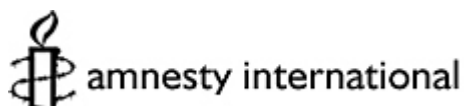


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Amnesty International Report 2009 - Serbia

Head of state: Boris Tadic

Head of government: Mirko Cvetkovic (replaced Vojislav Kostunica in July)

Death penalty: abolitionist for all crimes

Population: 9.9 million

Life expectancy: 73.6 years

Under-5 mortality (m/f): 14/13 per 1,000

Adult literacy: 96.4 per cent

Serbia made progress in arresting suspects indicted by the International Criminal Tribunal for the former Yugoslavia (Tribunal) and in prosecuting war crimes in domestic courts. Discrimination against minority communities and impunity for inter-ethnic violence continued in both Serbia and Kosovo. The UN Interim Administration Mission in Kosovo (UNMIK) failed to address impunity for human rights violations by the international community and for war crimes in Kosovo, including enforced disappearances and abductions. Few refugees voluntarily returned to Kosovo.

Background

In the absence of a decision by the UN Security Council on the Comprehensive Proposal for the Kosovo Status Settlement (Ahtisaari Plan), Kosovo unilaterally declared independence from Serbia in February. Kosovo's independence had been recognized by 53 states by the end of the year.

In April Serbia signed a Stabilization and Association Agreement with the EU, which in November indicated that Serbia might be granted candidate status in 2009, provided it continued co-operation with the Tribunal.

Major political divisions within the ruling coalition in Serbia, including over EU membership, precipitated elections in May. In July, after complex negotiations, President Tadic of the Democratic Party entered a coalition government with the Socialist Party of Serbia, formerly led by Slobodan Milosevic.

In November, the International Court of Justice (ICJ) decided that it had jurisdiction over Croatia's motion to sue Serbia for genocide.

Final status of Kosovo

Following Kosovo's declaration of independence, protests took place across Serbia. Zoran Vujovic, a Kosovo Serb, died in a fire at the US embassy in Belgrade that had been set alight during a mass demonstration. Over 200 attacks on ethnic Albanian property were reported, mainly in Vojvodina. Shops run by members of the Gorani community were vandalized. Few perpetrators were brought to justice.

In the predominantly Serbian north of Kosovo, following independence, Kosovo Serbs protested in sometimes violent demonstrations against UNMIK institutions, including border posts and the UNMIK court in north Mitrovica/ë, which was occupied by the Serbian judiciary in March. During an internally criticized UNMIK operation to regain the court, a Ukrainian UNMIK police officer was killed and 200 people severely injured. In the following months, Serb members of the Kosovo Police Service (KPS) resigned, and other public employees were urged to leave their posts by the Belgrade government, which sought to establish parallel structures in Serbian areas of Kosovo.

In June, the Kosovo Assembly adopted a constitution which fails to establish effective human rights institutions or guarantee the rights of women and non-Serb minorities. It also passed legislation assuming legal control over competencies previously reserved to UNMIK, as set out in the Ahtisaari Plan. UNMIK remained in Kosovo under UN Security Council Resolution 1244/99, although it was unable to discharge its administrative functions.

In November, following negotiations with Pristina and Belgrade, the UN Security Council approved a "status-neutral" plan to reconfigure UNMIK. This enabled a European Security and Defence Policy mission (EULEX), envisaged in the Ahtisaari Plan and authorized by the EU in February, to take over in December responsibilities for international policing and the investigation and prosecution of outstanding war crimes. In northern municipalities where Serbia had opposed the EU mission's authority, police, justice and customs remained in theory under UNMIK jurisdiction. There were fears that this would result in the de facto partition of Kosovo.

The UN General Assembly in October approved Serbia's request for an advisory opinion of the ICJ on the lawfulness of Kosovo's unilateral declaration of independence.

International justice – International Criminal Tribunal for the former Yugoslavia

Former Bosnian Serb Security Chief Stojan Zupljanin, indicted for genocide, crimes against humanity and war crimes in Bosnia and Herzegovina (BiH), was arrested in Pancevo in June.

