Department of Justice. The office included six Kosovar special prosecutors, with a focused on serious crimes, including human trafficking, corruption, and counterterrorism. One special prosecutor was responsible for prosecuting human trafficking, while another was responsible for counterterrorism and serious interethnic crime.

The PISG included a central public prosecutor's office, five district prosecutors, and seven municipal prosecutors.

While the law provides that a panel of two professional and three lay judges try serious

cases, an UNMIK regulation authorizes international prosecutors to try cases of a sensitive ethnic or political nature, including before a panel of three international judges. Since beginning their work in 2003, international prosecutors completed approximately 300 of 700 cases assigned to them.

In 2006 UNMIK and the Kosovo Judicial Council launched a recruitment campaign for judges and prosecutors targeting members of underrepresented communities. In June a Kosovo Serb judge was sworn into office, bringing the total number of Kosovo Serb judges to 15.

UNMIK's Judicial Inspection Unit monitored judicial performance and made recommendations on discipline and training. The unit has a mandate to audit and evaluate the Kosovo justice system, make recommendations to the UNMIK Department of Justice for the resolution of systemic problems, conduct investigations into allegations of judicial and prosecutorial misconduct, and present cases of misconduct in disciplinary hearings before the Kosovo Judicial Council. The Judicial Inspection Unit processed a total of 1,838 complaints since 2001, including 351 during the year to September. Of those 351, the unit rejected 179 cases and completed 71 of 150 investigations. In the majority of investigations (64), the unit found no misconduct. The unit referred seven cases to the Judicial Council, which suspended one municipal court judge pending his indictment for accepting bribes, reprimanded one district prosecutor and one municipal court judge, and cleared one district court judge and one district prosecutor. The Judicial Inspection Unit appealed the cases that were cleared and sought harsher discipline for the prosecutor.

Trial Procedures

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; however, these procedures were used rarely in practice. Defendants are presumed innocent until proven guilty and have the right of appeal. Trials are heard by panels consisting of professional and lay judges; there are no jury trials.

As of January the Kosovo Judicial Council increased monthly payments to court-appointed attorneys from approximately \$365 (250 euros) to approximately \$730 (500 euros) per month.

During the year the PISG established a Legal Aid Commission. The prime minister appointed a head of the commission, and UNMIK Department of Justice conducted background checks of eight nominees slated to become commission deputies. The commission is an independent government agency that provides free legal assistance to low-income individuals. Once fully operational, legal aid officers will operate in five district legal aid bureaus, where attorneys appointed by the commission will provide legal assistance to people in need. The commission used a broad range of media in an effort to encourage minority participation.

The UNMIK-established judicial integration section continued to address judicial system problems that affected minorities. In addition, the Ministry of Justice operated 11 court liaison offices, two of which were created during the year, to assist minority communities in Kosovo Serb-majority areas by accompanying members of minorities to courts, filing documents with courts on their behalf, and providing information and legal assistance to refugees and internally displaced persons (IDPs). In response to past criticism by legal experts and human rights observers of a lack of fairness in criminal trials involving ethnic minorities, international judges and prosecutors – rather than Kosovo Albanians – tried and prosecuted cases involving Kosovo Serbs.

Kosovo's justice system and the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to identify and punish perpetrators of war crimes from the 1999 conflict; however, many cases remained unresolved. Supreme Court appeals continued in local courts to adjudicate cases of alleged war crimes and genocide arising from the

1999 conflict.

Political Prisoners and Detainees

There were no reports that KFOR, UNMIK, the KPS, or the PISG held political prisoners or detainees during the year.

Civil Judicial Procedures and Remedies

According to a 2006 OSCE report, interference by municipal authorities and UNMIK Department of Justice hampered judicial independence in civil matters. The OSCE cited instances in which municipal authorities plainly obstructed court proceedings, pressured judges in cases to which authorities were party, and influenced third parties to prevent courts from exercising their authority. The OSCE also reported that UNMIK Department of Justice instructed judges not to process claims for compensation for property damages caused by KFOR, UNMIK, or the municipalities. During the year the OSCE reported some progress in this area but not enough to reduce the backlog. UNMIK Department of Justice claimed that it did not pursue such compensation claims because the logistical challenges of such claims were insurmountable. It also claimed that an influx of property-related claims would hinder the courts' work, increase its already large backlog of cases, and require special planning and coordination, since it would be necessary to provide security escorts to a large number of Kosovo Serb claimants. In July the OSCE reported that UNMIK and municipal authorities improperly interfered with judicial independence in the proposed sale of property in the Roma settlement in Mitrovica region.

There were no reports of difficulty in enforcing court orders resulting from civil litigation. However, according to a 2006 survey, only 14 percent of the pending cases to affect a civil order resulted from civil litigation; 69 percent of such cases dealt with debt collection by utility companies.

Property Restitution

The Kosovo Property Agency (KPA) was created in March 2006 under the PISG as the successor to the UNMIK Housing and Property Directorate. While the directorate handled only claims to residential properties, the new agency is responsible for the resolution of residential, commercial, and agricultural property claims from the Kosovo conflict. By September the agency had received 27,064 claims: 24,064 for agricultural property, 844 for commercial property, and 1,808 for residential property. Kosovo Serbs in the northern part of Mitrovica continued to occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part occupied and denied Kosovo Serbs access to their property.

The Housing and Property Claims Commission held its final session in June, where it considered 53 requests pending for reconsideration. Some 98.8 percent of all commission decisions had been implemented, leaving some 354 cases remaining. In early August UNMIK principal deputy SRSF temporarily suspended enforcement of KPA decisions due to the refusal of local authorities in the municipality of Klina to enforce them. This action prompted greater cooperation from municipal authorities, and UNMIK lifted the suspension on August 8; the validity of property agency's decisions was unaffected.

At year's end the property agency had 4,665 properties under administration; 3,350 upon the request of a successful claimant, and 1,315 based on ex officio intervention by the Housing and Property Claims Commission (the predecessor agency to the KPA). Of these cases, 167 were subjects of repossession requests.

The KPA's mandate includes supervising the rental of certain abandoned property in Kosovo. To this end, the agency managed a rental scheme for properties under its administration, enabling property holders to receive rental income from the property by

authorizing the agency to rent it until the owner decides to utilize the property in another way. A total of 813 properties were being rented at year's end, of which 113 were rented ex officio. The KPA collected approximately \$618,330 (423,514 euros) in rent through this program.

The backlog of property-related claims in municipal courts remained high, with some 21,000 at year's end, representing almost exclusively monetary claims by Kosovo Serbs for war-related damage.

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

UNMIK regulations and the constitutional framework prohibit such actions, and UNMIK, KFOR, and the PISG generally respected these prohibitions in practice. KFOR forces assisted UNMIK civilian police and the KPS in conducting searches for high-risk suspects and independently searched private property for weapons without court orders, based on UNSC Resolution 1244's peacekeeping authority.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

UNMIK regulations and the constitutional framework provide for freedom of speech and of the press, and UNMIK and the PISG generally respected these rights in practice. However, there were reports of intimidation of reporters, including by officials in the public sector and government, and from politicians and businesses. The media also said they encountered difficulties and obstructions in obtaining information from the government and public institutions. Applicable law on broadcast media bans hate speech and speech that incites ethnic violence. Print media have a code of ethics and a self-regulatory body to deal with complaints related to newspaper articles.

Individuals generally could criticize authorities publicly or privately without reprisal.

According to the Association of Professional Journalists of Kosovo, media outlets' financial difficulties left their editorial independence and journalistic professionalism vulnerable to outside influence and pressure. Some newspapers were financially self-sufficient or operated through aid donations and thus were able to develop editorial policies independent of business and political interests. However, other newspapers relied on funding from businesses and political interest groups, who provided such money in exchange for positive coverage. During the year there were no reports that the PISG or UNMIK pressured or influenced the independent print media.

Print media were self-regulated by a press code of conduct adopted by the Press Council of Kosovo, an organization composed of print editors and publishers. The council's complaint board may impose fines for breaches of the code of conduct, including penalties of up to \$2,920 (2,000 euros) for serious violations such as hate speech and defamation.

During the year Kosovo had 114 licensed broadcasters (45 of which broadcast in minority languages), and these broadcasters expressed a wide variety of views.

International media were allowed to operate freely.

Journalists reported that pressure from politicians and organized crime resulted in indirect forms of censorship; some refrained from critical investigative reporting out of fear for their personal security. Journalists occasionally were offered financial benefits in exchange for positive reporting or for abandoning an investigation. According to editors, government agencies withdrew regular advertising from newspapers that had published critical coverage of them.

Since January 2006 Kosovo's popular public broadcasting company, Radio Television Kosovo (RTK), has been directly overseen by the Kosovo Assembly, and its budget was controlled by the Ministry of Finance. The 2006 law transferring RTK oversight from UNMIK to the PISG provides for regulation of RTK program content and requires that at least 15 percent of RTK program time, including prime time, be dedicated to nonmajority communities in their respective languages on a proportional basis.

In August 2006 the Independent Media Commission replaced UNMIK's temporary media commissioner. The commission is a permanent body overseen by a seven-member governing council that includes two international members. The commission implemented UNMIK regulations and enforced codes of conduct governing broadcast media.

In previous years public naming of Kosovo Serbs as war criminals resulted in vigilante killings and other violence. Beginning in March the newspaper *Infopress* regularly published lists of Kosovo Serbs drafted into the Yugoslav Army during the 1998-99 conflict. The Press Council of Kosovo, a self-regulating body dealing with complaints against print media, launched an investigation but was unable to reach consensus on whether *Infopress* had violated the Press Council's standards. The OSCE publicly criticized the articles; *Infopress* rejected the criticism, claiming its stories were accurate and filled a void left by the weakness of the judiciary.

Unlike in 2006 there were no cases of police violence against the press. However, the Association of Professional Journalists of Kosovo reported 24 instances of press freedom abuses during the year. Those included verbal threats to journalists and their agencies by subjects affected by negative media coverage, and pressure not to publish certain materials and articles.

During the year there were several incidents of violence or harassment directed at the media.

On March 6, *Lajm* reporter Enis Veliu claimed that he was assaulted by security personnel of the WDG Security Company at the Kosovo Electric Corporation's (KEK) headquarters in Pristina after asking the company's spokeswoman about a KEK tender for security services.

On September 21, the home of journalist Milaim Zekawas burned, resulting in damage estimated at approximately \$146,000 (100,000 euros). Zeka said that his house had been looted twice before this incident. Zeka had written reports about controversial cases, including high-profile killings and corruption.

On August 2, the Association of Professional Journalists of Kosovo received a complaint from *Lajm* reporter Alban Selimi claiming that the Ministry of Health denied him physical access to the ministry and access to ministry information in retaliation for publishing a report it claimed was inaccurate.

In July reporters from daily *Koha Ditore* complained publicly that the Ministry of Environment had banned their access to the ministry, allegedly for contesting a statement by the minister.

Unlike in previous years, there were no altercations reported between journalists and members of the KPS.

There were no developments in the investigation of the 2005 killing of *Bota Sot* editor Bardhyl Ajeti. A KPS investigation continued at year's end.

According to election regulations, during political campaigns media must ensure fair and equitable news coverage and access to discussion and debate for all parties; campaign-related reporting must be fair and impartial; and debates must have politically diverse guests and audiences and impartial moderators. In 2006 an international judge ordered

daily *Bota Sot's* assets seized and sold to pay \$105,000 (72,000 euros) in fines for unbalanced coverage of the 2004 elections and a failure to ensure accuracy in reporting. A *Bota Sot* bank account containing \$75,900 (52,000 euros) was frozen pending payment of the fine. No developments were reported in this case, and the bank account remained frozen. *Bota Sot* resumed publication in March after the paper reached an agreement with the Tax Administration for gradual payment of its tax debt.

Internet Freedom

There were no UNMIK, KFOR, or PISG restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In a survey conducted in May, approximately 22 percent of Kosovars reported that they used the Internet daily.

Academic Freedom and Cultural Events

There were no UNMIK, KFOR, or PISG restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

UNMIK regulations and the constitutional framework provide for freedom of assembly, and UNMIK, KFOR, and the PISG generally respected this right in practice. An UNMIK regulation required that demonstration organizers give 48 hours advance notice for police coordination.

According to media reports, the KPS used force to disperse demonstrations and beat demonstrators while making arrests on at least four occasions during the year.

Freedom of Association

UNMIK regulations and the constitutional framework provide for freedom of association, and UNMIK, KFOR, and the PISG generally respected this right in practice.

The OSCE Mission in Kosovo routinely registered political parties under UNMIK auspices, and the Ministry of Public Services registered NGOs.

c. Freedom of Religion

UNMIK regulations and the constitutional framework provide for freedom of religion, and UNMIK and the PISG generally respected this right in practice.

There are no specific licensing regulations for religious groups; however, religious organizations must register as NGOs with UNMIK and the Ministry of Public Services in order to purchase property or receive funding from UNMIK or other international organizations. Religious groups complained that NGO status did not adequately reflect their religious character, and the Protestant Evangelical Church refused to register as an NGO.

Pursuant to a 2002 law requiring public education institutions to refrain from religious instruction or other activities promoting any specific religion, the Ministry of Education prohibited the wearing of headscarves. The ministry continued to enforce this prohibition, particularly at schools with obligatory uniforms, despite a 2004 opinion issued by the Ombudsperson that the rule should apply only to teachers and school officials, not students. On September 20, *Koha Ditore* reported that three female students in two secondary schools in Srbica/Skenderaj municipality were banned from

entering school because they were wearing headscarves; eventually, they were allowed to resume attendance.

Protestant groups continued to report that they experienced discrimination in media access, particularly by public television station RTK. The Protestant Evangelical Church in Kosovo, known as the Fellowship of the Lord's People, reported in 2006 that Decani/Decan municipality, citing negative reaction from local citizens, denied it permission to build a church facility on land the church purchased previously. At year's end the case remained pending before the Supreme Court.

The Islamic community continued to assert that UNMIK's denial of a radio frequency for an Islamic radio station and the national library's closure of its prayer room constituted violations of religious freedom.

Societal Abuses and Discrimination

There were reports of attacks against Serbian Orthodox clergy and parishioners, along with numerous cases of vandalism of Serbian Orthodox Churches and church property.

There were no developments in a May 2006 case in which unknown attackers shot at a car driven by Serbian Orthodox priest Srđan Stankovic in Zvečan municipality. UNMIK charged a Kosovo Serb KPS officer in connection with the incident. The case was turned over to an international prosecutor and remained pending at year's end.

There were reported incidents of rock-throwing and other assaults against Serb buses and Serbian Orthodox clergy as they traveled outside their monasteries, and monks and nuns at some monasteries reportedly did not use some parts of the monasteries' property out of concern for their safety.

Security concerns continued to affect the Serb community and its freedom to worship. Some Kosovo Serbs asserted that they were not able to travel freely to practice their faith.

On March 29, an assailant identified by the KPS as Kosovo Albanian Jusuf Mulaj of Istinic/Isnqi village launched a rocket grenade at Decani monastery. Prime Minister Agim Ceku and other senior Kosovo Albanian politicians condemned the attack and expressed solidarity with the monastery. Police searched Mulaj's home on May 4, but he had already fled, suggesting that he was likely warned in advance of the search. This attack was the fourth on the monastery since 1999. Mulaj remained at large at year's end.

On July 29, in Boljotin village in Zvečan municipality, a Kosovo Albanian threatened a Serbian Orthodox nun from the Sokolica monastery. The assailant made derogatory remarks against her and also threatened a KFOR soldier with an axe. The perpetrator was detained by the KPS for questioning and was later released.

During the year there were numerous cases of vandalism and theft directed against Serbian Orthodox Church property. Many cases involved theft of objects made of precious metals, while others involved vandalism, often of newly reconstructed churches. For example, on March 5, unknown perpetrators vandalized the Church of St. John in Pec/Peja. St. John was one of many churches burned during riots in 2004 and partially reconstructed in 2005.

On January 16, Bishop Teodosije of Lipjan/Lipljan and members of the Council of Europe's Committee for Renewal of Churches in Kosovo visited the newly restored church of St. Nicholas in Pristina after the committee was informed that part of the lead roof was missing. In addition to the theft of the roof, several church windows were broken.

On February 10, unknown perpetrators damaged the interior of the Orthodox church in Lepi village, Lipjan/Lipljan municipality, and stole approximately \$560 (30,000 Serbian dinars). A KPS investigation continued at year's end.

On May 30, five teenagers were arrested as they removed the lead roof of the St. Kyriaki church in Prizren. The teenagers were released soon thereafter.

On August 18, unknown individuals spray-painted graffiti inside a Serbian Orthodox Church in Gnjilane/Gjilan, which read, among other things: "I'm proud to be Albanian" and "Death to all Serbs." A KPS investigation continued at year's end.