In July former Bosnian Serb leader Radovan Karadzic was arrested in Belgrade, where he had been living under an assumed identity. He was subsequently transferred to the custody of the Tribunal. He faced charges of genocide and complicity in genocide, including the murder of over 7,000 Bosnian Muslim (Bosniak) men and boys in Srebrenica in 1995. He was also charged with extermination, murder, wilful killing, persecutions, deportation, inhumane acts and other crimes against non-Serb civilians in BiH between 1992 and 1995.

In April Ramush Haradinaj, former leader of the Kosovo Liberation Army (KLA) and former Prime Minister of Kosovo, and Idriz Balaj were acquitted of crimes against humanity and war crimes including cruel treatment, torture, rape, and murder of Albanians, Serbs and Roma in 1998. Lahi Brahimaj was convicted of cruel treatment and torture and sentenced to six years' imprisonment. The Trial Chamber of the Tribunal reported significant difficulties in obtaining evidence from the 100 prosecution witnesses, of whom 18 required subpoenas to appear, and 34 were granted protective measures. Two former government officials were convicted of contempt of court in December for attempting to influence a protected witness.

The trial continued of six senior Serbian political, police and military officials jointly indicted for crimes against humanity and violations of the laws and customs of war in Kosovo. Separate proceedings continued against Vojislav Seselj, leader of the Serbian Radical Party, charged with the persecution and forcible deportation of non-Serbs in both Croatia and BiH.

Serbia

Justice system – war crimes

Prosecutions continued at the War Crimes Chamber at Belgrade District Court.

In June, in the first case transferred to Serbia from the Tribunal, three members of the Yellow Wasps paramilitary group were convicted of the torture and killing of at least 25 Bosniak civilians in the Zvornik area of BiH in 1992 and sentenced to 15, 13 and three years' imprisonment.

The Serbian Supreme Court in September upheld the appeals of two members of the Scorpions paramilitary group, convicted in April 2007 for the murder in 1995 of six civilians from Srebrenica, reducing one sentence from 20 to 15 years and ordering the retrial of another defendant sentenced to five years' imprisonment.

The trial opened in September of four members of the Scorpions paramilitary group indicted for the murder of 14 members of the Gashi family and the serious injury of five surviving children in Podujevo/ë in March 1999. Sasa Cvjetan had been convicted of the offence in 2005.

In October, War Crimes Prosecutor Vladimir Vuckevic visited Albania to investigate allegations that more than 300 Serbs had been abducted by members of the KLA during 1999 and taken to Albania. The Albanian Chief Prosecutor refused him permission, citing an investigation conducted by the Tribunal which had not found evidence to substantiate claims that the Serbs had been transferred in order to remove and sell their organs.

In November closing statements were heard in the trial of 17 low-ranking soldiers charged with the murder of Croatian prisoners of war and civilians at Ovcara farm in Croatia in 1991. The Supreme Court had in 2006 overturned the previous conviction of 14 of the men.

The trial continued of eight former police officers for the murder of 48 ethnic Albanians, mostly from the same family in Suva Reka/Suharekë in Kosovo in March 1999. Over 100 witnesses had testified since proceedings opened in October 2006.

Proceedings continued against three police officers indicted for the murder of the three Bytiçi brothers, ethnic Albanians of US nationality, in Kosovo in July 1999.

Sandzak region

Disputes between political parties and rival Islamist groups continued to provoke violence in the Sandzak region, including the burning of a mosque near Novi Pazar.

The trial opened in January and continued throughout the year against 15 men from Sandzak believed to be of the Wahhabi faith indicted in September 2007 for conspiring against Serbia's security and constitutional order and the illegal possession of weapons and explosives.

Torture and other ill-treatment

There was no progress in investigations into the ill-treatment of detainees during a protest in Nis prison in December 2006; one detainee had died of his injuries. The NGO Leskovac Committee for Human Rights submitted two applications to the European Court of Human Rights in three torture-related cases. Allegations of ill-treatment of ethnic Albanian prisoners continued to be reported.