On October 26, the Council of Europe's Reconstruction Implementation Commission, which oversees the reconstruction of Serbian Orthodox churches destroyed during the March 2004 riots, reported that thieves had stolen lead roofing valued at approximately \$15,000 (10,400 euros) from the Church of Saint Kyriake and the Church of the Holy Virgin Ljeviska, both under reconstruction in Prizren. The PISG publicly condemned the thefts and pledged it would fund repairs. The PISG later committed approximately \$70,000 (50,000 euros) to an effort to provide security at commission reconstruction sites.

A Protestant group in Mitrovica reported regular, methodical incidents of vandalism and theft at its church. The group reported that the KPS failed to take any action, despite the existence of video evidence of the crimes and information about the perpetrators.

Despite some improvement, Protestants continued to report harassment and discrimination, including verbal attacks, a lack of Protestant programming on RTK, and incidents of school officials calling in parents of pupils to deter their children from converting to Protestantism.

Approximately 40 individuals from two families in Prizren had some Jewish roots, but there were no synagogues or Jewish institutions in Kosovo other than a small cemetery in Pristina. On August 16, 14 gravestones were deliberately damaged. A police investigation continued at year's end.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

UNMIK regulations and the constitutional framework provide for freedom of movement within Kosovo, foreign travel, emigration, and repatriation, and UNMIK and the PISG generally respected these rights; however, interethnic tensions and real and perceived security concerns restricted freedom of movement in practice. During the year UNMIK, KFOR, and the PISG generally improved protection of these rights for minority communities. The PISG cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The police continued to assess the security situation as stable but fragile. No freedom of movement related crimes were reported to police. Nevertheless, members of all ethnic communities continued to remain largely within or travel between areas where their group comprised the majority. Rock-throwing and other forms of intimidation continued to affect Kosovo Serbs when traveling outside Serb majority areas.

Sporadic incidents of violence and intimidation targeting minorities continued to limit freedom of movement for Kosovo Albanians in northern Kosovo. The PISG and UNMIK enhanced efforts to facilitate minority travel throughout Kosovo, but real and perceived risks deterred many minorities from traveling outside their neighborhoods.

On June 27, KPS in Serb-majority Leposavic/Leposaviq municipality were alerted to an explosion on the road leading to the Albanian villages of Koshtova, Bistrica, and Ceraja. A minibus operated by the municipal communities office was transporting nine passengers and ran over a tripwire attached to a hand grenade, which detonated behind

the vehicle. No injuries resulted from the explosion. This was the second device placed on the road in a two-month period; in the first incident, KFOR discovered and dismantled a bomb. An investigation continued at year's end.

There were attacks during the year on buses carrying Serbs and other ethnic minorities. For example, on October 14, a bus transporting a group of Serbs who visited the Serbian Orthodox Patriarchate in Pec/Peja was stoned during the group's subsequent visit to the Decani Monastery. The bus reportedly sustained significant damage. On November 17, a bus carrying 30 professors and students from the Warsaw Theological Seminary to Zociste Monastery was stoned while parked in the middle of a majority Albanian village.

To reduce the risk of attack by making Kosovo Serb and Kosovo Albanian vehicles indistinguishable, UNMIK continued to offer Kosovo license plates at no fee to Kosovo Serbs who had already registered their vehicles in Serbia. However, Kosovo Serbs were reluctant to use the UNMIK-issued plates because doing so limited their ability to travel to Serbia, which does not recognize the UNMIK plates.

There were also incidents targeting infrastructure used by minorities. On March 10, hunters found an unexploded grenade near a transmitter in Matica village in Mitrovica. On April 17, an explosive device was found on a bridge in Pogragje village in Gnjilane/Gjilan. On April 23, unexploded ordnance was found under a bridge in Vrbovac village in Gnjilane/Gjilan. At year's end no suspects had been apprehended in these incidents.

There were no developments in the following cases from 2006: the June discovery of explosives under a bridge connecting two Kosovo Serb returnee villages in Klina municipality, and the December explosion on railroad tracks in Mihaliq village, Vucitrn/Vushtrri municipality, which temporarily halted rail service between Kosovo Serb communities in southern Kosovo and areas north of the Ibar River. No suspects were apprehended in either incident.

On January 1, UNMIK transferred responsibility for humanitarian and special transportation services for minority communities in Kosovo to the Ministry of Transport and Communications and the Ministry of Communities and Returns. Some Kosovo Serbs complained that the quality and frequency of humanitarian transport services in certain municipalities was reduced after this transfer.

UNMIK regulated movement in and out of Kosovo. UNMIK regulations provide that the central civil registry may issue travel documents to any person registered as a habitual resident of Kosovo, and the registry routinely issued such documents in practice. The PISG held managerial and operational responsibility for the registry, while UNMIK retained its overall authority, including for the issuance of UNMIK travel documents and the security of the central registration database.

The law prohibits forced exile, and authorities did not use it.

Internally Displaced Persons (IDPs)

According to the UNHCR, 207,000 persons from Kosovo remained displaced in Serbia and 16,500 in Montenegro as a consequence of the 1998-99 conflict. Of the 4,100 persons displaced by riots in 2004, some 1,200 remained IDPs. There were 20,310 persons displaced within Kosovo, half of whom were Kosovo Albanians. Few IDPs returned during the year due to uncertainty over Kosovo's future political status, lack of employment opportunities, security concerns, and property disputes. Successful returns continued in Klina, Istok/Istog, and Pec/Peja. While municipal governments generally supported returns, obstacles remained for Serb returnees in Kosovo.

During the year the number of minority returns remained low overall, although there was an increase in the return of Kosovo Roma, Ashkali, and so-called Egyptians. Kosovo Serb returns remained low. According to the UNHCR, more IDPs returned to Kosovo

during the year than in 2006, differing from the declining trend of returns per year since 2003. UNHCR reported that 1,685 minorities returned during the year, while in 2006 this number was 1,627. These figures also included returns of Kosovo Albanians to areas where they were a minority.

During the year UNMIK continued to transfer responsibilities to the Ministry of Communities and Returns. Transferred competencies included the coordination of municipal fair-share financing and of the work of municipal returns offices and municipal community offices. The ministry focused its efforts on supporting organized and individual returns of minorities and administering community development and stabilization projects.

Overall minority returns since 2000 stood at 17,149 by September. Kosovo Serbs comprised approximately 38 percent of returnees during the year, compared with 31 percent in 2006. Roma (including Ashkali and Egyptians) continued to return in slightly greater numbers, comprising 43 percent of the overall number of returns compared to 54 percent in 2006. In Mitrovica, Kosovo Serbs in the north of the city and Kosovo Albanians in the south continued to illegally occupy each others' properties, hindering potential returns.

As of September, the government had reconstructed over 98 percent (881 of 897) of the houses damaged or destroyed in the 2004 riots. According to the Ministry of Culture, of the 26 houses not yet reconstructed, 23 remained unfinished due to security concerns in northern Mitrovica, and the owners of the remaining three refused to have their homes reconstructed. On May 11, following complaints about the quality of the reconstruction, the government established a five-member complaint review commission, although this body had not begun issuing decisions by year's end.

As of September, 37 Roma families (144 persons) remained at the lead-polluted Cesmin Lug camp for IDPs. Osterode, a medical treatment facility also in northern Mitrovica, housed 98 families (395 persons) who were relocated from Cesmin Lug and two other polluted camps in 2006. During the year 31 children at Osterode completed lead chelation therapy and another 20 began the second phase of treatment.

In 2005 UNMIK began a donor funding campaign to rebuild the original Roma settlement in southern Mitrovica, destroyed in 1999 by Kosovo Albanians. Limited funding slowed the return project, but reconstruction of the neighborhood began in May 2006. Returns to the neighborhood started in March and by year's end 320 out of an expected 438 persons had returned. The reconstruction of two additional apartment buildings housing an additional 24 units was completed and 24 families returned to them by year's end. In March the KPS established a police substation in the area, and a foreign government-supported health clinic was opened in May.

Protection of Refugees

The laws does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees or its 1967 protocol. However, Kosovo provides asylum and refugee status under an UNMIK regulation on the movement of persons into and out of Kosovo, whose provisions are compatible with the convention and protocol. Under its mandate UNHCR issues decisions on such cases in Kosovo.

In practice UNMIK provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution.

3. Respect for Political Rights: the Right of Citizens to Change Their Government

UNMIK regulations and the constitutional framework provide residents with the right to change their government peacefully, and they exercised this right in practice through periodic elections on the basis of universal suffrage.

Kosovo continued to be administered under the civil authority of UNMIK. UNMIK and its chief administrator, the SRSG, established an international civil administration in 1999 following the NATO military campaign that forced the withdrawal of Serbian forces. In 2001 UNMIK promulgated the constitutional framework for the PISG. Under this framework, a 120-member Kosovo Assembly selects a president, a prime minister, and other ministers and PISG officials. Kosovo's leaders continued to criticize UNMIK for the slow pace of transfer of powers to the PISG, and UNMIK retained a number of competencies under UNSCR 1244, including security and relations with foreign governments. In 2005 a UN report noted that without clarity on future political status, the PISG was unable to take further steps to improve its effectiveness.

Elections and Political Participation

International and domestic observers determined that the November 17 Kosovo Assembly elections generally reflected the will of the voters, although few Kosovo Serbs participated, largely due to Serbian government pressure to boycott. No significant irregularities were reported. Kosovo has a multiparty system dominated by four Kosovo Albanian parties with several minority parties and coalitions.

Under UNMIK regulations, individuals may nominate themselves as candidates to their parties, which must hold open and transparent internal elections to select candidate lists. Party affiliation played an important role in access to government services and social and employment opportunities. Traditional social arrangements and clan loyalties also played an important, although unofficial, role in political organizations.

There were reports of politically motivated attacks and threats against Kosovo Albanian political and institutional figures during the year.

In February, following a decision on Kosovo's second mobile telephone tender, two unknown suspects shot at Anton Berisha, the head of the Telecommunications Regulation Authority, as he traveled along the Pristina-Pec/Peja highway; no injuries were reported. Suspects also ambushed Berisha in Balinca village near Klina on April 12; one KPS officer was injured in this attack. On July 23, special prosecutor Afrim Shefkriu filed an indictment against five suspects. On September 17, Agim Hoti, one of the suspects, admitted that he shot in the direction of the car but claimed that his intention was not to shoot Berisha. He also admitted that the weapons used in the attack and weapons found during the police investigations were his and that he illegally used them. The four other suspects pleaded not guilty.

There were no developments in the following cases from 2006: the January assault of Urosevac/Ferizaj LDK branch presidency member Ismajl Nazifi by an unknown assailant, the July publication by a Kosovo daily newspaper of a threat against the Kosovo negotiating team by the self-proclaimed "Karadaku fighter comrades," and the Gnjilane/Gjilan bombing of a car belonging to the wife of former interior minister Fatmir Rexhepi.

There were 38 women in the 120-seat Kosovo Assembly. Women must occupy every third spot on each political party's candidate list. There were no women on the eight-member assembly presidency and only one female minister and one female deputy minister. Women represented 28 percent of the elected municipal representatives. In September 2005, 34 female Kosovo Assembly members established an informal women's caucus with an eight-person, multiethnic board.

After the November 17 elections, there were 24 ethnic minority members in the 120-seat Kosovo Assembly, including 10 Kosovo Serbs and 14 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. There were three minority PISG ministers – two Kosovo Serbs and one Kosovo Bosniak – and one Serb deputy minister. The seat of one Serb minister was kept vacant, as the designated Serb party refused to take the position. One Kosovo Bosniak and one Kosovo Turk held a rotating seat on the Kosovo Assembly presidency; the boycott by one of the Kosovo Serb parties left empty the eight seats set aside for Kosovo Serbs. Kosovo Serbs from several

political parties won the set-aside ten Assembly seats in the November 17 election. Before that election, the previous holders of those seats did not claim their set-aside cabinet posts and continued to boycott Assembly votes, although they did participate in committees. A Kosovo Serb led the Ministry of Returns. The constitutional framework requires that the Assembly reserve 10 seats for Kosovo Serbs and 10 for members of other ethnic groups, but ethnic minorities were underrepresented at the municipal level where no such provisions govern.

Government Corruption and Transparency

There was a widespread public perception of corruption in both the PISG and UNMIK. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. A lack of effective judicial oversight and general weakness in the rule of law contributed to corruption in the PISG. As part of its mandate, UNMIK continued to adjudicate many sensitive cases related to corruption and interethnic crimes.

The Office of the Auditor General, an independent body, reviewed financial management and accountability in the PISG, along with all municipalities and publicly owned enterprises. During the year the office issued audit reports of every ministry, the president's office, and the Assembly. Most reports were critical of government administrative, fiscal management, and procurement practices.

During the year prosecutors continued to review audit reports from 2006, which led to the resignation of then minister for returns Slavisa Petkovic.

In 2006 Kosovo Assembly President Kole Berisha ordered an audit on Assembly management under his predecessor, Nexhat Daci. The audit uncovered numerous wrongdoings and mismanagement by the Assembly administration, misuse of public funds, and procurement irregularities during Daci's tenure. The Assembly then established a commission to investigate the situation. On January 17, as a result of its work, the commission fired four Assembly staff members for wrongdoing during Daci's presidency. On February 22, the Assembly debated and endorsed a report by the auditor general that highlighted malfeasance in the Assembly under Daci's leadership.

In June 2006 the KPS Financial and Corruption Crime Investigation Unit arrested Ahmet Alishani, Daci's senior advisor, on suspicion of fraud and bribery. Alishani was released, then rearrested in November 2006 in connection with the audit of the Kosovo Assembly. On February 1, Alishani was released pending trial.

The PISG took other steps to combat corruption. In February the newly formed Anticorruption Agency began operations. On June 7, agency head Hasan Preteni stated that government institutions were not properly supporting either the Anticorruption Agency or the fight against corruption. On September 5, Preteni announced that the agency had submitted 37 cases of corruption to the prosecutor's office.

There were no developments in the investigation of the February 2006 assault on the independent international auditor general, which took place after a critical audit of Pristina municipality. A KPS investigation continued at year's end.

In November 2006 an international prosecutor indicted former Director of the Post and Telecommunications of Kosovo (PTK), Leme Xhema; former divisional manager at Kosovo Trust Agency, Roger Reynolds; former director of Norway Invest, Mustafa Neziri; and former managing director and chairman of Norway Invest, Ronnen Sorensen; in connection with the alleged misuse of \$438,000 (300,000 euros). On April 5, Ove Johansen, a Norwegian citizen, was arrested in Montenegro pursuant to an international warrant issued by UNMIK in November 2006; Johansen allegedly arranged the fraudulent transfer of these funds from PTK to a phantom company headquartered in Norway. Johansen remained in custody at year's end, and his criminal case remained pending.

On May 4, Pec/Peja prosecutor Gezim Kollcaku confirmed the investigation of 11

international and eight local employees of Radoniqi Hydro-System, a company that had had dealings with KEK. Former KEK manager Joe Truschler, convicted in Germany in 2003 for stealing \$6.6 million (4.5 million euros) from KEK, was head of the Radoniqi board prior to assuming his position at KEK, and was also implicated in the Radoniqi investigation. According to Kollcaku, concerns about organized crime necessitated turning the case over to the special prosecutor's office.

On May 14, a mixed panel of two international judges and one local judge convicted Teuta Vranica, a municipal court judge in Gjakova/Dakovica, of extortion and destroying official documents. Vranica had demanded that a party in a civil case pay her \$730 (500 euros) in return for a favorable decision, then destroyed both the public prosecutor's indictment and the file. She was sentenced to a combined sentence of three and a half years, and was barred from serving as a judge for five years following the end of her sentence.

In November 2006 two finance officers at Dubrava Prison were arrested on charges of abusing their official position and falsifying documents. Chief of finance Sabajdin Llonqari and procurement assistant Fitim Maksutaj were suspected of misappropriating prison funds and of falsifying invoices. They were released on condition that they approach neither potential witnesses nor any employee of the Dubrava Prison finance office, and that they do not enter their former workplace. A former international staff member was also under investigation.

During July and August, trial commenced in the case of Sanije Gashi, accused of misappropriating \$70,000 (48,000 euros) in her capacity as the budget and finance manager of the Pristina Tax Administration.

No law provides for access to official UNMIK documents. The law provides for access to official PISG documents but does not include penalties for failure to comply; in practice PISG institutions rarely granted access during the year. Institutions failed even to respond to nearly 85 percent (690 of 820) of requests made during the year, according to a 2006 Youth Initiative for Human Rights study, and those who did most often refused to provide the requested documents. Only six of 318 requests made in the Serbian language were replied to in Serbian as required by law. Although most replies came within the required 15-day window, journalists complained that allowing 15 days effectively meant they could never obtain official documents in time to meet their own publishing deadlines.

During the year the media complained regularly about lack of access to official documents, even though such access was required by law. At the end of August, the Association of Professional Journalists of Kosovo reported that a survey measuring the responsiveness of government and public institutions to media requests for official documents showed that only 23 percent of requests were successfully completed. The survey indicated that none of the institutions approached by journalists provided the petitioner with a register of available documents.