Reports of police ill-treatment continued, including of journalists and Roma. In November the UN Committee against Torture in their consideration of Serbia's report on its obligations under the Convention against Torture urged that the definition of torture in the criminal code be brought in line with that of the Convention, and that an independent oversight mechanism be established.

Unlawful killings

- In August, six police officers were suspended for excessive use of force after Ranko Panic died of injuries sustained on 29 July during a demonstration in Belgrade opposing Radovan Karadzic's arrest. Investigations continued.

Discrimination – Roma

Serbia assumed the presidency of the Decade of Roma Inclusion in June, and announced priorities of legalizing Roma settlements and preventing discrimination in education, including in July introducing Romani as an elective language in schools. However, Roma remained excluded from employment in national and local government, and often faced evictions or other discrimination in relation to their right to adequate housing.

Roma in Bokeljska Street in Belgrade continued to protest against the demolition of their houses on land owned by the Adok company, which planned a new residential complex on the site. Residents in the Ovca suburb in Belgrade protested against the relocation into new apartments of Roma families from the Gazela settlement under the Belgrade highway bridge.

Human rights defenders

In February Natasa Kandic, director of the NGO Humanitarian Law Center, was threatened by leading politicians and in the media for attending the Kosovo Assembly's declaration of independence ceremony.

During October and November a media campaign against Sonja Biserko, director of the Helsinki Committee for Human Rights in Serbia, resulted in demonstrations outside the NGO's office. People were reported lying in wait outside Sonja Biserko's apartment after her personal details were published on the web. Campaigns against both women were characterized by misogynistic abuse.

Violence against women and girls

NGOs reported that proceedings to provide protection for victims of family violence were often delayed, and that such measures were often not imposed in cases of repeated violence. Prosecutors rarely initiated criminal proceedings; when they did come to court judges failed to impose penalties provided by law.

Kosovo

Accountability – international community

Lack of accountability persisted for past human rights violations by UNMIK personnel

against people in Kosovo. In October the EU agreed that US citizens participating in the EULEX mission would not be accountable to the EU for any human rights violations they might commit.

Sixty-two cases remained pending before the Human Rights Advisory Panel (HRAP), introduced in March 2006 to provide remedies for acts and omissions by UNMIK. In June HRAP declared admissible a complaint by the families of Mon Balaj and Arben Xheladini, killed by unidentified Romanian UNMIK police officers during a demonstration in February 2007, although the Special Representative of the UN Secretary-General challenged its admissibility. The HRAP delivered its first decision in November, finding that UNMIK police had failed to investigate the murder in 2000 of Remzije Canhasi.

In November Muhamed Biçi was awarded £2.4 million compensation by the UK Ministry of Defence, following civil proceedings in 2004 which decided that UK troops had in 1999 deliberately and unjustifiably caused him injury.

In their concluding observations in November on UNMIK's report on the implementation of the International Covenant on Economic, Social and Cultural Rights in Kosovo, the monitoring committee (CESCR) recommended that UNMIK include the treaty in the international law applicable in Kosovo.

The Kosovo Assembly again failed to appoint an ombudsperson; the mandate of the international ombudsperson expired in 2005.

Unfair trials

In February UNMIK suspended trial proceedings against Albin Kurti, leader of the NGO Vetëvendosje! (Self-Determination), who was indicted for organizing and participating in a demonstration in February 2007. The organization considered that the prosecution appeared to be politicized and proceedings before a panel of international judges demonstrated a lack of independence by the judiciary. Six lawyers had refused to represent Albin Kurti who sought the right to conduct his own defence.

Impunity – war crimes

UNMIK's remaining international prosecutors and judiciary made slow progress in addressing an estimated backlog of 1,560 war crimes cases. In August UNMIK said that proceedings were open in seven cases, only one of which was not an appeal or a retrial. According to UNMIK, international prosecutors were also reportedly directing investigations in 47 cases. Measures for the protection of witnesses remained of concern.

Marko Simonovic was indicted with three others in October for the murder in Pristina of four ethnic Albanians in June 1999.

In November the UN Secretary-General reported that the UNMIK Department of Justice had established guidelines to enable access to criminal files by EULEX prosecutors, who had repeatedly complained that war crimes files were not available.