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 government restriction, investigating and publishing their findings on human rights cases. UNMIK, KFOR, and the PISG were occasionally cooperative and responsive to their views.

An Ombudsperson Institution was responsible for investigating allegations of government abuses of international human rights laws. While the ombudsperson office actively issued intervention letters, reports, and recommendations, its recommendations were not always followed by the PISG, local courts, or the KPS. Cases investigated by the office concerned property rights, abuse of official authority, administrative acts or omissions by public authorities, lack of proper investigations into criminal acts, issues

involving the length of court proceedings and the execution of court decisions, employment-related disputes, and impunity. Former Deputy Ombudsperson Hilmi Jashari continued to serve as acting head of the Ombudsperson Institution during the year, following the end of the international ombudsperson's mandate in 2005. In 2006 the ombudsperson's mandate was changed to exclude UNMIK from its purview; a new Human Rights Advisory Panel within UNMIK was established in April and charged with UNMIK oversight.

UNMIK, KFOR, and the PISG generally cooperated with the ICTY. In 2005 the ICTY indicted then-prime minister Ramush Haradinaj and codefendants Idriz Balaj and Lahi Brahimaj for war crimes committed in 1998. The trial began in March and was ongoing at year's end.

5. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

UNMIK regulations criminalize rape; however, spousal rape is not specifically addressed. Under the provisional criminal code, rape is punishable by one to 10 years in prison; statutory rape (sexual intercourse with a child under 14) is punishable by one to five years in prison.

Rape was significantly underreported due to the cultural stigma attached to victims and their families. According to the Ministry of Justice, victim advocates provided services to victims in approximately 82 cases of rape during the year. UNMIK Police reported that the KPS arrested six persons for rape during the year.

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. UNMIK regulations prohibit domestic violence, and convictions carry prison terms of six months to five years. When victims did press charges, KPS domestic violence units conducted investigations and transferred cases to prosecutors. According to UNMIK, family loyalties and close-knit communities and the backlog of cases in both civil and criminal courts added to a low rate of prosecution.

As with rape, domestic violence remained a significant problem that was underreported. In July the OSCE issued a report on domestic violence. The report emphasized problems in the adjudication of domestic violence cases, including unlawful delays in reviewing applications for protection orders. The OSCE also expressed concern regarding the appellate procedure in domestic violence cases; in some cases, courts unlawfully noted in their decisions that an appeal by the defendant would stay the execution of a protection order.

The KPS reported that 53 victims of domestic violence were housed in shelters during the year. The Center for Protection of Women and Children provided assistance to 43 victims of domestic and sexual violence from January to August 30. The Ministry of Justice Victim Advocate and Assistance Unit was involved in 334 domestic violence cases between January and June. Although convictions in such cases were rare, sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the male-dominated society contributed to the high level of domestic abuse and low number of reported cases.

There were no governmental agencies dedicated solely to dealing with family violence. The Ministry of Labor and Social Welfare provided some financial support to NGOs running shelters for victims of domestic violence, which also accommodated some trafficking victims. The ministry provided social services through Centers for Social Welfare. The Ministry of Justice maintained a shelter for trafficked persons. In total, six

shelters assisted victims of domestic violence and trafficking, including one run by an international NGO. The KPS reported that 66 victims of domestic violence received shelter during the year. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape.

During the year a 24-hour anonymous hot line for reporting domestic abuse operated in Pristina, Gnjilane/Gjilan, Pec/Peja, Prizren, and Mitrovica. Victims of domestic violence accounted for 70 percent of the calls, with trafficking in persons, sexual mistreatment, and child abuse cases accounting for the remainder. The hot line informed callers about their rights, available shelters, and related information.

The KPS training school offered special courses on domestic violence and rape in its curriculum. There were no reports that KPS responded inappropriately to rape or domestic abuse allegations.

The law prohibits prostitution, but prostitution remained prevalent. The UNMIK police prostitution investigation unit investigated cases of prostitution.

There was no specific law against sexual harassment, which was a common problem. Social awareness of sexual harassment remained low, and few cases were reported.

Women have the same legal rights as men but traditionally have a lower social status, which affected their treatment within the legal system. Despite a lack of legal impediments, relatively few women obtained upper-level management positions in commerce, the KPS, or government. While the number of women with jobs continued to increase, female unemployment remained high at around 70 percent, 20 to 25 percent higher than the rate for men. Women represented less than 34 percent of the government workforce.

Traditional social attitudes toward women resulted in discrimination. In some rural areas, women often had little ability to make decisions involving their children or to exercise control over property. While women and men have an equal legal right to inherit property, family property customarily passes only to men. Ethnic Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family, while the widow returns to her birth family.

Children

UNMIK and the PISG were generally committed to the welfare and rights of children.

UNMIK regulations require children between the ages of six and 15 to enroll in compulsory education. Compulsory education, consisting of nine grades, is free of charge. According to 2005 statistics, 97.5 percent of Kosovo Albanian and 99 percent of Kosovo Serb children were enrolled in primary school, while only 77 percent of children between the ages of seven and 14 from non-Serb minority communities (Roma, Ashkali, Egyptian, Turkish, Bosniak, Gorani, and others) attended school. Girls from non-Serb minorities attended school at a rate of 69 percent.

The UN Children's Fund (UNICEF) reported that the lack of facilities for minority education in parts of Kosovo made it difficult for some IDPs to return to their homes.

UNICEF estimated that less than 75 percent of children who completed compulsory basic education enrolled in secondary school and the continuation rate for Kosovo-Albanian girls was less than 55 percent. Among girls from non-Serbian minority communities, only about 40 percent enrolled in secondary schools.

According to UNICEF, an estimated 40 percent of the population was under the age of 18, with 33 percent under 15. Less than 10 percent of children aged two to five

attended preschool.

UNMIK regulations require equal conditions for school children and provide the right to native-language public education through secondary level for minority students. Schools teaching in Serbian, Bosnian, and Turkish operated during the year. Both Kosovo Serb and Kosovo Albanian children attended schools with inadequate facilities that lacked basic equipment. A few schools housed both Kosovo Serb and Kosovo Albanian pupils, who studied different curricula and rotated class schedules.

Romani, Ashkali, and Egyptian children attended mixed schools with Kosovo Albanian children but reportedly faced intimidation and bullying in some majority Albanian areas. Romani children tended to be disadvantaged by poverty, leading many to start work both at home and in the streets at an early age to contribute to family income. Romani children were also disadvantaged by having to learn another language to attend school since many spoke Romani at home. Some Kosovo Bosniak children in predominantly Bosniak areas occasionally were able to obtain primary education in their language, but those outside such areas received instruction in the Albanian language.

A 2006 study by UNICEF and the Ministry of Education on the prevalence of violence in schools found that violence against children was condoned. Corporal punishment was an accepted practice in homes and schools. Those who lived far from school reported they were afraid to travel the distance due to the threat of peer violence. Children reported that persons close to them were perpetrators of violence; that boys were at higher risk for physical violence and that girls were at higher risk of verbal abuse. Of children ages six to 11, 75 percent perceived the street as the most violent place, 27 percent said the school was the scene of violent events, and 12 percent mentioned the home. Thirty-seven percent of older children considered violence against children in schools to be a widespread phenomenon.

Children without parents were housed in various residential placements including extended family care, foster care, and community-based homes. However, because domestic adoptions and foster family programs did not keep pace with the rate of abandonment, authorities sometimes housed infants and children in group homes with few caregivers. Children with disabilities were often hidden away without proper care, particularly in rural areas.

During the year the Ministry of Labor and Social Welfare operated 31 social welfare centers that assisted 1,253 orphans and 913 delinquent children. The ministry also managed foster homes and coordinated with NGOs to place children in temporary shelters. According to the Center for Social Work, 19 abandoned disabled children, ranging from three to 18 years of age, were living in two government-funded community homes under 24-hour care.

Child marriage was reported to occur, particularly in the ethnic Romani, Ashkali, Egyptian, and Albanian communities. UNMIK did not compile statistics, so the extent of the problem was unclear.

Trafficking in Persons

UNMIK regulations and the provisional criminal and criminal procedure codes criminalize trafficking in persons; however, trafficking of women and children remained a serious problem.

Kosovo was a source, transit, and destination point for trafficked persons, and internal trafficking was a growing problem. Victims were women and children trafficked internally or from Eastern Europe, the Balkans, and the former Soviet Union into Kosovo, primarily for sexual exploitation but also for domestic servitude or forced labor in bars and restaurants. Victims were also trafficked through Kosovo to Macedonia, Albania, and countries in Western Europe. According to the International Organization for Migration (IOM), all eight persons who were identified as foreign victims of trafficking during the year were returned to their countries of origin on a voluntary basis.