Impunity remained for the majority of cases of enforced disappearances and abductions. Investigations were opened in six cases reported to UNMIK police by Amnesty International. Some 1,918 people remained unaccounted for, including Albanians, Serbs and members of other minorities. The Office of Missing Persons and Forensics performed 73 exhumations and recovered 53 sets of mortal remains. Some 437 exhumed bodies remained unidentified.

Inter-ethnic violence

Although the intensity and frequency of inter-ethnic violence declined after March, low-level intimidation and harassment of minorities continued. In October shots were fired towards six displaced Kosovo Serbs visiting their homes in Dvoran/e village, Suva Reka/Suharekë municipality; a Kosovo Albanian was later arrested. In November, Ali Kadriu, a displaced ethnic Albanian, was beaten by UNMIK police when he attempted to return to rebuild his house in Suvi Dol/Suhadoll in north Mitrovica/ë; he had previously been threatened by members of the Serbian community. Albanian shops were burned after an attack by ethnic Albanians on 29 December on a mixed ethnicity Kosovo Police Service patrol and the stabbing of a 16-year-old Serb boy on 30 December.

Impunity for past inter-ethnic violence prevailed. In July the OSCE reported that only 400 prosecutions had been brought in 1,400 cases reported to the police after the ethnic violence of March 2004, in which 19 people were killed and more than 900 injured. Trials were delayed when witnesses, including police officers, reportedly failed to attend court or provided conflicting statements; sentences imposed were inconsistent with the gravity of the offences.

In June Florim Ejupi was convicted of the bombing of the Nis Express bus near Podujevo/ë in February 2001, in which 11 Serbs were killed and 22 severely injured. He was sentenced to 40 years' imprisonment for murder, attempted murder, terrorism, causing general danger, racial and other discrimination and unlawful possession of explosive material.

No progress was made following the arrest in 2007 of an ethnic Albanian man suspected of involvement in the murder of 14 Serb men in Staro Gracko in July 1999; witness intimidation was reported.

Discrimination

Both Serbs and Albanians continued to suffer discrimination in areas where they were in a minority. The Law on Languages was inconsistently implemented and the 2004 Anti-Discrimination Law was not enforced. The government developed an action plan on measures recommended in 2005 by the Advisory Committee to the Framework Convention on the Protection of National Minorities. Members of non-Serb minority communities were excluded from consultations on the Kosovo Constitution.

Approximately a third of the Kosovo Roma, Ashkali and Egyptians reportedly lacked civil or habitual resident registration, which prevented them from repossessing their homes. Many children, in particular girls, did not enrol in school or frequently dropped out. Many families were unable to afford health care. Some 700 Roma remained displaced in camps in northern Mitrovica, some in locations where their health was seriously affected by lead contamination.

Refugees and internally displaced people – returns

Serbs and other non-Albanians did not flee Kosovo after the declaration of independence as feared, but few returns took place during the year. Some 445 internally displaced people returned to their homes; of whom 107 were Kosovo Serbs.

By the end of the year several EU member states had indicated that people under temporary protection would soon be forcibly returned to Kosovo. The OSCE reported that resources were not available for the integration of repatriated people: in September, in Klina/Kline municipality, for example, resources were not available to rebuild the house of a Romani couple forcibly returned from Germany.

Many other people were unable to return to their homes due to the backlog of 29,000 cases and 11,000 unimplemented decisions related to property claims originating from the 1999 war.

Violence against women and girls

A new Action Plan to Combat Trafficking in Human Beings was adopted in July. In November, 98 bars or clubs were considered to be involved in forced prostitution, although traffickers reportedly moved women to private homes and escort services to avoid detection. The KPS reported an increase in internally trafficked persons. Few perpetrators were prosecuted, yet trafficked women continued to be arrested for prostitution.

The CESCR in November noted the high incidence of domestic violence in Kosovo, low prosecution and conviction rates, and the lack of adequate victim assistance and protection.

Amnesty International reports

- Kosovo (Serbia): The challenge to fix a failed UN justice mission (29 January 2008)
- Serbia: Submission to the UN Universal Periodic Review (21 July 2008)

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