According to the KPS and the IOM, trafficking in persons was an increasing problem. IOM records indicated that roughly 73 percent of trafficking victims were Kosovars, followed by women and girls from Moldova (13 percent), Albania (10 percent), and Ukraine (3 percent). KPS statistics differed, with police records indicating that 56 percent of the victims were internally trafficked, followed by 28 percent from Albania, 9 percent from Moldova and 3 percent from both Macedonia and Serbia. KPS also reported great difficulty in identifying trafficking victims due to their reluctance to come forward and report the crimes to the police. Cultural taboos and the threat of social discrimination caused most internally trafficked victims to remain silent about their experiences. Another difficulty was the inability of the KPS to recruit Kosovo Serb officers for the antitrafficking unit, which prevented undercover operations from taking place in northern Kosovo and in Kosovo Serb enclaves.

Trafficking victims were exploited primarily in the sex industry, mostly in brothels and nightclubs but increasingly in private residences and through call girl services. None reported that they were aware they would be working in the sex industry when they left their homes. Trafficking victims reported that they were regularly subjected to beatings and rape, denied access to health care, and had their travel and identity documents confiscated. Victims were often found in poor physical and psychological condition.

UNMIK reported that traffickers often worked as part of a coordinated effort between Kosovo Serb and Kosovo Albanian organized crime elements, and some women were trafficked from or through Serbia into Kosovo. Bar and brothel owners purchased victims from organized crime rings.

Methods of trafficking continued to increase in sophistication. In reaction to an aggressive eradication campaign by local and international authorities, traffickers shifted the commercial sex trade out of public bars and clubs and into private homes, where operations were more difficult to detect. Traffickers increasingly used financial incentives to encourage victims to refuse assistance.

The IOM reported that of the 569 mainly international victims it assisted since 1999, 74 percent fell prey to traffickers after accepting a bogus job offer abroad, 4 percent claimed to have been kidnapped, and 4 percent were promised marriage. In 83 percent of cases, recruiting was through personal common contacts; the recruiter was an acquaintance of the victim in 29 percent of the cases and a friend or family friend in approximately 16 percent. Recruiters were most often female.

Under the provisional criminal code, trafficking is punishable by a maximum of 20 years' imprisonment. Engaging in trafficking is punishable by two to 12 years' imprisonment, or up to 15 years if the victim is a minor; organizing a group to engage in trafficking is punishable by seven to 20 years' imprisonment and a fine up to \$730,000 (500,000 euros); facilitating trafficking through negligence is punishable by six months' to five years' imprisonment. A person convicted of engaging in sex with someone who is known to be a trafficking victim may be imprisoned from three months to five years, while sex with a minor known to be a trafficking victim carries penalties of two to 10 years' imprisonment. Facilitating prostitution is punished by a fine or imprisonment up to three years, and up to five years if it occurs within a 350-meter radius of a school or other location used by children. When the offense of prostitution involves victims who are minors, the term of imprisonment can be up to 12 years. Prostitution is punished as a minor offense; prostitutes can be punished, but not clients, unless the police can prove that a client knowingly used the services of a trafficking victim. Prostitution constitutes grounds for deportation unless the "prostitute" is a victim of trafficking.

In May 2006 responsibility for counter-trafficking activities was transferred from UNMIK to the KPS; during the year the KPS maintained primary responsibility for combating human trafficking and conducted 120 surveillance operations. The KPS also closed 45 business establishments used for trafficking. During the year the KPS arrested 43 people for trafficking, one for pimping, one for prostitution, and eight on trafficking-related charges such as illegal weapons possession and counterfeiting. It also identified 41 trafficking victims, 28 of whom received needed assistance, including safe

accommodation, counseling, and professional training for return and social reintegration. At least one shelter provided medical care pursuant to its agreements with health care providers. The prosecutor's office filed 33 cases of trafficking in persons; 28 additional cases from previous years remained open. Thirteen of the cases were completed, resulting in 13 convictions.

Factors that contributed to a low number of prosecutions included the increasing sophistication of organized crime to avoid direct links between the victims and senior crime figures, the lack of a witness protection program (although means were employed to provide anonymity during trial testimony), reluctance of victims to cooperate with authorities, inadequate training for judicial personnel, and failure of police to adapt to new techniques employed by traffickers.

UNMIK regulations provide a defense for trafficking victims against criminal charges of prostitution, illegal entry, presence, or work in Kosovo. In the past local judges sometimes incorrectly sentenced trafficking victims to prison or wrongly issued deportation orders against women convicted of prostitution or lack of documents. Unlike in previous years, there were no reports of these practices occurring during the year.

The IOM and the KPS reported that trafficked persons often had work contracts that enabled them to enter Kosovo legally and obtain residence permits. This made it difficult to detect and prove trafficking in persons.

The KPS shared responsibility for combating trafficking with UNMIK, border police, the OSCE, the Office of Good Governance, prosecutors, judges, and the ministries of health, education, public services, and labor and social welfare. NGOs and international organizations, particularly the IOM, handled protection and prevention-related antitrafficking activities. The PISG, in cooperation with NGOs, international organizations, and foreign governments, continued to implement the 2005 Kosovo Action Plan to Combat Trafficking in Human Beings. Activities included media interviews aimed at raising awareness of the problem, a competition for the best reporting on trafficking, and producing the antitrafficking film *Recruitment*, which premiered in Pristina and later aired on television throughout Kosovo. However, a Partnership against Trafficking in Human Beings Project assessment of the action plan published in September revealed that only four of its planned activities had been implemented by the end of June and 20 had yet to begin. The remainder were in progress. The plan expired in December, and the PISG did not extend it.

The IOM assisted 31 victims of trafficking during the year, 23 of whom were from Kosovo. More than half of the victims from Kosovo were minors (12 cases), and all but one (who was trafficked to Montenegro) were internally trafficked. As in 2006, the IOM assisted more local than foreign trafficking victims. Of the victims from outside Kosovo that the IOM assisted since 1999, over 51 percent were from Moldova, 19.5 percent from Romania, 13 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, Serbia, Montenegro, Slovakia, and Nigeria. The majority of these victims were between the ages of 18 and 25. IOM figures indicated that nearly 82 percent of Kosovo victims were internally trafficked, while approximately 8 percent were trafficked to Macedonia, and 4.5 percent each to Albania and Italy.

The overall number of trafficking cases involving minors increased from 2006. While one of the foreign victims of trafficking the IOM assisted during the year was a minor, approximately 55 percent of local victims were minors. Children and young girls from rural areas comprised over 50 percent of trafficking victims. Children and young girls from backgrounds with a high level of poverty, unemployment, family abuse, and illiteracy were particularly at risk of being trafficked. The IOM reported that 10 percent of local victims were not enrolled in school; 35 percent had only finished primary school (fifth grade); 45 percent had finished elementary school (ninth grade); 8 percent had completed secondary education (high school); and less than 1 percent had gone to university.

There was anecdotal evidence during the year that a complex set of financial

relationships and kinship ties existed between political leaders and organized crime networks that had financial interests in trafficking.

There were a number of arrests and police actions against traffickers during the year. For example, in January, KPS arrested two Kosovo Albanian men who ran the Suka and Suka 1 cafes in Prizren after receiving information about a Kosovo Albanian victim who had been hired as a cleaning lady and then forced into prostitution. The KPS interviewed the woman and found her in a traumatized state; they took her to Prizren hospital, where doctors discovered that the traffickers had denied her food and water and only given her alcohol. The doctors fed her intravenously, and later released her to a shelter. Suka and Suka 1 were closed.

In March five Kosovo Albanian men were arrested for trafficking women out of a private residence in Gnjilane/Gjilan, and one 45-year-old victim was rescued. One of the traffickers, a 74-year-old man, died in jail. A sixth man was wanted in connection with the trafficking ring but remained at large.

On June 22, the KPS conducted a covert operation at a cafe in Kosovo Polje/Fushe Kosova, which resulted in the arrest of one Albanian man and the rescue of two Albanian women. The suspected trafficker was sent to jail for 30 days, but the prosecutor later concluded that there was insufficient evidence to prosecute him for trafficking.

International and local NGOs funded by foreign donors were the main source of assistance to trafficking victims. Local NGOs, such as the Center for Protection of Victims and Prevention of Trafficking in Humans and the Center for Protection of Women and Children, operated shelters that provided medical care and psychological counseling services to trafficking victims in cooperation with UNMIK, the OSCE, and the IOM. The NGO Hope and Homes for Children operated a shelter for child victims of trafficking, and the Ministry of Labor and Social Welfare, in cooperation with UNMIK and the OSCE, ran a semi-independent group housing unit for minors who were victims of trafficking and domestic violence. Some domestic violence shelters, such as Liria in Gnjilane/Gjilan, offered short-term shelter and referral services to low security risk victims. A Ministry of Justice interim facility also provided temporary shelter to victims while they considered whether to be repatriated or to testify against traffickers. Police often referred suspected trafficking victims to the IOM through OSCE regional officers.

Persons with Disabilities

Several UNMIK regulations prohibit discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, there was considerable discrimination in practice, and the rights of persons with disabilities were not a PISG priority. According to the local disability rights NGO HandiKos, the laws relating to persons with disabilities were not adequately implemented. As a result, children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient health and social services. According to the Ministry of Education, Science and Technology, there were 14,000-15,000 children with disabilities in Kosovo. There were seven special residential schools for children with disabilities, and 50 special needs classrooms attached to regular schools. The ministry reported that the total number of pupils receiving special education was over 900, and estimated that 2.5 percent of students in regular schools had disabilities. Between 84 and 90 percent of children with disabilities lacked access to schooling; the rest were placed in segregated special schools.

There were no special legal protections for children with disabilities, as the Council on Economy and Finances claimed that it did not have sufficient funding to support such programs. There was no law defining the status of persons with disabilities, nor was there provision for their training or employment. There were no guardianship laws with appropriate due process protections, and the regulations did not recognize the placement of individuals with mental disabilities in institutions as a legal issue separate from the issue of involuntary treatment. The law mandates access to official buildings;

however, it was not enforced and rarely available in practice.

According to the NGO Mental Disability Rights International (MDRI), patients with mental disabilities continued to be detained in isolated conditions with no legal basis, since there is no law to regulate the process of committing persons to psychiatric or social care facilities or to protect rights within institutions. On occasion individuals in need of mental health treatment were convicted of fabricated or petty crimes and sent to prisons that lacked resources for adequate treatment. According to the World Health Organization (WHO), there were an estimated 14,000 persons with mental disabilities; MDRI reported an estimated 50,000 people with mental disabilities living outside institutions. According to MDRI, such persons lived isolated and stigmatized lives.

In April 2006 the prime minister established the National Council on Disabled People as an advisory organization to government authorities and the Kosovo Assembly. In May the council determined its priorities, chief among which is the drafting of a national platform on disabled people.

By year's end neither UNMIK nor the PISG had filed criminal charges or taken other legal action in response to a 2002 report by MDRI that found extensive evidence of physical abuse, sexual assault, neglect, and arbitrary detention by staff and patients in mental health care facilities at the Stimlje/Shtimje Institute, the Pristina Elderly Home, and the Pristina University Hospital. MDRI reported that, as of September 2006, Stimlje/Shtimje has been separated into a facility for the developmentally disabled with 74 residents and a psychiatric facility with 68 residents. The majority of residents at Stimlje/Shtimje were Serbs and other minorities. MDRI also reported that new patients were being admitted to the facility despite a 2001 "nonadmission" policy.

The ministries of education, health, social welfare, and public services were responsible for protecting the rights of persons with disabilities.

A 2004 MDRI report stated that institutional care of persons with mental disabilities left them isolated, arbitrarily detained, and vulnerable to physical violence and sexual abuse. In 2005 the PISG expanded options for independent living by such persons and spent \$175,000 to \$292,000 (120,000 to 200,000 euros) each on 14 integration homes endorsed by MDRI. MDRI reported that, while these homes were intended to be transitional, most residents spent years there with little prospect of returning to the community. According to a 2006 WHO report, there were not enough facilities to provide care for persons with mental disabilities and employment opportunities for persons with mental disabilities were limited. The Council for Defense of Human Rights and Freedoms reported that prisoners with mental disabilities were often kept in prison facilities due to a lack of available mental health treatment.

National/Racial/Ethnic Minorities

Official and societal discrimination persisted against ethnic Serb, Roma, Ashkali, and Egyptian communities with respect to employment, social services, language use, freedom of movement, the right to return, and other basic rights, although reports of such discrimination declined compared to 2006. Members of the Kosovo Bosniak and Gorani communities also complained of discrimination. During the year violence and other crimes directed at minorities and their property lessened but remained a problem. Minority employment in the PISG continued to be low and was generally confined to lower levels of the government; members of minorities occupied 10.4 percent of government jobs despite a PISG target of more than 16 percent.

On July 20, the human rights ombudsperson issued a report that concluded ethnic discrimination was a prevalent and constant problem, particularly in the areas of health care and employment. The report also noted that minority groups continued to face regular threats.

Through September, UNMIK police reported 457 cases of interethnic crime; 342 involved Serbs as victims or suspects. According to UNMIK, incidents targeting minorities were

generally underreported due to distrust of the KPS and the legal system, much of which stemmed from the low rate of successful criminal investigations, prosecutions, and convictions.

There were multiple reports of violence against Kosovo Serbs during the year, which was usually investigated by the international police unit, a unit composed of UN international police officers within the KPS that reports directly to the police commissioner, who is also an international staff member.

On February 2, a Kosovo Serb woman was found behind a cafe in Mitrovica with a stab wound to her stomach. Police questioned a Kosovo Albanian man and two Kosovo Bosniaks; A police investigation continued at year's end.

On June 12, a Kosovo Albanian teen assaulted an elderly Kosovo Serb woman in the hallway of their dwelling in Pristina. The teen was arrested and sentenced for the attack; his appeal was refused, and his sentence of eight months in jail was upheld.

On September 4, an elderly Serb woman, Vucica Mikic, was attacked by three stone-throwing Albanian teenagers in her home in Klina. Her neighbor reported the incident to police; Mikic declined to press charges, but requested additional police patrols in the area.

There were developments in previously reported cases involving attacks on Kosovo Serbs.

On June 25, the presiding juvenile judge ordered a psychological evaluation of the 16-year-old Kosovo Albanian male, "AD," who reportedly threw an explosive device at the entrance of a cafe in northern Mitrovica in August 2006, injuring seven Kosovo Serbs, a Bosniak, and a British national. AD was arrested, arraigned, and provisionally released due to a medical condition. An international prosecutor filed an indictment in December 2006, and AD was kept under house arrest pending trial. Further hearings were suspended pending the outcome of a psychiatric evaluation. On December 4, the Mitrovica District Court found that AD suffers from a permanent mental disorder and was therefore incompetent to stand trial. Accordingly, the charges were dismissed.

On June 7, an international judge began considering the indictment of Sabri Haziri, accused of assisting in planting a bomb on a railway bridge connecting predominantly Albanian and Serbian areas in April 2003 near the village of Loziste/Llozishte in Zvecan.

During the year there were no developments in the following 2006 cases: the March stabbing of a Kosovo Serb youth by two Kosovo Albanian youths near the main bridge in northern Mitrovica; the June case in which unknown persons fired gunshots at the homes of Kosovo Serb returnees in Llug village in Istok/Istog; and the December explosion on a railway line frequently used by members of the Serb minority in Vucitrn/Vushtrri municipality.

There were no developments in the following 2005 cases: the bombing of Kosovo Serb leader Oliver Ivanovic's official vehicle; the throwing a hand grenade into the Zubin Potok offices of Slavisa Petkovic's Serbian Democratic Party for Kosovo and Metohija; and the shooting of four Kosovo Serb youths (two of whom subsequently died) who were driving in Strpce/Shterpce.

During the year there were regular reports of Kosovo Albanians destroying private property belonging to Kosovo Serbs; some violence against Serbs may have been attempts to force them to sell their property. An UNMIK regulation prevents the wholesale buy-out of many Kosovo Serb communities in an effort to prevent the intimidation of minority property owners in certain areas; however, it was rarely enforced. There were reports that Kosovo Serbs had difficulty accessing their property, which was sometimes occupied or used by Kosovo Albanians. For example, several Serbs holding decisions in their favor from the Kosovo Property Agency were not able to access their property in Klina without assistance from the international community and political

pressure from senior PISG politicians.

In some cases Kosovo Serb property was reportedly sold by persons falsely claiming to be their attorneys and presenting forged documents in court; in situations where the rightful owners did not live in Kosovo, such fraud went undiscovered for months.

The northern municipalities of Zvecan, Mitrovica, Zubin Potok, and Leposavic/Leposaviq unanimously decided to suspend their relations with the PISG in June 2006, claiming that it was in response to several unsolved crimes involving Kosovo Serb victims. Despite subsequent evidence, arrests, and clear statements by UNMIK and KPS officials that these crimes were not ethnically motivated, the three northern municipalities had not resumed relations with the PISG by year's end.

There were numerous reports of stone throwing directed at vehicles carrying Serbs during the year. KPS assumed responsibility from UNMIK for escorting Serb vehicles.

There were new developments in the cases of several persons detained on suspicion of organizing or leading the 2004 riots. On February 20, an international prosecutor filed an indictment in the Pristina District Court against five Kosovo Albanians for their role in allegedly burning down several buildings in Kosovo Polje/Fushe Kosova: Skender Islami, Mustafa Islami, Ramadan Islami, Omeri Sylejmani, and Gazmend Morina. The defendants were accused of burning a hospital, school, and a number of Serbian homes and vehicles. On July 5, an international judge confirmed the indictments against Skender Islami, Mustafa Islami, and Ramadan Islami, who remained in detention on remand. Proceedings against the remaining two defendants were delayed pending confirmation of their ages at the time the crime was committed.

On June 15, a mixed panel of the Prizren District Court, composed of two international judges and one local judge, convicted Esmin Hamza and a juvenile defendant of one count of inciting national, racial, religious, or ethnic hatred, discord or intolerance, two counts of causing general danger resulting in sizable property loss, and one count of participating in a crowd committing a criminal offence. Hamza was sentenced to four years of imprisonment, while the juvenile defendant was committed to an educational-correctional facility for two years. On February 14, a witness in the case testified that in March 2004 her house was attacked and later burned, with estimated damages of \$248,000 (170,000 euros). A relative of the witness who refused to leave the house was beaten.

In December 2006 police arrested Zlyhaje Avdullahu for crimes committed in March 2004 in Kosovo Polje/Fushe Kosova. Avdullahu was allegedly part of a Kosovo Albanian mob that broke into, looted, and burned Kosovo Serb homes and attacked Kosovo Serbs. On August 14, the international pretrial judge extended alternative detention measures against Avdullahu for one month, expiring on September 14. At year's end, the case was awaiting trial.

On August 21, a March 2004-related trial began in the Pristina district court before a panel composed of three international judges. Defendants Mirsad Kurteshi and Kadri Sylejmani pleaded not guilty to charges stemming from their alleged leadership of a large group of rioters in the Municipality of Obilic/Obiliq in 2004.

There were reports of politically motivated violence against non-Serb minorities during the year.

On January 8, two Kosovo Albanian males assaulted a Kosovo Egyptian male in Pec/Peja; the victim was hospitalized with serious injuries. A KPS investigation continued at year's end.

On May 15, a Kosovo Bosniak reported being assaulted by a Kosovo Albanian in Prizren. He was hospitalized with serious injuries, and the police apprehended the suspect. A KPS investigation continued at year's end.

There were no updates in the following cases from 2006: the August assault of Kosovo Montenegrin IDP Vuko Danilovic by a group of Kosovo Albanians, and the October bomb attack against the home of a Gorani representative of Belgrade's Coordination Center for Kosovo and Metohija. KPS investigations in both cases continued at year's end.

Roma were subject to pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for survival. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in the homes they occupied prior to the 1999 conflict in Vucitrn/Vushtrri, security concerns remained.

Kosovo Bosniak leaders complained that thousands of their community members left Kosovo because of discrimination and lack of economic opportunities.

On May 21, the government announced the formation of the Commission of Languages, composed of representatives from government ministries and the Kosovo Assembly, to supervise implementation of the language law that makes Serbian Kosovo's second official language and sets a 5 percent threshold for making a language spoken by an ethnic minority official in a municipality. The law provides that Turkish will continue to be the third official language in Prizren, regardless of the percentage of the Turkish population in the municipality.

Other Societal Abuses and Discrimination

The law prohibits discrimination based on sexual orientation; however, there were reports of violence and discrimination directed against gays and lesbians.

Traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many reporting threats to their personal safety. The print media at times reinforced these attitudes by publishing negative articles about homosexuality that characterized gays and lesbians as mentally ill and prone to sexually assaulting children. Individual homosexuals also reported job discrimination. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.

On May 18, following a celebration of the International Day Against Homophobia outside Pristina, four males, three wearing dresses, were driving home when they were stopped by the police and forced out of their car. The police took them to a nearby police station, where, after compelling them to show their identification, officers made discriminatory and derogatory comments to them. The KPS did not open a file on this case, and the victims refused to give statements out of fear of further discrimination.

The Center for Social Emancipation, a local NGO promoting lesbian, gay, bisexual, and transgender rights, stated that there were a number of other cases of discrimination against homosexuals during the year but that victims refused to allow it to present their cases publicly out of fear of discrimination.

There were no updates in the March 2006 assault case involving unknown assailants who severely beat two men they observed engaging in homosexual sex. One of the victims later died of his injuries.

There were no reports of discrimination against persons with HIV/AIDS.

6. Worker Rights

a. The Right of Association

UNMIK regulations allow workers to form and join unions of their choice without previous

authorization or excessive requirements, but this right was sometimes impeded.

The only significant unions were the Association of Independent Trade Unions of Kosovo (BSPK), and the Confederation of Free Unions (CFU). UNMIK regulations prohibit antiunion discrimination; however, some union officials reported discrimination in practice. The BSPK reported that only a small number of companies respected regulations preventing antiunion discrimination and claimed that worker rights were abused in every sector, including international organizations, where staff did not have security insurance or pensions.

b. The Right to Organize and Bargain Collectively

UNMIK regulations allow unions to conduct their activities without interference, and UNMIK protected this right in practice. UNMIK regulations also provide for the right to organize and bargain collectively without interference, and the government did not restrict this right in practice; however, no collective bargaining took place during the year. UNMIK regulations do not recognize the right to strike; however, strikes were not prohibited in practice, and strikes occurred during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

UNMIK regulations prohibit forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for sexual exploitation, domestic servitude and forced labor in bars and restaurants.

d. Prohibition of Child Labor and Minimum Age for Employment

UNMIK regulations and policies prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor; however, with the exception of trafficking, UNMIK and the PISG rarely challenged these practices. Trafficking of children, primarily for sexual exploitation, was a serious problem.

UNMIK regulations set the minimum age for employment at age 16 and at age 18 for any work likely to jeopardize the health, safety, or morals of a young person, but they permit children to work at age 15, provided it is not harmful or prejudicial to school attendance.

In rural areas younger children typically worked to assist their families. Urban children often worked in a variety of unofficial retail jobs, such as selling newspapers, cigarettes, and phone cards on the street. The numbers of such children grew relative to 2006, although statistics were not kept by either UNMIK or the PISG. According to the Ministry of Labor and Social Welfare, the PISG still lacked plans to address this common form of informal child labor. Some children were also engaged in physical labor, such as transporting goods. International NGOs active in Kosovo reported serious labor violations during the year, including child labor.

The Ministry for Labor and Social Welfare, in cooperation with UNMIK, coordinated child protection policies, and the ministry's department of social welfare had responsibility for ensuring the protection of children; however, the ministry acted in an advisory rather than enforcement role, and conducted very few inspections during the year.

e. Acceptable Work Conditions

Although UNMIK regulations provide for a minimum wage, one has not been adopted. While many international agencies and NGOs paid adequate wages, the average full-time monthly public sector wage of \$355 (243 euros) and the average private sector wage of \$444 (304 euros) were inadequate to provide a decent standard of living for a worker and family. Public sector salaries remained subject to an International Monetary Fund-

ordered freeze and had not significantly risen since 2003.

UNMIK regulations provide for a standard 40-hour workweek; require rest periods; limit the number of regular hours worked to 12 hours per day, overtime to 20 hours per week and 40 hours per month; require payment of a premium for overtime work; and prohibit excessive compulsory overtime. Employers often failed to implement these regulations due to the high underemployment and unemployment.

BSPK reported serious labor violations during the year, including lack of a standard work week and compulsory and unpaid overtime; employees did not report such violations due to fear of reprisals. According to BSPK, many private sector employees worked long hours as at-will employees without employment contracts, regular pay, or pension contributions paid on their behalf. Employees reported being fired without cause and in violation of existing laws and being denied holidays. CDHRF and CFU reported that sexual abuse occurred on the job but went unreported due to fear of expulsion and/or physical retaliation. According to union officials, workers in the public sector commonly faced similar mistreatment, including the loss of employment due to political party affiliation.

A labor inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing labor standards. However, the inspectorate primarily advised employers, and although 511 fines were issued during the year for various violations of labor standards, they remain unpaid pending litigation. The labor inspectorate is responsible for enforcing health and safety standards but lacked trained staff and did not do so effectively. The law does not permit employees to remove themselves from dangerous workplaces without jeopardizing their continued employment.
